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HANSARD'S

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THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

19° VICTORIÆ, 1856.

VOL. CXL.

COMPRISING THE PERIOD FROM

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TO

THE ELEVENTH DAY OF MARCH, 1856.

First Volume of the Session.

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Tuesday, February 26.

Wigtonshire—Sir Andrew Agnew, bt., *v.* Viscount Dalrymple, Manor of Northstead.

Monday, March 10.

Boston—Herbert Ingham, esq., *v.* Hon. Gilbert Henry Heathcote, Steward of Hempholme.

THE MINISTRY.

THE CABINET.

First Lord of the Treasury	Right Hon. Viscount Palmerston.
Lord Chancellor	Right Hon. Lord Cranworth.
President of the Council	Right Hon. Earl Granville.
Lord Privy Seal	Right Hon. Earl of Harrowby.
Home Secretary	Right Hon. Sir George Grey, Bt.
Foreign Secretary	Right Hon. Earl of Clarendon.
Colonial Secretary	Right Hon. Henry Labouchere.
War Secretary	Right Hon. Lord Panmure.
Chancellor of the Exchequer	Right Hon. Sir George Cornewall Lewis, Bt.
First Lord of the Admiralty	Right Hon. Sir Charles Wood, Bt.
President of the Board of Control	Right Hon. Robert Vernon Smith.
President of the Board of Trade	Right Hon. Lord Stanley of Alderley.
Chancellor of the Duchy of Lancaster	Right Hon. Matthew Talbot Baines.
Postmaster General	His Grace the Duke of Argyll.
	Most Hon. Marquess of Lansdowne.

NOT IN THE CABINET.

Field Marshal Commanding-in-Chief	Right Hon. Viscount Hardinge.
Paymaster of the Forces and Vice-President of the Board of Trade	Right Hon. Robert Lowe.
First Commissioner of Works and Public Buildings	Right Hon. Sir Benjamin Hall, Bt.
Lords of the Treasury	Right Hon. Viscount Monck, Viscount Duncan, and Hon. Henry Bouverie William Brand.
Lords of the Admiralty	Rear Admiral Right Hon. Sir Maurice Frederick Fitzhardinge Berkeley, K.C.B., Rear Admiral Henry Eden, Rear Admiral Peter Richards, C.B., Captain Alexander Milne, and Sir Robert Peel, Bt.
Under Secretary for the Home Department	William Nathaniel Massey, Esq.
Under Secretary for Foreign Affairs	Right Hon. Lord Wodehouse.
Under Secretary for the Colonies	John Ball, Esq.
Under Secretary for War	Frederick Peel, Esq.
Joint Secretaries of the Treasury	Right Hon. William Goodenough Hayter and James Wilson, Esq.
Secretary of the Admiralty	Ralph Bernal Osborne, Esq.
Joint Secretaries of the Board of Control	Sir Thomas Nicholas Redington, Knt., and Henry Danby Seymour, Esq.
Clerk of the Ordnance	Right Hon. William Monsell.
Attorney General	Sir Alexander James Edmund Cockburn, Knt.
Solicitor General	Sir Richard Bethell, Knt.
Judge-Advocate General	Right Hon. Charles Pelham Villiers.
Chief Commissioner of the Poor Law	Right Hon. Edward Pleydell Bouverie.
President of the Board of Health	Right Hon. William Francis Cowper.
Secretary to the Poor Law Commissioners	Charles Lennox Grenville Berkeley, Esq.

SCOTLAND.

Lord Advocate	Right Hon. James Moncreiff.
Solicitor General	Edward Francis Maitland, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of Carlisle.
Lord Chancellor	Right Hon. Maziere Brady.
Chief Secretary	Right Hon. Edward Horsman.
Attorney General	Right Hon. William Keogh.
Solicitor General	John David Fitzgerald, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Right Hon. Earl Spencer.
Lord Chamberlain	Most Hon. Marquess of Breadalbane.
Master of the Horse	His Grace the Duke of Wellington.
Master of the Buckhounds	Right Hon. Earl of Bessborough.
Vice-Chamberlain	Right Hon. Lord Ernest Augustus Charles Brudenell Bruce.
Treasurer of the Household	Right Hon. Earl of Mulgrave.
Comptroller of the Household	Right Hon. Viscount Drumlanrig.
Captain of the Yeomen of the Guard	Right Hon. Viscount Sydney.
Captain of the Corps of Gentlemen at Arms	Right Hon. Lord Foley.
Chief Equerry and Clerk Marshal	Lord Alfred Henry Paget.
Mistress of the Robes	Duchess of Sutherland.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL

In the *Fourth Session* of the *Sixteenth Parliament* of the United Kingdom of *Great Britain* and *Ireland*.

19° VICTORIÆ, 1856.

His Royal Highness The Prince of Wales.
His Royal Highness George Frederick Alexander Charles Ernest Augustus Duke of Cumberland and Teviotdale. (*King of Hanover.*)
His Royal Highness George William Frederick Charles Duke of Cambridge.
John Bird Archbishop of Canterbury.
Robert Monsey Lord Cranworth, *Lord Chancellor.*
Thomas Archbishop of York.
John George, Archbishop of Armagh.
Granville George Earl Granville, *Lord President of the Council.*
Dudley Earl of Harrowby, *Lord Privy Seal.*

Henry Charles Duke of Norfolk, *Earl Marshal of England.*
Edward Adolphus Duke of Somerset.
Charles Duke of Richmond.
Henry Duke of Grafton.
Henry Charles Fitzroy Duke of Beaufort.
William Amelius Aubrey de Vere Duke of Saint Albans.
Francis Godolphin D'Arcy Duke of Leeds.
Francis Duke of Bedford.
William Spencer Duke of Devonshire.
George Spencer Duke of Marlborough.
John Henry Duke of Rutland.
William Alexander Anthony Archibald Duke of Brandon. (*Duke of Hamilton.*)
William John Duke of Portland.
William Drogo Duke of Manchester.
Henry Pelham Duke of Newcastle.
Algernon Duke of Northumberland.
Arthur Richard Duke of Wellington.
Richard Plantagenet, Duke of Buckingham and Chandos.
George Granville Duke of Sutherland.
Henry Duke of Cleveland.

John Marquess of Breadalbane, *Lord Chamberlain of the Household.*
John Marquess of Winchester.
George Marquess of Tweeddale. (*Elected for Scotland.*)
Henry Marquess of Lansdowne.
John Marquess Townshend.
James Brownlow William Marquess of Salisbury.
John Alexander Marquess of Bath.
James Marquess of Abercorn.
Richard Marquess of Hertford.
John Patrick Marquess of Bute.
Brownlow Marquess of Exeter.
Charles Marquess of Northampton.
George Charles Marquess Camden.
Henry Marquess of Anglesey.
George Horatio Marquess of Cholmondeley.

Henry Weysford Charles Plantagenet Marquess of Hastings.

George William Frederick Marquess of Ailesbury.

George Thomas John Marquess of Westmeath. (*Elected for Ireland.*)

Frederick William Marquess of Bristol.

Archibald Marquess of Ailsa.

John Marquess of Breadalbane. (*In another place as Lord Chamberlain of the Household.*)

Richard Marquess of Westminster.

Constantine Henry Marquess of Normanby.

James Andrew Marquess of Dalhousie.

Frederick Earl Spencer, *Lord Steward of the Household.*

Bertram Arthur, Earl of Shrewsbury.

Edward Geoffrey Earl of Derby.

Thomas Theophilus Henry Earl of Huntingdon.

Robert Henry Earl of Pembroke and Montgomery.

William Earl of Devon.

Charles John Earl of Suffolk and Berkshire.

William Basil Percy Earl of Denbigh.

John Earl of Westmoreland.

George Augustus Frederick Albemarle Earl of Lindsey.

George Harry Earl of Stamford and Warrington.

George William Earl of Winchilsea and Nottingham.

George Earl of Chesterfield.

John William Earl of Sandwich.

Arthur Algernon Earl of Essex.

James Thomas Earl of Cardigan.

George William Frederick Earl of Carlisle.

Walter Francis Earl of Doncaster. (*Duke of Buccleuch and Queensberry.*)

Anthony Earl of Shaftesbury.

——— Earl of Berkeley.

Montagu Earl of Abingdon.

John Savile Earl of Scarbrough.

George Thomas Earl of Albemarle.

George William Earl of Coventry.

George Earl of Jersey.

John Earl Poulett.

George Sholto Earl of Morton. (*Elected for Scotland.*)

Cospatrick Alexander Earl of Home (*Elected for Scotland.*)

Thomas George Earl of Strathmore. (*Elected for Scotland.*)

David Graham Drummond Earl of Airlie. (*Elected for Scotland.*)

David Earl of Leven and Melville. (*Elected for Scotland.*)

Dunbar James Earl of Selkirk. (*Elected for Scotland.*)

Thomas John Earl of Orkney. (*Elected for Scotland.*)

John Charles Earl of Seafield. (*Elected for Scotland.*)

Washington Sewallis Earl Ferrers.

William Walter Earl of Dartmouth.

Charles Augustus Earl of Tankerville.

Heneage Earl of Aylesford.

George Augustus Earl Cowper.

Philip Henry Earl Stanhope.

Robert Earl of Harborough.

Thomas Augustus Wolstenholme Earl of Macclesfield.

George William Richard Earl of Pomfret.

James Earl Graham. (*Duke of Montrose.*)

William Earl Waldegrave.

Bertram Earl of Ashburnham.

Leicester Fitzgerald Charles Earl of Harrington.

Isaac Newton Earl of Portsmouth.

George Guy Earl Brooke and Earl of Warwick.

Augustus Edward Earl of Buckinghamshire.

Charles William Earl Fitzwilliam.

Francis Earl of Guilford.

Charles Philip Earl of Hardwicke.

Henry Stephen Earl of Ilchester.

George John Earl De La Warr.

William Earl of Radnor.

Frederick Earl Spencer. (*In another place as Lord Steward of the Household.*)

Henry Earl Bathurst.

Arthur Wills Blundell Sandys Trumbull Windsor Earl of Hillsborough. (*Marquess of Downshire.*)

George William Frederick Earl of Clarendon.

William David Earl of Mansfield.

William Earl of Abergavenny.

Henry John Earl Talbot.

George Augustus Frederick John Earl Strange. (*Duke of Athol.*)

Ernest Augustus Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

Edward Earl of Digby.

George Earl of Beverley.

Henry Howard Molyneux Earl of Carnarvon.

George Earl Cadogan.

James Howard Earl of Malmesbury.

George John Danvers Earl of Lanesborough. (*Elected for Ireland.*)

Francis William Earl of Charlemont. (*Lord Charlemont.*) (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

Henry John Reuben Earl of Portarlington. (*Elected for Ireland.*)

Robert Earl of Mayo. (*Elected for Ireland*).

John Earl of Erne. (*Elected for Ireland.*)

John Otway O'Connor Earl of Desart. (*Elected for Ireland.*)

William Earl of Wicklow. (*Elected for Ireland*).

George Charles Earl of Lucan. (*Elected for Ireland.*)

James Earl of Bandon. (*Elected for Ireland.*)

James Alexander Earl of Rosslyn.

William Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

William Earl of Rosse. (*Elected for Ireland.*)

Charles Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby. (*In another as Lord Privy Seal.*)

Henry Earl of Harewood.

Gilbert Earl of Minto.

Charles Murray Earl Cathcart.

James Walter Earl of Verulam.

John William Spencer Brownlow Earl Brownlow.

Edward Granville Earl of Saint Germans.

Edmund Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

Henry Beauchamp Earl Beauchamp.

Richard Earl of Bantry. (*Elected for Ireland.*)

Richard Earl of Glengall. (*Elected for Ireland.*)

Thomas Philip Earl De Grey.

John Earl of Eldon.

Richard William Penn Earl Howe.

Charles Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

George Henry Robert Charles William Earl Vane.

William Pitt Earl Amherst.

John Frederick Earl Cawdor.

William George Earl of Munster.

William Earl of Burlington.

Robert Dundas Earl of Camperdown.

Thomas George Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

Frederick John Earl of Ripon.

Granville George Earl Granville. (*In another place as Lord President of the Council.*)

Henry Earl of Effingham.

Henry John Earl of Ducie.

Charles Anderson Worsley Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

Thomas Earl of Zetland.

Charles Noel Earl of Gainsborough.

William Fitzhardinge Earl Fitzhardinge.

Edward Earl of Ellenborough.

Francis Earl of Ellesmere.

John Earl of Strafford.

Charles Edward Earl of Cottenham.

Robert Viscount Hereford.

William Henry Viscount Strathallan. (*Elected for Scotland.*)

HENRY Viscount BOLINGBROKE and ST. JOHN.

EVELYN Viscount FALMOUTH.

GEORGE Viscount TORRINGTON.

AUGUSTUS FREDERICK Viscount LEINSTER. (*Duke of Leinster.*)

HENRY Viscount MAYNARD.

JOHN ROBERT Viscount SYDNEY.

FRANCIS WHELER Viscount HOOD.

ARTHUR HILL Viscount DUNGANNON. (*Elected for Ireland.*)

JAMES Viscount LIFFORD. (*Elected for Ireland.*)

EDWARD Viscount BANGOR. (*Elected for Ireland.*)

HAYES Viscount DONERAILE. (*Elected for Ireland.*)

CORNWALLIS Viscount HAWARDEN. (*Elected for Ireland.*)

EDWARD JERVIS Viscount ST. VINCENT.

HENRY Viscount MELVILLE.

WILLIAM LEONARD Viscount SIDMOUTH.

GEORGE Viscount GORDON. (*Earl of Aberdeen.*)

EDWARD Viscount EXMOUTH.

RICHARD JOHN Viscount HUTCHINSON. (*Earl of Donoughmore.*)

WILLIAM THOMAS Viscount CLANCARTY. (*Earl of Clancarty.*)

STAPLETON Viscount COMBERMERE.

CHARLES JOHN Viscount CANNING.

CHARLES JOHN Viscount CANTERBURY.

ROWLAND Viscount HILL.

HENRY Viscount HARDINGE.

HUGH Viscount GOUGH.

STRATFORD Viscount STRATFORD DE REDCLIFFE.

CHARLES JAMES Bishop of LONDON.

EDWARD Bishop of DURHAM.

CHARLES RICHARD Bishop of WINCHESTER.

CHRISTOPHER Bishop of BANGOR.

HUGH Bishop of CARLISLE.

GEORGE Bishop of ROCHESTER.

JAMES HENRY Bishop of GLOUCESTER and BRISTOL.

HENRY Bishop of EXETER.

CHARLES THOMAS Bishop of RIPON.

GEORGE Bishop of PETERBOROUGH.

CONNOP Bishop of ST. DAVID'S.

HENRY Bishop of WORCESTER.

ASHHURST TURNER Bishop of CHICHESTER.

JOHN Bishop of LICHFIELD.

THOMAS Bishop of ELY.

SAMUEL Bishop of OXFORD.

THOMAS VOWLER Bishop of ST. ASAPH.

JAMES PRINCE Bishop of MANCHESTER.

RENN DICKSON Bishop of HEREFORD.

JOHN Bishop of CHESTER.

SAMUEL Bishop of NORWICH.

ALFRED Bishop of LLANDAFF.

JOHN Bishop of LINCOLN.

WALTER KERR Bishop of SALISBURY.

ROBERT Bishop of CASHEL, EMLY, WATERFORD, AND LISMORE.

WILLIAM Bishop of DERRY AND RAPHOE.

HENRY Bishop of LIMERICK, ARDFERT, AND AGHADOE.

FOX Lord PANMURE. (*One of Her Majesty's Principal Secretaries of State.*)

WILLIAM LENNOX LASCELLES Lord DE ROS.

JACOB Lord HASTINGS.

GEORGE EDWARD Lord AUDLEY.

PETER ROBERT Lord WILLOUGHBY DE ERESBY.

THOMAS CROSBY WILLIAM Lord DACRE.

CHARLES RODOLPH Lord CLINTON.

THOMAS Lord CAMOYS.

HENRY Lord BEAUMONT.

CHARLES Lord STOURTON.

HENRY WILLIAM Lord BERNERS.

ROBERT JOHN Lord WILLOUGHBY DE BROKE.

GEORGE Lord VAUX of HARROWDEN.

ST. ANDREW BEAUCHAMP Lord ST. JOHN of BLETSO.

CHARLES AUGUSTUS Lord HOWARD DE WALDEN.

WILLIAM BERNARD Lord PETRE.

FREDERICK BENJAMIN Lord SAYE and SELE.

HENRY BENEDICT Lord ARUNDELL of WARDOUR.

JOHN STUART Lord CLIFTON. (*Earl of Darnley.*)

JOSEPH THADDEUS Lord DORMER.

GEORGE HENRY Lord TEYNHAM.

HENRY VALENTINE Lord STAFFORD.

GEORGE ANSON Lord BYRON.

WILLIAM Lord WARD.

HUGH CHARLES Lord CLIFFORD of CHUDLEIGH.

John Lord Gray. (*Elected for Scotland.*)

Charles Lord Sinclair. (*Elected for Scotland.*)

John Lord Elphinstone. (*Elected for Scotland.*)

Charles Lord Blantyre. (*Elected for Scotland.*)

Charles John Lord Colville of Culross. (*Elected for Scotland.*)

Henry Francis Lord Polwarth. (*Elected for Scotland.*)

Edmund Lord Boyle. (*Earl of Cork and Orrery.*)

Thomas Robert Lord Hay. (*Earl of Kinnoul.*)

Digby Lord Middleton.

William John Lord Monson.

George William Frederick Lord Bruce. (*In another place as Marquess of Aylesbury.*)

George John Brabazon Lord Ponsonby. (*Earl of Bessborough.*)

George John Lord Sondes.

Nathaniel Lord Scarsdale.

George Lord Boston.

Henry Edward Lord Holland.

George James Lord Lovel and Holland. (*Earl of Egmont.*)

George John Lord Vernon.

George Douglas Lord Sundridge. (*Duke of Argyll.*)

Edward William Lord Hawke.

Thomas Henry Lord Foley.

George Rice Lord Dynevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Lord Southampton.

Fletcher Lord Grantley.

Robert Dennett Lord Rodney.

Richard Noel Lord Berwick.

John Lord Sherborne.

Henry Lord Tyrone. (*Marquess of Waterford.*)

Richard Lord Carleton. (*Earl of Shannon.*)

Charles Lord Suffield.

Guy Lord Dorchester.

Lloyd Lord Kenyon.

Richard Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

James Lord Douglas of Douglas.

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

Robert John Lord Auckland. (*Bishop of Bath and Wells.*)

George William Lord Lyttelton.

Henry Lord Mendip. (*Viscount Clifden.*)

Francis Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Randolph Lord Stewart of Garlies. (*Earl of Galloway.*)

James Thomas Lord Saltersford. (*Earl of Courtown.*)

Charles Lord Brodrick. (*Viscount Midleton.*)

Frederick Lord Calthorpe.

Robert John Lord Carrington.

Henry Lord Bayning.

William Henry Lord Bolton.

John Lord Wodehouse.

John Lord Northwick.

Thomas Atherton Lord Lilford.

Thomas Lord Ribblesdale.

Richard Hobart Lord Fitzgibbon. (*Earl of Clare.*)

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

Henry Lord Farnham. (*Elected for Ireland.*)

John Cavendish Lord Kilmaine. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Edward Lord Crofton. (*Elected for Ireland.*)

Eyre Lord Clarina. (*Elected for Ireland.*)

Henry Francis Seymour Lord Moore. (*Marquess of Drogheda.*)

John Henry Loftus Lord Loftus. (*Marquess of Ely.*)

Granville Leveson Lord Carysfort. (*Earl of Carysfort.*)

Richard Pepper Lord Alvanley.

George Ralph Lord Abercromby.

John Thomas Lord Redesdale.

George Lord Rivers.

Arthur Moyses William Lord Sandys.

George Augustus Frederick Charles Lord Sheffield. (*Earl of Sheffield.*)

Thomas Americus Montagu Lord Erskine.

George John Lord Mont Eagle. (*Marquess of Sligo.*)

ARCHIBALD WILLIAM Lord ARDROSSAN. (*Earl of Eglintoun.*)

JAMES Lord LAUDERDALE. (*Earl of Lauderdale.*)

GEORGE ARTHUR HASTINGS Lord GRANARD. (*Earl of Granard.*)

HUNGERFORD Lord CREWE.

WILLIAM Lord PONSONBY of IMOKILLY.

ALAN LEGGE Lord GARDNER.

JOHN THOMAS Lord MANNERS.

JOHN ALEXANDER Lord HOPETOUN. (*Earl of Hopetoun.*)

FREDERICK WILLIAM ROBERT Lord STEWART of STEWART'S COURT (*Marquess of Londonderry.*)

RICHARD Lord CASTLEMAINE. (*Elected for Ireland.*)

CHARLES Lord MELDRUM. (*Marquess of Huntly.*)

JAMES Lord ROSS. (*Earl of Glasgow.*)

WILLIAM WILLOUGHBY Lord GRINSTEAD. (*Earl of Enniskillen.*)

WILLIAM HENRY TENNISON Lord FOXFORD. (*Earl of Limerick.*)

FRANCIS GEORGE Lord CHURCHILL.

GEORGE FRANCIS ROBERT Lord HARRIS.

CHARLES Lord COLCHESTER.

WILLIAM SCHOMBERG ROBERT Lord KER. (*Marquess of Lothian.*)

FRANCIS NATHANIEL Lord MINSTER. (*Marquess Conyngham.*)

JAMES EDWARD WILLIAM THEOBALD Lord ORMONDE. (*Marquess of Ormonde.*)

FRANCIS Lord WEMYSS. (*Earl of Wemyss.*)

ROBERT Lord CLANBRASSILL. (*Earl of Roden.*)

ROBERT Lord KINGSTON. (*Earl of Kingston.*)

EDWARD MICHAEL Lord SILCHESTER. (*Earl of Longford.*)

WILLIAM Lord MARYBOROUGH. (*Earl of Mornington.*)

JOHN Lord ORIEL. (*Viscount Massereene.*)

HENRY THOMAS Lord RAVENSWORTH.

HUGH Lord DELAMERE.

JOHN GEORGE WELD Lord FORESTER.

JOHN JAMES Lord RAYLEIGH.

ULYSSES Lord DOWNES. (*Elected for Ireland.*)

ROBERT FRANCIS Lord GIFFORD.

GEORGE AUGUSTUS FREDERICK PERCY SYDNEY Lord PENSHURST. (*Viscount Strangford.*)

ULICK JOHN Lord SOMERHILL. (*Marquess of Clanricarde.*)

JAMES Lord WIGAN. (*Earl of Crawford and Balcarres.*)

THOMAS Lord RANFURLY. (*Earl of Ranfurly.*)

GEORGE Lord DE TABLEY.

EDWARD MONTAGUE GRANVILLE Lord WHARNCLIFFE.

WILLIAM Lord FEVERSHAM.

JOHN SINGLETON Lord LYNDHURST.

JAMES Lord FIFE. (*Earl of Fife.*)

JOHN HENRY Lord TENTERDEN.

THOMAS SPAN Lord PLUNKET. (*Bishop of Tuam, Killala, and Achonry.*)

THOMAS Lord MELROS. (*Earl of Haddington.*)

HENRY RICHARD CHARLES Lord COWLEY.

WILLIAM Lord HEYTESBURY.

ARCHIBALD JOHN Lord ROSEBERY. (*Earl of Rosebery.*)

RICHARD Lord CLANWILLIAM. (*Earl of Clanwilliam.*)

EDWARD Lord SKELMERSDALE.

WILLIAM SAMUEL Lord WYNFORD.

HENRY Lord BROUGHAM and VAUX.

WILLIAM HENRY Lord KILMARNOCK. (*Earl of Erroll.*)

ARTHUR JAMES Lord FINGALL. (*Earl of Fingall.*)

WILLIAM PHILIP Lord SEFTON. (*Earl of Sefton.*)

WILLIAM SYDNEY Lord CLEMENTS. (*Earl of Leitrim.*)

GEORGE WILLIAM FOX Lord ROSSIE. (*Lord Kinnaird.*)

THOMAS Lord KENLIS. (*Marquess of Headfort.*)

WILLIAM Lord CHAWORTH. (*Earl of Meath.*)

CHARLES ADOLPHUS Lord DUNMORE. (*Earl of Dunmore.*)

ROBERT MONTGOMERIE Lord HAMILTON. (*Lord Belhaven and Stenton.*)

JOHN HOBART Lord HOWDEN.

FOX Lord PANMURE. (*In another place as one of Her Majesty's Principal Secretaries of State.*)

GEORGE WARWICK Lord POLTIMORE.

EDWARD MOSTYN Lord MOSTYN.

HENRY SPENCER Lord TEMPLEMORE.

EDWARD Lord CLONCURRY.

JAMES Lord DE SAUMAREZ.

George Godolphin Lord Godolphin.

Lucius Bentinck Lord Hunsdon. (*Viscount Falkland.*)

Thomas Lord Denman.

Robert Campbell Lord Abinger.

Philip Lord De L'Isle and Dudley.

William Bingham Lord Ashburton.

Charles Lord Glenelg.

Edward John Lord Hatherton.

George Stevens Lord Strafford.

Archibald Lord Worlingham. (*Earl of Gosford.*)

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Bateman Lord Bateman.

Francis William Lord Charlemont. (*In another place as Earl of Charlemont.*)

Francis Alexander Lord Kintore. (*Earl of Kintore.*)

Cornelius Lord Lismore. (*Viscount Lismore.*)

Henry Robert Lord Rossmore.

Robert Shapland Lord Carew.

Charles Frederick Ashley Cooper Lord De Mauley.

John Lord Wrottesley.

Charles Lord Sudeley.

Frederick Henry Paul Lord Methuen.

Edward John Lord Stanley of Alderley.

Henry Lord Stuart de Decies.

William Henry Lord Leigh.

Beilby Richard Lord Wenlock.

Charles Lord Lurgan.

Arthur Lord De Freyne.

James Lord Dunfermline.

Thomas Spring Lord Monteagle of Brandon.

John Lord Seaton.

Edward Arthur Wellington Lord Keane.

John Lord Campbell.

North Lord Oxenfoord. (*Earl of Stair.*)

Charles Crespigny Lord Vivian.

John Lord Congleton.

Denis St. George Lord Dunsandle and Clanconal. (*Elected for Ireland.*)

Richard Lord Dartrey. (*Lord Cremorne.*)

Richard Bulkeley Philipps Lord Milford.

James Lord Elgin. (*Earl of Elgin and Kincardine.*)

Frederick Temple Lord Clandeboye. (*Lord Dufferin and Claneboye.*)

Albert Denison Lord Londesborough.

Samuel Jones Lord Overstone.

Charles Robert Claude Lord Truro.

Robert Monsey Lord Cranworth. (*In another place as Lord Chancellor.*)

John Cam Lord Broughton.

Edward Burtenshaw Lord Saint Leonards.

Richard Henry FitzRoy Lord Raglan.

James Lord Wensleydale.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

LIST OF THE COMMONS.

LIST OF MEMBERS

Returned from the respective Counties, Cities, Towns, and Boroughs, to serve in the *Sixteenth Parliament* of the United Kingdom of *Great Britain and Ireland*: Amended to the Opening of the Fourth Session on the 31st Day of January, 1855.

ABINGDON.
Joseph Haythorne Reed.

ANDOVER.
William Cubitt,
Henry Beaumont Coles.

ANGLESEY.
Sir Richard Bulkeley Williams Bulkeley, bt.

ARUNDEL.
Rt. hon. (Edward Howard) Lord E. Howard.

ASHBURTON.
George Moffatt.

ASHTON-UNDER-LINE.
Charles Hindley.

AYLESBURY.
Austen Henry Layard,
Sir Richard Bethell, knt.

BANBURY.
Henry William Tancred.

BARNSTAPLE.
Richard Samuel Guinness,
George Stucley Buck.

BATH.
George Treweeke Scobell,
William Tite.

BEAUMARIS.
Hon. (George Augustus Frederick Paget) Lord G. A. F. Paget.

BEDFORDSHIRE.
Francis Charles Hastings Russell,
Richard Thomas Gilpin.

BEDFORD.
William Stuart,
Samuel Whitbread.

BERKSHIRE.
George Henry Vansittart,
Robert Palmer,
Rt. hon. William (Keppel) Viscount Barrington.

BERWICK-UPON-TWEED.
Dudley Coutts Majoribanks,
John Forster.

BEVERLEY.
Hon. Arthur Gordon,
William Wells.

BEWDLEY.
Sir Thomas Edward Winnington, bt.

BIRMINGHAM.
George Frederick Muntz,
William Scholefield.

BLACKBURN.
James Pilkington,
Montague Joseph Feilden.

BODMIN.
William Michell,
Charles Brune Graves Sawle.

BOLTON-LE-MOORS.
Thomas Barnes,
Joseph Crook.

BOSTON.
Gilbert Henry Heathcote,
Benjamin Bond Cabbell.

BRADFORD.
Robert Milligan,
Henry Wickham Wickham.

BRECKNOCKSHIRE.
Sir Joseph Bailey, bt.

BRECKNOCK.
John Lloyd Vaughan Watkins.

BRIDGENORTH.
Henry Whitmore,
John Pritchard.

BRIDGEWATER.
Charles John Kemeys Tynte,
Brent Spencer Follett.

BRIDPORT.
Thomas Alexander Mitchell,
John Patrick Murrough.

BRIGHTHELMSTONE.
Sir George Richard Pechell, bt.,
Hon. (Alfred Hervey) Lord A. Hervey.

BRISTOL.
Hon. Francis Henry Fitzhardinge Berkeley,
William Henry Gore Langton.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Rt. hon. Benjamin Disraeli,
Hon. Charles Compton Cavendish.

BUCKINGHAM.
Rt. hon. Richard Plantagenet Campbell (Chandos-Grenville) Marquess of Chandos,
John Hall.

BURY.
Frederick Peel.

BURY ST. EDMUND'S.
Rt. hon. Frederick William (Hervey) Earl Jermyn,
James Henry Porteous Oakes.

CALNE.
Hon. Henry Petty (Fitzmaurice) Earl of Shelburne.

CAMBRIDGESHIRE.
Hon. Eliot Thomas Yorke,
Hon. (George John Manners) Lord G. J. Manners,
Edward Ball.

CAMBRIDGE (UNIVERSITY).
Loftus Tottenham Wigram.

CAMBRIDGE.
Francis Mowatt,
Robert Alexander Shafto Adair.

CANTERBURY.
Rt. hon. Sir William Meredyth Somerville,
Charles Manners Lushington.

CARDIFF.
Walter Coffin.

CARDIGANSHIRE.
Rt. hon. Ernest Augustus (Vaughan) Earl of Lisburne.

CARDIGAN.
John Lloyd Davies.

CARLISLE.
Rt. hon. Sir James Robert George Graham, bt.,
Joseph Ferguson.

CARMARTHENSHIRE.
David Arthur Saunders Davies,
David Jones.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Douglas Pennant.

CARNARVON.
William Bulkeley Hughes.

CHATHAM.
Leicester Viney Vernon.

CHELTENHAM.
Grenville Charles Lennox Berkeley.

CHESHIRE.
(*Northern Division.*)
William Tatton Egerton,
George Cornwall Legh.

(*Southern Division.*)
Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Grosvenor) Earl Grosvenor,
Hon. William Owen Stanley.

CHICHESTER.
John Abel Smith,
Hon. (George Charles Henry Gordon Lennox) Lord G. C. H. G. Lennox.

CHIPPENHAM.
Joseph Neeld,
Henry George Boldero.

CHRISTCHURCH.
John Edward Walcott.

CIRENCESTER.
John Randolph Mullings,
Hon. Ashley George John Ponsonby.

CLITHEROE.
Le Gendre Nicholas Starkie.

COCKERMOUTH.
Henry Wyndham,
John Steel.

COLCHESTER.
William Warwick Hawkins,
Rt. hon. (John James Robert Manners) Lord J. J. R. Manners.

CORNWALL.
(*Eastern Division.*)
Thomas James Agar Robartes,
Nicholas Kendall.

(*Western Division.*)
Michael Williams,
Sir Charles Lemon, bt.

COVENTRY.
Rt. hon. Edward Ellice,
Sir Joseph Paxton, knt.

CRICKLADE.
John Neeld,
Ambrose Lethbridge Goddard.

CUMBERLAND.
(*Eastern Division.*)
Hon. Charles Wentworth George Howard,
William Marshall.

(*Western Division.*)
Henry Lowther,
Samuel Irton.

DARTMOUTH.
Sir Thomas Herbert, K.C.B.

DENBIGHSHIRE.
Sir Watkin Williams Wynn, bt.,
Robert Myddelton Biddulph.

DENBIGH.
Frederick Richard West.

DERBYSHIRE.
(*Northern Division.*)
Hon. George Henry Cavendish,
William Pole Thornhill.

(*Southern Division.*)
Charles Robert Colville,
William Mundy.

DERBY.
Michael Thomas Bass,
Laurence Heyworth.

DEVIZES.
George Heneage Walker Heneage,
John Neilson Gladstone.

DEVONPORT.
Sir Thomas Erskine Perry, knt.
Sir George Frederick Berkeley, K.C.B.

DEVONSHIRE.
(*Northern Division.*)
Sir Thomas Dyke Acland, bt.,
Lewis William Buck.

(*Southern Division.*)
Sir John Buller Yarde Buller, bt.,
Lawrence Palk.

DORCHESTER.
Richard Brinsley Sheridan,
Henry Gerard Sturt.

DORSETSHIRE.
Rt. hon. George Bankes,
Henry Ker Seymer,
John Floyer.

DOVOR.
Hon. Henry Charles (Cadogan) Viscount Chelsea,
Edward Royd Rice.

DROITWICH.
Rt. hon. Sir John Somerset Pakington, bt.

DUDLEY.
Sir Stafford Henry Northcote, bt.

DURHAM.
(*Northern Division.*)
Robert Duncombe Shafto,
Hon. (Adolphus Frederick Charles William Vane-Tempest) Lord A. F. C. W. Vane-Tempest.

(*Southern Division.*)
Hon. (Harry George Vane) Lord H. G. Vane,
James Farrer.

DURHAM (CITY).
Robert John Mowbray,
William Atherton.

ESSEX.
(*Northern Division.*)
Sir John Tyssen Tyrell, bt.,
Rt. hon. William Beresford.

(*Southern Division.*)
Thomas William Bramston,
Sir William Bowyer Smijth, bt.

EVESHAM.
Sir Henry Pollard Willoughby, bt.,
Edward Holland.

EXETER.
Sir John Thomas Buller Duckworth, bt.,
Edward Divett.

EYE.
Edward Clarence Kerrison.

FINSBURY.
Thomas Challis,
Thomas Slingsby Duncombe.

FLINTSHIRE.
Hon. Thomas Edward Mostyn Lloyd Mostyn.

FLINT.
Sir John Hanmer, bt.

FROME.
Hon. Richard St. Lawrence (Boyle) Viscount Dungarvan.

GATESHEAD.
William Hutt.

GLAMORGANSHIRE.
Christopher Rice Mansel Talbot,
Sir George Tyler, knt.

GLOUCESTERSHIRE.
(Eastern Division.)
Christopher William Codrington,
Robert Stayner Holford.
(Western Division.)
Robert Nigel Fitzhardinge Kingscote,
Rt. hon. Robert Blagden Hale.

GLOUCESTER.
William Philip Price,
Rt. hon. Sir Maurice Frederick Fitzhardinge Berkeley, K.C.B.

GRANTHAM.
Glynne Earle Welby,
Hon. (Montagu William Graham) Lord M. W. Graham.

GREENWICH.
Peter Rolt,
Montagu Chambers.

GRIMSBY (GREAT).
Rt. hon. William Richard (Annesley) Earl of Annesley.

GUILDFORD.
Ross Donnelly Mangles,
James Bell.

HALIFAX.
Rt. hon. Sir Charles Wood, bt.,
Frank Crossley.

HAMPSHIRE.
(Northern Division.)
Rt. hon. Charles Shaw Lefevre,
Melville Portal.
(Southern Division.)
Henry Combe Compton,
Hon. (William Henry Hugh Cholmondeley) Lord W. H. H. Cholmondeley.

HARWICH.
John Bagshaw,
David Waddington.

HASTINGS.
Patrick Francis Robertson,
Frederick North.

HAVERFORDWEST.
John Henry Philipps.

HELSTON.
Sir Richard Rawlinson Vyvyan, bt.

HEREFORDSHIRE.
James King King,
Thomas William Booker,
Charles Spencer Bateman Hanbury.

HEREFORD.
Sir Robert Price, bt.,
Henry Morgan Clifford.

HERTFORDSHIRE.
Abel Smith.
Sir Henry Meux, bt.,
Sir Edward George Earle Lytton Bulwer Lytton, bt.

HERTFORD.
Rt. hon. William Francis Cowper,
Thomas Chambers.

HONITON.
Joseph Locke,
Sir James Weir Hogg, bt.

HORSHAM.
William Robert Seymour Vesey FitzGerald.

HUDDERSFIELD.
Hon. George Frederick Samuel (Robinson) Viscount Goderich.

HUNTINGDONSHIRE.
Edward Fellowes,
James Rust.

HUNTINGDON.
Jonathan Peel,
Thomas Baring.

HYTHE.
Edward Drake Brockman.

IPSWICH.
John Chevallier Cobbold,
Hugh Edward Adair.

KENDAL.
George Carr Glyn.

KENT.
(Eastern Division.)
Sir Edward Cholmeley Dering, bt.,
William Deedes.
(Western Division.)
Sir Edmund Filmer, bt.,
William Masters Smith.

KIDDERMINSTER.
Rt. hon. Robert Lowe.

KING'S LYNN.
John Henry Gurney,
Hon. Edward Henry (Stanley) Lord Stanley.

KINGSTON-UPON-HULL.
William Henry Watson,
William Digby Seymour.

KNARESBOROUGH.
John Dent Dent,
Basil Thomas Woodd.

LAMBETH.
William Arthur Wilkinson,
William Williams.

LANCASHIRE.
(Northern Division.)
John Wilson Patten,
James Heywood.
(Southern Division.)
William Brown,
John Cheetham.

LANCASTER.
Samuel Gregson,
Thomas Greene.

LAUNCESTON.
Hon. Josceline William Percy.

LEEDS.
Sir George Goodman, knt.,
Rt. hon. Matthew Talbot Baines.

LEICESTERSHIRE.
(Northern Division.)
Edward Basil Farnham,
Hon. Charles Cecil John (Manners) Marquess of Granby.
(Southern Division.)
Sir Henry Halford, bt.,
Charles William Packe.

LEICESTER.
Sir Joshua Walmsley, knt.,
Richard Gardner.

LEOMINSTER.
George Arkwright,
John George Phillimore.

LEWES.
Rt. hon. Henry FitzRoy,
Hon. Henry Bouverie William Brand.

LICHFIELD.
Rt. hon. Henry Manners (Cavendish) Lord Waterpark,
Hon. (Alfred Henry Paget) Lord A. H. Paget.

LINCOLNSHIRE.
(*Parts of Lindsey.*)
Rt. hon. Robert Adam Christopher Hamilton Nisbet,
James Banks Stanhope.

(*Parts of Kesteven and Holland.*)
Hon. William Alleyne (Cecil) Lord Burghley,
Sir John Trollope, bt.

LINCOLN.
Gervaise Tottenham Waldo Sibthorp,
George Fieschi Heneage.

LISKEARD.
Ralph William Grey.

LIVERPOOL.
Joseph Christopher Ewart,
Thomas Berry Horsfall.

LONDON.
John Masterman,
Rt. hon. (John Russell) Lord J. Russell,
Sir James Duke, bt.,
Lionel Nathan (Baron) De Rothschild.

LUDLOW.
Hon. Percy Egerton Herbert,
Hon. (William John Frederick Powlett) Lord W. J. F. Powlett.

LYME REGIS.
William Pinney.

LYMINGTON.
Sir John Rivett Carnac, bt.,
Edward John Hutchins.

MACCLESFIELD.
John Brocklehurst,
Edward Christopher Egerton.

MAIDSTONE.
James Whatman,
William Lee.

MALDON.
John Bramley Moore,
George Montagu Warren Peacocke.

MALMESBURY.
Thomas Luce.

MALTON.
Hon. Charles William Wentworth Fitzwilliam,
John Evelyn Denison.

MANCHESTER.
Rt. hon. Thomas Milner Gibson,
John Bright.

MARLBOROUGH.
Rt. hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).
Thomas Peers Williams,
Brownlow William Knox.

MARYLEBONE.
Rt. hon. Sir Benjamin Hall, bt.,
Hon. Hugh (Fortescue) Viscount Ebrington.

MERIONETHSHIRE.
William Watkin Edward Wynne.

MERTHYR TYDVIL.
Henry Austin Bruce.

MIDDLESEX.
Rt. hon. (Robert Grosvenor) Lord R. Grosvenor,
Ralph Bernal Osborne.

MIDHURST.

MONMOUTHSHIRE.
Charles Octavius Swinnerton Morgan,
Edward Arthur Somerset.

MONMOUTH.
Crawshay Bailey.

MONTGOMERYSHIRE.
Herbert Watkins Williams Wynn.

MONTGOMERY.
David Pugh.

MORPETH.
Rt. hon. Sir George Grey, bt.

NEWARK-UPON-TRENT.
Granville Edward Harcourt Vernon,
John Henry Thomas Manners Sutton.

NEWCASTLE-UNDER-LYME
William Jackson,
Samuel Christy.

NEWCASTLE-UPON-TYNE.
Thomas Emerson Headlam.

NEWPORT.
William Biggs,
William Nathaniel Massey.

NORFOLK.
(*Eastern Division.*)
Henry Negus Burroughes,
Sir Henry Josias Stracey, bt.

(*Western Division.*)
William Bagge,
George William Pierrepont Bentinck.

NORTHALLERTON.
William Battie Wrightson.

NORTHAMPTONSHIRE.
(*Northern Division.*)
Stafford Augustus O'Brien Stafford,
Thomas Philip Maunsell.

(*Southern Division.*)
Richard Henry Richard Howard Vyse,
Rainald Knightley.

NORTHAMPTON.
Rt. hon. Robert Vernon Smith,
Raikes Currie.

NORTHUMBERLAND.
(*Northern Division.*)
Hon. Algernon George (Percy) Lord Lovaine,
Hon. Charles (Bennett) Lord Ossulston.

(*Southern Division.*)
Wentworth Blackett Beaumont,
Henry George Liddell.

NORWICH.
Sir Samuel Bignold, knt.
Edward Warner.

NOTTINGHAMSHIRE.
(*Northern Division.*)
Hon. (Henry William Cavendish Bentinck) Lord H. W. C. Bentinck,
Hon. (Robert Renebald Pelham-Clinton) Lord R. R. Clinton.

(*Southern Division.*)
William Hodgson Barrow,
Hon. Charles (Pierrepont) Viscount Newark.

NOTTINGHAM.
Rt. hon. Edward Strutt,
John Walter.

OLDHAM.
John Morgan Cobbett,
William Johnson Fox.

OXFORDSHIRE.

Rt. hon. Joseph Warner Henley,
John Sidney North,
George Granville Vernon Harcourt.

OXFORD (CITY).

James Haughton Langston,
Rt. hon. Edward Cardwell.

OXFORD (UNIVERSITY).

Sir William Heathcote, bt.,
Rt. Hon. William Ewart Gladstone.

PEMBROKESHIRE.

Hon. John Frederick Vaughan (Campbell) Viscount Emlyn.

PEMBROKE.

Sir John Owen, bt.

PENRYN AND FALMOUTH.

Howel Gwyn,
James William Freshfield.

PETERBOROUGH.

Hon. George Wentworth Fitzwilliam,
Thomson Hankey.

PETERSFIELD.

Sir William George Hylton Jolliffe, bt.

PLYMOUTH.

Roundell Palmer,
Robert Porrett Collier.

PONTEFRACT.

Richard Monckton Milnes,
Benjamin Oliveira.

POOLE.

Henry Danby Seymour,
George Woodroffe Franklyn.

PORTSMOUTH.

Rt. hon. Sir Francis Thornhill Baring, bt.,
Rt. hon. Charles Stanley (Monck) Viscount Monck.

PRESTON.

Robert Townley Parker,
Sir George Strickland, bt.

RADNORSHIRE.

Sir John Benn Walsh, bt.

RADNOR (NEW).

Rt. hon. Sir George Cornewall Lewis, bt.

READING.

Francis Pigott,
Henry Singer Keating.

REIGATE.

Hon. Thomas Somers Cocks.

RETFORD (EAST).

Hon. William Ernest Duncombe,
Rt. hon. George Edward Arundell (Monckton-Arundell) Viscount Galway.

RICHMOND.

Henry Rich,
Marmaduke Wyvill.

RIPON.

William Beckett,
Hon. Edwin Lascelles.

ROCHDALE.

Edward Miall.

ROCHESTER.

Sir Thomas Herbert Maddock, knt.

RUTLANDSHIRE.

Sir Gilbert John Heathcote, bt.,
Hon. Gerard James Noel.

RYE.

William Alexander Mackinnon.

ST. IVES.

Robert Laffan.

SALFORD.

Joseph Brotherton.

SALISBURY.

William James Chaplin,
Edward Pery Buckley.

SALOP, OR SHROPSHIRE.

(Northern Division.)

William Ormsby Gore,
John Whitehall Dod.

(Southern Division.)

Robert Clive,
Hon. Orlando George Chas. (Bridgeman) Viscount Newport.

SANDWICH.

Hon. Charles Pelham (Pelham-Clinton) Lord C. P. Clinton,
James MacGregor.

SCARBOROUGH.

Sir John Vanden Bempde Johnstone, bt.,
Rt. hon. George Augustus Constantine (Phipps) Earl of Mulgrave.

SHAFTESBURY.

Hon. William Henry Berkeley Portman.

SHEFFIELD.

John Arthur Roebuck,
George Hadfield.

SHIELDS (SOUTH).

Robert Ingham.

SHOREHAM (NEW).

Sir Charles Merrik Burrell, bt.,
Hon. (Alexander Francis Charles Gordon Lennox) Lord A. F. C. G. Lennox.

SHREWSBURY.

George Tomline,
Edward Holmes Baldock.

SOMERSETSHIRE.

(Eastern Division.)

William Miles,
William Francis Knatchbull.

(Western Division.)

Charles Aaron Moody,
William Henry Powell Gore Langton.

SOUTHAMPTON.

Brodie M'Ghie Willcox,
Sir Alexander James Edmund Cockburn, knt.

SOUTHWARK.

Sir Charles Napier, K.C.B.
Apsley Pellatt.

STAFFORDSHIRE.

(Northern Division.)

Charles Bowyer Adderley,
Smith Child.

(Southern Division.)

Hon. George Anson,
Hon. Henry William George (Paget) Earl of Uxbridge.

STAFFORD.

John Ayshford Wise,
Arthur John Otway.

STAMFORD.

Hon. (Robert Talbot Gascoyne Cecil) Lord R. T. G. Cecil,
Sir Frederic Thesiger, knt.

STOCKPORT.

James Kershaw,
John Benjamin Smith.

STOKE-UPON-TRENT.

John Lewis Ricardo,
Hon. Edward Frederic Leveson-Gower.

STROUD.
George Poulett Scrope,
Rt. hon. Edward Horsman.

SUFFOLK.
(Eastern Division.)
Sir FitzRoy Kelly, knt.,
Sir Edward Sherlock Gooch, bt.
(Western Division.)
Harry Spencer Waddington,
Philip Bennet.

SUNDERLAND.
George Hudson,
Henry Fenwick.

SURREY.
(Eastern Division.)
Thomas Alcock,
Hon. Peter John Locke King.
(Western Division.)
William John Evelyn,
Henry Drummond.

SUSSEX.
(Eastern Division.)
Augustus Eliott Fuller,
Charles Hay Frewen.
(Western Division.)
Hon. Charles Henry (Gordon Lennox) Earl of March,
Henry Wyndham.

SWANSEA.
Lewis Llewellyn Dillwyn.

TAMWORTH.
Sir Robert Peel, bt.

TAUNTON.
Rt. hon. Henry Labouchere,
Sir John William Ramsden, bt.

TAVISTOCK.
Hon. George Henry Charles Byng,
Robert Joseph Phillimore.

TEWKESBURY.
Humphrey Brown,
John Martin.

THETFORD.
Hon. William Henry (FitzRoy) Earl of Euston,
Hon. Francis Baring.

THIRSK.
Sir William Payne Gallwey, bt.

TIVERTON.
John Heathcoat,
Rt. hon. Henry John (Temple) Viscount Palmerston.

TOTNESS.
Hon. George (Hay) Earl of Gifford,
Thomas Mills.

TOWER HAMLETS.
Sir William Clay, bt.,
Charles Salisbury Butler.

TRURO.
Henry Hussey Vivian,
John Ennis Vivian.

TYNEMOUTH.
William Schaw Lindsay.

WAKEFIELD.
George Sandars.

WALLINGFORD.
Richard Malins.

WALSALL.
Charles Forster.

WAREHAM.
John Samuel Wanley Sawbridge Erle Drax.

WARRINGTON.
Gilbert Greenall.

WARWICKSHIRE.
(Northern Division.)
Charles Newdigate Newdegate,
Richard Spooner.
(Southern Division.)
Hon. Heneage (Finch) Lord Guernsey,
Evelyn Philip Shirley.

WARWICK.
George William John Repton,
Edward Greaves.

WELLS.
Edward Hylton Jolliffe,
Rt. hon. William Goodenough Hayter.

WENLOCK.
Rt. hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.
James Wilson.

WESTMINSTER.
Sir John Villiers Shelley, bt.,
Sir De Lacy Evans, G.C.B.

WESTMORELAND.
Hon. Henry Cecil Lowther,
Hon. Thomas (Taylour) Earl of Bective.

WEYMOUTH AND MELCOMBE REGIS.
William Lockyer Freestun,
George Medd Butt.

WHITBY.
Robert Stephenson.

WHITEHAVEN.
Robert Charles Hildyard.

WIGAN.
Joseph Acton,
Hon. James Lindsay.

WIGHT (ISLE OF).
Francis Vernon Harcourt.

WILTON.
Edmund Antrobus.

WILTSHIRE.
(Northern Division.)
Walter Long,
Thomas Henry Sutton Sotheron.
(Southern Division.)
Rt. hon. Sidney Herbert,
William Wyndham.

WINCHESTER.
John Bonham Carter,
Sir James Buller East, bt.

WINDSOR.
Samson Ricardo,
Charles William Grenfell.

WOLVERHAMPTON.
Rt. hon. Charles Pelham Villiers,
Thomas Thornely.

WOODSTOCK.
Hon. John Winston (Spencer Churchill) Marquess of Blandford.

WORCESTERSHIRE.
(Eastern Division.)
George Rushout,
John Hodgetts Hodgetts Foley.
(Western Division.)
Hon. Henry (Pyndar) Viscount Elmley
Frederick Winn Knight.

WORCESTER.
William Laslett,
Osman Ricardo.

WYCOMBE (CHIPPING).
Sir George Henry Dashwood, bt.,
Martin Tucker Smith.

YARMOUTH (GREAT).
Sir Edmund Henry Knowles Lacon, bt.,
Charles Edmund Rumbold.

YORKSHIRE.
(North Riding.)
Edward Stillingfleet Cayley,
Hon. Octavius Duncombe.

YORKSHIRE—*continued.*

(*East Riding.*)

Rt. hon. Beaumont (Hotham) Lord Hotham,
Hon. Arthur Duncombe.

(*West Riding.*)

Richard Cobden,
Edmund Beckett Denison.

YORK.

John George Smyth,
William Mordaunt Edward Milner.

SCOTLAND.

ABERDEENSHIRE.

Hon. George John James (Gordon) Lord Haddo.

ABERDEEN.

George Thompson.

ARGYLLSHIRE.

Sir Archibald Islay Campbell, bt.

AYRSHIRE.

Sir James Fergusson, bt.

AYR, &c.

Edward Henry John Craufurd.

BANFFSHIRE.

James Duff.

BERWICKSHIRE.

Hon. Francis Scott.

BUTESHIRE.

Rt. hon. James Archibald Stuart Wortley.

CAITHNESS-SHIRE.

George Traill.

CLACKMANNAN AND KINROSS SHIRES.

James Johnstone.

CUPAR, ST. ANDREWS, &c.

Edward Ellice.

DUMBARTONSHIRE.

Alexander Smollett.

DUMFRIES-SHIRE.

Hon. Archibald William (Douglas) Viscount Drumlanrig.

DUMFRIES, &c.

William Ewart.

DUNDEE.

George Duncan.

DYSART, &c.

Robert Ferguson.

EDINBURGHSHIRE.

Hon. William Henry Walter (Montague-Douglas-Scott) Earl of Dalkeith.

EDINBURGH.

Charles Cowan.

ELGINSHIRE AND NAIRNE.

Charles Lennox Cumming Bruce.

ELGIN, &c.

George Skene Duff.

FALKIRK, &c.

James Baird.

FIFESHIRE.

John Fergus.

FORFARSHIRE.

Hon. Adam (Haldane-Duncan) Viscount Duncan.

GLASGOW.

Alexander Hastie,
John MacGregor.

GREENOCK.

Alexander Murray Dunlop.

HADDINGTONSHIRE.

Hon. Francis Wemyss (Charteris) Lord Elcho.

HADDINGTON, &c.

Sir Henry Robert Ferguson Davie, bt.

INVERNESS-SHIRE.

Henry James Baillie.

INVERNESS, &c.

Alexander Matheson.

KILMARNOCK, RENFREW, &c.

Rt. hon. Edward Pleydell Bouverie.

KINCARDINESHIRE.

Hon. Hugh Arbuthnott.

KIRKCUDBRIGHT.

John Mackie.

KIRKWALL, WICK, &c.

Samuel Laing.

LANARKSHIRE.

William Lockhart.

LEITH, &c.

Rt. hon. James Moncreiff.

LINLITHGOWSHIRE.

George Dundas.

MONTROSE, &c.

William Edward Baxter.

ORKNEY AND SHETLAND.

Frederick Dundas.

PAISLEY.

Archibald Hastie.

PEEBLES-SHIRE.

Sir Graham Graham Montgomery, bt.

PERTHSHIRE.

William Stirling.

PERTH.

Hon. Arthur FitzGerald Kinnaird.

RENFREWSHIRE.

Sir Michael Robert Shaw Stewart, bt.

ROSS AND CROMARTY SHIRES.

Sir James Matheson, bt.

ROXBURGHSHIRE.

Hon. John Edmund Elliot.

SELKIRKSHIRE.

Allan Eliot Lockhart.

STIRLINGSHIRE.

Peter Blackburn.

STIRLING, &c.

Sir James Anderson, knt.

SUTHERLANDSHIRE.

Hon. George Granville William (Leveson - Gower) Marquess of Stafford.

WIGTONSHIRE.

WIGTON, &c.

Sir John MacTaggart, bt.

IRELAND.

ANTRIM.

Thomas Henry Pakenham.
George Macartney.

ARMAGH.

Sir William Verner, bt.,
James Molyneux Caulfield.

ARMAGH (CITY).

Joshua Walter McGeough Bond.

ATHLONE.

Rt. hon. William Keogh.

BANDON BRIDGE.

Hon. Francis (Bernard) Viscount Bernard.

BELFAST.

Richard Davison,
Hugh MacCalmont Cairns.

CARLOW.

John Ball,
William Bunbury M'Clintock Bunbury.

CARLOW (BOROUGH).

John Alexander.

CARRICKFERGUS.

Hon. Wellington Henry Stapleton Cotton.

CASHEL.

Sir Timothy O'Brien, bt.

CAVAN.

Hon. James Pierce Maxwell,
Robert Burrowes.

CLARE.

Sir John Forster FitzGerald, K.C.B.,
Cornelius O'Brien.

CLONMEL.
John O'Connell.

COLERAINE.
Rt. hon. Richard Southwell (Bourke) Lord Naas.

CORK COUNTY.
Richard Deasy,
Vincent Scully.

CORK (CITY).
Francis Bernard Beamish,
William Trant Fagan.

DONEGAL.
Thomas Conolly,
Sir Edmund Samuel Hayes, bt.

DOWNSHIRE.
Hon. (Arthur Edwin Hill) Lord A. E. Hill,
David Stewart Kerr.

DOWNPATRICK.
Hon. Charles Stewart Hardinge.

DROGHEDA.
James McCann.

DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY).
Edward Grogan,
John Vance.

DUBLIN (UNIVERSITY).
George Alexander Hamilton,
Rt. hon. Joseph Napier.

DUNDALK.
George Bowyer.

DUNGANNON.
Hon. William Stuart Knox.

DUNGARVAN.
John Francis Maguire.

ENNIS.
John David FitzGerald.

ENNISKILLEN.
James Whiteside.

FERMANAGH.
Mervyn Edward Archdall,
Hon. Henry Arthur Cole.

GALWAY.
Sir Thomas John Burke, bt.,
Thomas Bellew.

GALWAY (BOROUGH).
Anthony O'Flaherty,
Martin Joseph Blake.

KERRY.
Henry Arthur Herbert,
Hon. Valentine Augustus (Browne) Viscount Castlerosse.

KILDARE.
William Henry Ford Cogan,
David O'Connor Henchy.

KILKENNY.
William Shee,
John Greene.

KILKENNY (BOROUGH).
Michael Sullivan.

KING'S COUNTY.
Patrick O'Brien,
Loftus Henry Bland.

KINSALE.
John Isaac Heard.

LEITRIM.
Hugh Lyons Montgomery,
John Brady.

LIMERICK.
Rt. hon. William Monsell,
Stephen Edward De Vere.

LIMERICK (CITY).
James O'Brien,
Francis William Russell.

LISBURN.
Jonathan Joseph Richardson.

LONDONDERRY.
Thomas Bateson,
Theobald Jones.

LONDONDERRY (CITY).
Sir Robert Alexander Ferguson, bt.

LONGFORD.
Richard Maxwell Fox,
Fulke Southwell Greville.

LOUTH.
Chichester Samuel Fortescue,
Tristram Kennedy.

MALLOW.
Sir Charles Denham Orlando Jephson Norreys, bt.

MAYO.
George Henry Moore,
George Gore Ouseley Higgins.

MEATH.
Matthew Elias Corbally.

MONAGHAN.
Charles Powell Leslie,
Sir George Forster, bt.

NEWRY.
William Kirk.

PORTARLINGTON.
Francis Plunket Dunne.

QUEEN'S COUNTY.
Michael Dunne,
Sir Charles Henry Coote, bt.

ROSCOMMON.
Fitzstephen French,
Oliver Dowell John Grace.

ROSS (NEW).
Charles Gavan Duffy.

SLIGO.
Sir Robert Gore Booth, bt.,
Richard Swift.

SLIGO (BOROUGH).
John Sadleir.

TIPPERARY.
Francis Scully,
James Sadleir.

TRALEE.
Daniel O'Connell.

TYRONE.
Rt. hon. Henry Thomas Lowry Corry,
Rt. hon. (Claud Hamilton) Lord C. Hamilton.

WATERFORD.
Nicholas Mahon Power,
John Esmonde.

WATERFORD (CITY).
Thomas Meagher,
Robert Keating.

WESTMEATH.
William Henry Magan,
William Pollard Urquhart.

WEXFORD.
Patrick McMahon,
John George.

WEXFORD (BOROUGH).
John Thomas Devereux.

WICKLOW.
Hon. William Thomas Spencer (Wentworth Fitzwilliam) Viscount Milton,
William Wentworth Fitzwilliam Hume.

YOUGHALL.
Isaac Butt.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FOURTH SESSION OF THE *SIXTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 31 JANUARY, 1856, IN THE NINETEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, January 31, 1856.

MINUTES.] *Sat First in Parliament.*—The Duke of Manchester, after the Death of his Father.
PUBLIC BILLS.—1ª Select Vestries; Leases and Sales of Settled Estates.

MEETING OF THE PARLIAMENT.

THE PARLIAMENT, which had been prorogued successively from the 14th August to the 23rd October, to the 11th December, and to the 31st January, met this day for the despatch of business.

The Session of the Parliament was opened by The QUEEN in Person.

THE QUEEN'S SPEECH.

THE QUEEN, being seated on the Throne, and the Commons being at the Bar, with their Speaker, HER MAJESTY was pleased to make a most Gracious Speech to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

"SINCE the Close of the last Session of Parliament the Arms of the Allies have achieved a signal and important Success. *Sebastopol,* the great Stronghold of *Russia* in the *Black Sea,* has yielded to the persevering Constancy and to the daring Bravery of the Allied Forces.

"THE Naval and Military Preparations for the ensuing Year have necessarily occupied My serious Attention; but while determined to omit no Effort which could give Vigour to the Operations of the War, I have deemed it My Duty not to decline any Overtures which might reasonably afford a Prospect of a safe and honourable Peace. Accordingly, when The Emperor of *Austria* lately offered to Myself and to My august Ally The Emperor of the *French* to employ His good Offices with The Emperor of *Russia,* with a view to endeavour to bring about an amicable Adjustment of the matters at issue between the contending Powers, I consented, in concert with My Allies, to accept the Offer thus made; and I have the Satisfaction to inform you that certain Conditions have been agreed upon which I hope may prove the Foundation of a General Treaty of Peace.

"Negotiations for such a Treaty will shortly be opened at *Paris*.

"In conducting those Negotiations I shall be careful not to lose Sight of the Objects for which the War was undertaken; and I shall deem it right in no Degree to relax My Naval and Military Preparations until a satisfactory Treaty of Peace shall have been concluded.

"Although the War in which I am engaged was brought on by Events in the South of *Europe*, My Attention has not been withdrawn from the State of Things in the North; and, in conjunction with The Emperor of the *French*, I have concluded, with The King of *Sweden* and *Norway*, a Treaty containing defensive Engagements applicable to His Dominions, and tending to the Preservation of the Balance of Power in that Part of *Europe*.

"I have also concluded a Treaty of Friendship, Commerce, and Navigation with the Republic of *Chili*. I have given Directions that these Treaties shall be laid before you.

"*Gentlemen of the House of Commons,*

"The Estimates for the ensuing Year will be laid before you. You will find them framed in such a Manner as to provide for the Exigencies of War, if Peace should unfortunately not be concluded.

"*My Lords, and Gentlemen,*

"It is gratifying to Me to observe, that, notwithstanding the Pressure of the War, and the Burthens and Sacrifices which it has unavoidably imposed upon My People, the Resources of My Empire remain unimpaired. I rely with Confidence on the manly Spirit and enlightened Patriotism of My loyal Subjects for a Continuance of that Support which they have so nobly afforded Me; and they may be assured that I shall not call upon them for Exertions beyond what may be required by a due Regard for the great Interests, the Honour, and the Dignity of the Empire.

"There are many Subjects connected with internal Improvement which I recommend to your attentive Consideration.

"The Difference which exists in several important Particulars between the Commercial Laws of *Scotland* and those of the other Parts of the United Kingdom has occasioned Inconvenience to a large Portion of My Subjects engaged in Trade. Measures will be proposed to you for remedying this Evil.

"Measures will also be proposed to you for improving the Laws relating to Partnership, by simplifying those Laws, and thus rendering more easy the Employment of Capital in Commerce.

"The system under which Merchant Shipping is liable to pay Local Dues and Passing Tolls has been the Subject of much Complaint. Measures will be proposed to you for affording Relief in regard to those Matters.

"Other important Measures for improving the Law in *Great Britain* and in *Ireland* will be proposed to you, which will, I doubt not, receive your attentive Consideration.

"Upon these and all other Matters upon which you may deliberate I fervently pray that the blessing of Divine Providence may favour your Councils, and guide them to the Promotion of the great Object of My unvarying Solicitude, the Welfare and the Happiness of My People."

Her Majesty then retired,
House adjourned during pleasure.
House resumed.

ADDRESS IN ANSWER TO THE SPEECH.

The Queen's Speech having been *reported* by The Lord Chancellor,

The Earl of GOSFORD rose, and said: My Lords, in rising to move that an humble Address be presented to Her Majesty, in reply to Her Majesty's most gracious Speech from the Throne, I feel deeply the necessity of requesting from your Lordships the utmost possible amount of that forbearance and indulgence usually accorded to those addressing your Lordships on occasions similar to the present. On my part, it shall be my endeavour to trespass on your Lordships' time as briefly as may be consistent with the importance of the subject before me; and, at all events, I trust I shall be able to avoid all allusions or expressions which might tend in the slightest degree to excite anything like annoyance or irritation. But a short time ago, the duty which I am endeavouring, however imperfectly, to perform, would have been comparatively light and easy. It would then have been no difficult matter, nor would it have required any great powers of persuasion, to induce your Lordships to accede to the fullest, the most vigorous, and, to the enemy, the most destructive prosecution of the war. Few in your Lordships' House, and fewer still out of it, would have been found opposed to such a course. For myself, if I may be permitted to trouble your Lordships with so unimportant a matter as an expression of my opinion, I have no hesitation in saying that such would have been most congenial to my own feelings; for of the justice and of the necessity of the war in which we are engaged, I have never for one moment entertained the slightest doubt or misgiving. It is not necessary, neither do I wish, to enter into anything like a consideration of the origin of this war. There are some, who, I am aware, hold the opinion, that, under a different course of policy, this war would have been avoided. In that opinion I cannot concur. I admit that perchance there was the possibility that it might have been postponed for a time: for a short time I believe it would have been, but then only to a moment less opportune to ourselves, and more advantageous to the enemy. But I had little difficulty in reconciling myself to the prosecution of a war which was not merely rendered justifiable and necessary, but which was actually forced upon us by the aggressive ambition of Russia. I will go one step further, and avow that I was looking with something like joyful anticipation to the probable results of the campaign of 1856. But the scene has changed. With my feelings strongly enlisted on the side of a vigorous prosecution of the war, I find myself somewhat suddenly—and I am bound to add, somewhat reluctantly—transformed into an advocate for peace. Every reasonable man—every reasonable Christian man—must in his heart prefer a state of peace to a state of war. But the main justification of all war, and particularly of the war in which we are now engaged, is that by a vigorous prosecution of it we shall obtain a sound and substantial peace. But we have not yet arrived at the moment in which it can be said with any truth that peace is either essential or necessary for our interests. Far from it. We are only at this moment beginning to shake off the rust and stiffness of forty years of comparative inaction. We are only just beginning to find ourselves capable of carrying on this war vigorously and efficiently. Our immense resources are only just beginning to tell. The condition of our army generally—never I trust to be again neglected in time of peace—was never in a greater state of efficiency for the purposes of war. The enormous power of our navy, augmented by all the modern appliances of science, and comprising vessels of every class suited to the peculiar appliances of the war, was never in a more efficient or powerful condition than at the present moment. The great successes already achieved, and the prospect of achieving successes still greater—all these render it but natural that there should be in the minds of many, not merely some disinclination from peace, but that there should be some strong and anxious desire to press our power to the utmost in order to reduce our adversary to the lowest state of distress. Under these circumstances, engaged with an adversary who, we have reason to believe, is crippled in resources both in men and money—an adversary who views probably with feelings of apprehension the prospects of the ensuing campaign—under these circumstances it is not surprising that there should be some reluctance in this country to peace. Yet, my Lords, sympathising as I do most fully with these feelings, I am bound to ask myself, and to ask your Lordships, whether we are at liberty to indulge in such feelings unreservedly and without limitation—whether we are at liberty to refuse pacific overtures coming from another quarter? There may be considerations and circumstances tending to change our course, tending to render our further perseverance in this war not merely impolitic, but actually unjustifiable. I will omit all considerations of the further loss of treasure and sacrifice of life; but there is one main consideration which I feel confident will weigh with your Lordships and with the country. The objects of this war are pure and simple enough; and if without the intervention of another campaign we can safely, substantially, and, humanly speaking, with some chance of permanency, attain these objects, our duty then becomes clear. All other considerations must give way, and we shall be bound at once to give our best endeavours to the attainment of such important objects. But, my Lords, let me not be misunderstood. I have already stated that I have become somewhat reluctantly an advocate of peace. I am so only conditionally, that we shall be able to come to an agreement on terms safe and honourable to ourselves and to our Allies—terms not only calculated to effect the objects of this war, so far as the aggressions of Russia upon Turkey may be concerned, but such further and additional terms as will stay the policy of Russia in other quarters—terms which our successes entitle us to require. They must be, moreover, terms offering a fair prospect of permanent peace, terms precise and so express as to leave no loophole for evasion on the part of our antagonist, and I will say, also, terms which when so expressed our antagonist must assent to irrevocably and unmistakably in our own sense. Thus far as an advocate of peace I may be willing to go; but I can go no further. Failing such terms as these, I would say we should give up all attempts at negotiation, and would recommend that, again addressing ourselves to action, we should endeavour by further warlike operations to accomplish the just objects we have in view.

I feel that some apology is necessary to your Lordships for having occupied your time on a matter which after all relates merely to my own opinions on this subject; but I assure your Lordships that I will not trespass on your time at any length in adverting, which I shall now do, to the other topics of Her Majesty's gracious Speech. First and foremost, I find a reasonable congratulation expressed on the great feature of the last campaign—the capture of Sebastopol. Well bestowed, indeed, is the praise accorded by Her Majesty to those brave men to whose persevering constancy and daring bravery this great achievement is to be attributed. If we have succeeded in destroying the enemy's great stronghold in the south, the treaty with Sweden appears to me a matter of scarcely minor importance; for by its means we have, in a bloodless but effectual manner, successfully checkmated the enemy in the north. There is one topic in Her Majesty's Speech, on which I might be inclined to trespass longer on your Lordships' time, were it not that I find it stated so explicitly that in conducting these negotiations care will be taken not to lose sight of the objects for which the war was undertaken, and that Her Majesty will deem it right in no degree to relax her naval and military preparations until a satisfactory treaty of peace shall have been concluded. I hope, my Lords, that due effect will be given by Her Majesty's Government to that statement. My Lords, the surest way of obtaining such a peace as we desire is to speak out boldly, and to show that there will be no relaxation in our efforts until we have obtained the objects which has rendered this war a war of necessity.

My Lords, it is unnecessary for me to do more than to allude to that part of Her Majesty's Speech, in which Her Majesty says—

> "I rely with confidence on the manly spirit and enlightened patriotism of my loyal subjects for a continuance of that support which they have so nobly afforded Me; and they may be assured that I shall not call upon them for exertions beyond what may be required by a due regard for the great interests, the honour, and the dignity of the empire."

My Lords, I feel confident that so long as we have justice on our side, so long the good sense and the patriotism of the people of this country will resist all delusions that may be put forward to lead them into opposition to this just and patriotic war.

My Lords, in the midst of war, and the pressure arising from without, it will be a matter of satisfaction to your Lordships to find that time is still left for the consideration of internal and domestic matters. It must be a matter of great satisfaction to us to find that our attention is called to the difference which exists in some important particulars between the commercial laws of Scotland and those of the other parts of the United Kingdom, which has occasioned considerable inconvenience to the persons of this country who are engaged in trade, and that a measure will be submitted to us for remedying this evil. I find also that a measure will be proposed on a matter of great importance, for improving the laws relating to partnership by simplifying those laws, and thus rendering more easy the employment of capital in commerce. I find also that commercial shipping is to be relieved from local dues and passing tolls, which it is stated have been the subject of much complaint. It is also a matter of great satisfaction to find that other important measures are to be introduced for improving the laws of the country.

My Lords, I do not know that there is more of Her Majesty's Speech which calls for observation from me. This I may say that my earnest hope is that the negotiations begun may be brought to a safe and solid conclusion. I confess I am greatly relieved from apprehension on this subject by the confidence that I have in the noble Lord at the head of Her Majesty's Government, and in the noble Lord to whom I believe the conduct of these negotiations is to be entrusted. If I had entertained the slightest misgivings as to the straightforwardness and honesty of the intentions of these noble Lords, or as to their determination to pursue a patriotic course, I should not have been here to address these observations to your Lordships. The noble Earl concluded by *moving*—

"That an humble Address be presented to Her Majesty in answer to Her Majesty's most gracious Speech from the Throne."

The following is a copy of the Address agreed to:—

"MOST GRACIOUS SOVEREIGN,

"WE, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to convey to Your Majesty our humble Thanks for Your Majesty's most gracious Speech from the Throne.

"WE humbly congratulate Your Majesty upon the signal and important Success which, since the Close of the last Session of Parliament, the Arms of the Allies have achieved; and upon *Sebastopol*, the great Stronghold of *Russia* in the *Black Sea*, having yielded to the persevering Constancy and to the daring Bravery of the Allied Forces.

"WE humbly thank Your Majesty for informing us that the Naval and Military Preparations for the ensuing Year have occupied Your Majesty's serious Attention; but that, while determined to omit no Effort which could give Vigour to the Operations of the War, Your Majesty has deemed it Your Duty not to decline any Overtures which might reasonably afford a Prospect of a safe and honourable Peace. That accordingly, when The Emperor of *Austria* lately offered to Your Majesty and to Your august Ally The Emperor of the *French* to employ His good Offices with The Emperor of *Russia*, with a view to endeavour to bring about an amicable Adjustment of the Matters at issue between the contending Powers, Your Majesty consented, in concert with Your Allies, to accept the Offer thus made.

"WE assure Your Majesty that we participate in the Satisfaction which Your Majesty expresses in informing us that certain Conditions have been agreed upon which Your Majesty hopes may prove the Foundation of a General Treaty of Peace; and that Negotiations for such a Treaty will shortly be opened at *Paris*.

"WE humbly thank Your Majesty for acquainting us, that, in conducting those Negotiations, Your Majesty will be careful not to lose Sight of the Objects for which the War was undertaken, and will deem it right in no Degree to relax Your Naval and Military Preparations until a satisfactory Treaty of Peace shall have been concluded.

"WE thank Your Majesty for informing us, that, although the War in which Your Majesty is engaged was brought on by Events in the South of *Europe*, Your Majesty's Attention has not been withdrawn from the State of Things in the North;

and that, in conjunction with The Emperor of the *French*, Your Majesty has concluded, with The King of *Sweden* and *Norway*, a Treaty containing defensive Engagements applicable to His Dominions, and tending to the Preservation of the Balance of Power in that Part of *Europe*.

"WE humbly thank Your Majesty for acquainting us, that Your Majesty has also concluded a Treaty of Friendship, Commerce, and Navigation with the Republic of *Chili;* and to convey to Your Majesty our Thanks for having directed that these Treaties shall be laid before us.

"WE humbly beg leave to acquaint Your Majesty that we participate in the Gratification expressed by Your Majesty at finding that, notwithstanding the Pressure of the War, and the Burthens and Sacrifices which it has unavoidably imposed upon Your People, the Resources of the Empire remain unimpaired. We humbly thank Your Majesty for the Confidence with which Your Majesty relies on the manly Spirit and enlightened Patriotism of Your loyal Subjects for a Continuance of that Support which they have so nobly afforded Your Majesty; and for the Assurance that Your Majesty will not call upon them for Exertions beyond what may be required by a due Regard for the great Interests, the Honour, and the Dignity of the Empire.

"WE assure Your Majesty that we will give our best Attention to the several Subjects connected with internal Improvement which Your Majesty has recommended to our Consideration.

"WE thank Your Majesty for informing us that Measures will be proposed for applying a Remedy to the Inconvenience which a large Portion of Your Majesty's Subjects engaged in Trade have experienced from the Difference which in several important Particulars exists between the Commercial Laws of *Scotland* and those of the other Parts of the United Kingdom.

"WE thank Your Majesty for acquainting us that Measures will also be proposed for our Consideration for improving the Laws relating to Partnership, by simplifying those Laws, and thus rendering more easy the Employment of Capital in Commerce.

"WE beg leave to express our humble Thanks to Your Majesty for informing us, that the System under which Merchant Shipping is liable to pay Local Dues and Passing Tolls having been the Subject of much Complaint, Measures will be proposed to us for affording Relief in regard to those Matters.

"WE beg leave humbly to assure Your Majesty that the other important Measures for improving the Law in *Great Britain* and in *Ireland*, which Your Majesty informs us will be proposed to us, shall receive our attentive Consideration.

"WE assure Your Majesty, that we unite with Your Majesty in fervently praying that in these and all other Matters upon which we may deliberate the Blessing of Divine Providence may favour our Councils, and may guide them to the Promotion of the great Object of Your Majesty's unvarying Solicitude, the Welfare and the Happiness of Your People."

THE EARL OF ABINGDON said, that in rising to second the Address which had been moved by his noble Friend, he could not help feeling his utter inadequacy to do justice to the task which he had undertaken, especially at a period so important—at a crisis so eventful, when the whole country was absorbed in the great question of peace or war—a question on which the public mind was agitated with anxiety and hope, but at the same time with doubt and apprehension—anxious that these negotiations should be brought, if possible, to a successful issue, but apprehensive lest any terms should be accepted inconsistent with the honour and dignity of the country, and which, in their effects, might be injurious to the ultimate peace and tranquillity of Europe. He must confess that he could not bring himself to share in those apprehensions, because he entertained a confident conviction that Her Majesty's Government would never be party to terms of peace ignominious to the British name; and he felt an equally confident conviction that, if they were a party to such terms, they would justly forfeit the confidence of their Lordships' House, as well as that of the other House of Parliament. But if anything were required to convince him that due regard would be paid, in the negotiations about to take place, to British honour and British interests, he should find it in the fact that he understood that these negotiations were to be conducted on behalf of this country by his noble Friend who had so ably conducted the Foreign Affairs of this country—who had shown so much skill and ability in the performance of his important duties—who had conducted these affairs so much to the satisfaction of the country, and so much to the advantage of the public service, and who had been so eminently successful in all negotiations in which he had taken part. He thought that no man who had watched the progress of this war could deny that if the just demands of this country were not complied with by Russia, we were in a position to enforce those demands by a vigorous resumption of hostilities. What, he might ask, was the relative position of Russia and this country? Russia commenced the war, calculating, in the first place, on the weakness of Turkey and her inability to offer any prolonged resistance to her aggressive designs—calculating on the want of support on the part of the commercial classes in this country to a war policy—calculating that if we did go to war we should become involved in quarrels and disputes with neutral Powers—and calculating, above all, upon a want of cordial co-operation between this country and France. In all these calculations Russia had been completely baffled. Turkey, instead of showing weakness, had exhibited an amount of strength and vitality not before expected of her. The calculations of Russia, with respect to the want of support from the commercial classes in this country to the war, had been baffled by the cautious policy which had been pursued by the noble Earl then at the head of the Government (the Earl of Aberdeen), before war was declared. That policy had exposed the noble Earl to much obloquy and misrepresentation, but it had, in the end, enlisted the sympathies of the commercial classes in favour of the war, and had enabled us to obtain a hold over the public opinion of Europe which we might otherwise have wanted. Moreover, by the judicious concessions which had been made by England, the maritime co-operation of France had been secured; and we had, by the same means, removed a just and legitimate cause of complaint on the part of the neutral Powers. Russia had also calculated on the want of sufficient military preparations on the part of this country. She calculated on the strength of those vast armies, fleets, and arsenals, on which she had lavished all the resources of her mighty empire. But what had been the result? In the first place, we had sent out the largest army that was ever sent out from the shores of this country within so short a space of time. Russia had not calculated the power of our navy, and she had over calculated her own, which had been annihilated in the Black Sea, and rendered powerless in the Baltic; it had been unable to protect her coasts from blockade. She was crippled in her military and internal resources—her commerce, her trade, and her finances were destroyed—she had no resources at home, and she was unable to obtain credit abroad. Such was the miserable condition to which that great Power had been reduced. But what was the position of this country? We commenced war to preserve the integrity and independence of the Ottoman Empire, which we considered essential to the maintenance of the balance of power in Europe. Much as we might regret the necessary evils of war, and the pressure of taxation which war had produced, we had the satisfaction of knowing that the Government had raised the necessary supplies without being driven to any alteration in that system of commercial policy which recently had been established in this country; that our trade had not been affected to nearly the same extent as in former wars; and that we had mitigated many of the evils of war by the wise and humane regulations we had adopted at the commencement of hostilities with respect to neutral Powers, and by the abolition of the barbarous practice of privateering. We had also the satisfaction of knowing that the comforts of our troops had been carefully and anxiously studied during the past year, and that they had not been exposed to the hardships and sufferings which had occurred during last winter. He would not stop to inquire whether or not those sufferings and hardships had arisen from any individual incapacity at home—though he entertained a strong opinion that they had arisen from the difficulties which were inherent to the commencement of a great war. We had also the consolation of knowing—though it was a melancholy consolation indeed, considering the tremendous sacrifice of life with which they had been accompanied—that brilliant achievements had been performed by the British army, achievements which reflected honour and credit on our national name—achievements which, at the commencement of the war, no one would have been sanguine enough to have anticipated. He would but allude to the glorious victories of Alma and Inkerman—to the brilliant but fatal charge of Balaklava, led by the noble and gallant Earl opposite—victories which paved the way for that great and crowning victory, the capture of that important fortress, the orders for which had been sent out by the noble Duke (the Duke of Newcastle). Those orders had been carried out by the successor of the noble Duke, and by the united efforts of the Allied Powers that one great object of the war had been accomplished—they had obtained possession of Sebastopol—a fortress which had cost Russia millions of money, and which was the key of her southern provinces; and, notwithstanding the gallantry and determination with which that fortress had been defended, the people of England had the satisfaction of knowing that, whilst the eagles of France were planted upon the Malakoff, our gallant Allies had borne cheerful and honourable testimony to the gallantry and devotion of our troops engaged in the attack upon the Redan. At sea we had avenged the massacre of Sinope by the destruction of the Russian fleet which had perpetrated that outrage. We had complete possession of the Sea of Azoff; and after having accomplished these great results, we found our finances flourishing, and in such a condition as to enable us to carry on the war with ease, should that prove to be necessary; and, though desirous of peace, there is among the people of this country a spirit and determination, if need be, whatever may be the difficulties and privations, long and wearisome as may be the struggle, and distant as may be the time at which peace may be brought within reach, a steady determination to continue those efforts until peace shall be obtained upon secure and honourable terms. What, then, he might ask, could be more agreeable to the people of this country than the following words in the Speech from the Throne—the language of the responsible advisers of the Crown—that "I shall deem it right in no degree to relax My naval and military preparations until a satisfactory treaty of peace shall have been concluded." He (the Earl of Abingdon) rejoiced that these negotiations were to be held in the capital of Her Majesty's most august Ally, of that illustrious Prince who now swayed the destinies of a people distinguished for military prowess and renown, who were second to none in valour and heroism, and foremost among the nations of the Continent of Europe in all the arts of civilisation. He could scarcely find words to express his admiration of the noble and generous conduct of that illustrious Prince, and of his gallant people, in having come forward in so honourable a manner, forgetting all former grievances, all former rivalries and causes of complaint, and acting so cordially with this country. Nor could he forget the cordiality we had seen so satisfactorily evinced between the two armies in the field, and the interesting circumstance that that alliance had been cemented and strengthened by the act of Her Majesty in conferring upon the French army a signal mark of Her esteem for their gallant and brilliant services, bestowing those marks of Her regard by the hand of a gallant and illustrious Member of their Lordships' House, a Prince of the Blood Royal, who had shared the dangers, and participated in the successes of that army, and who had shown himself worthy of the confidence reposed in him by his Sovereign, and of his high and exalted station. There was also another illustrious Ally, who had furnished more than the stipulated number of troops, and whose soldiers had shown themselves worthy to contend side by side with the best troops of England and France—a sovereign who, though surrounded by nations to whom freedom and constitutional government were unknown, and where revolutionary fury was ever threatening to burst forth, had nevertheless succeeded in establishing in his dominions a Government based on free and constitutional principles. It was highly satisfactory to know that we enjoyed the alliance of such a Sovereign and such a people. He rejoiced, also, that a defensive alliance had been concluded with Sweden. Such an alliance was of the utmost importance to Sweden; and to us it was of great importance that we should be able to contend against the encroachments of Russia in that quarter. It was of the utmost importance to Russia that she should have a harbour free of ice, and by the action of the Gulf stream it was well known that there were harbours on the coast of Sweden which were always free from ice, and which would therefore be most valuable in the hands of an ambitious Power like Russia. It was also satisfactory to know that a treaty of friendship, commerce, and navigation, had been concluded with the republic of Chili — a republic which had been distinguished among the South American States for her advance in social progress, and for her desire to promote the development of her resources. His noble Friend (the Earl of Gosford) had mentioned the various measures which they were informed in Her Majesty's Speech, would be introduced by Her Majesty's Government connected with our internal improvement and with the freedom of trade and the advancement of the commerce of the country. He (the Earl of Abingdon) rejoiced that, amid the din of military preparation, Her Majesty's Government had not been forgetful of the trading and commercial interests of the country, and that they were prepared, by the removal of all unnecessary restrictions, to facilitate the employment of capital, and to act in conformity with that great commercial policy, the soundness of which had enabled us to appear at this moment with undiminished resources in the face of a great and powerful enemy. If ever there was a time in which unanimity was desirable, that time was the present. He would therefore entreat their Lordships to show to the people of this country that, when great interests were at stake, party spirit was put in abeyance; to show to our Allies, to Europe, and, above all, to the enemy, that there was perfect unanimity in the British House of Parliament; and that, anxious and desirous as we were for the blessings of peace, yet if that peace could not be obtained on a firm, safe, and honourable basis—and obtained in a manner likely to be permanent and enduring—then we were unanimous in our determination to support the Crown in an instant, immediate, and vigorous resumption of hostilities. Thanking their Lordships for the indulgence which he had received, he had only to entreat their Lordships' unanimity in favour of the Address which had been moved by his noble Friend (the Earl of Gosford), and which he now begged to second.

The Earl of DERBY: My Lords, the noble Earl who has just sat down concluded the observations which he offered to the House by expressing his hope that on this occasion, under circumstances so important and so critical, there would be no false encouragement given to the enemy by any idea that the ties of party can by possibility prevail over that unanimity which I concur with him to be essential at this time to the best interests of the country; and I can assure the noble Earl that on my part, and on the part of those of my Friends with whom I have the honour and satisfaction to act, there is no desire in our Vote this evening to interfere with that unanimity to which he has referred, or to prevent the Answer to the Speech from the Crown from being carried by the unanimous sanction of your Lordships.

My Lords, I go along with the Address in answer to that which, in constitutional phrase, I must call Her Majesty's most gracious Speech; but, having said so, I must be permitted to deal with that Speech as it is, and not as it is not—to deal with it as the speech of the Ministers, and not as the Speech of our gracious Sovereign; and I do so because I feel that in my comments on that Speech I may make use of some expressions and apply some terms that would hardly be complimentary or even fitting if they were applied to anything emanating directly from the Sovereign. We are not accustomed to look in documents of this kind for ornaments of style, or for any great elegance of diction or language; and long experience has induced us to be perfectly satisfied if in plain and intelligible English the First Minister of the Crown conveys his meaning and intentions to the House. But I must venture to say, that of all the documents of this kind that ever came under my observation I never met with one that could so little pretend to the graces of diction, or even to the intelligible conveyance of information to the House. This document is chiefly confined to the subject of the war. Of course, I am ignorant by whom the paragraphs relating to the war may have been framed; but if they were the suggestion of my noble Friend opposite, to whose department they especially belong, it must have been at the close of one of those exhausting attacks to which he as well as I am unfortunately subject, or under the influence not more exhilarating of that meagre diet which is their necessary accompaniment. The Speech is redolent of water-gruel. It reminds me of nothing more than those documents which in our early school days we were accustomed to prepare, and which went by the name of "themes," in the composition of which the object was to accomplish the allotted task, and fill up the six-and-thirty lines of writing, taking especial care not to exceed the allotted limit, but within that limit to dilute with the largest possible amount of unnecessary and epithetical language the smallest possible quantity of meaning. We are not accustomed here, neither do we desire that the Speech from the Throne should emulate the longwindedness and diffusiveness of our Transatlantic brethren. I do not desire—far from it—that the Queen's Speech should be a copy of the President's Message; but we certainly have been accustomed on former occasions to see, though not at great length, yet the main interests and the main subjects of the day, connected with the well-being of the country, glanced at and treated of in the Speech from the Throne—some notice taken of our foreign relations—some mention made of the internal affairs of the country, of its commerce and its finances—some indications that we have such a thing as an empire in India, and some communication as to the condition and prospects of that empire. We have also been occasionally reminded in the Speech from the Throne that we have colonial possessions, and that the people of this country are not altogether indifferent as to what becomes of those possessions. I do not say that Her Majesty's Government should give us a broad and general *résumé* of all that has been done and all that they are about to do, but that the great and leading features appertaining to the Administration of this great empire ought to be brought, to a certain extent, under the view of Parliament in the Speech from the Throne, and that some indications at least should be given of the principal measures which it is intended by the Government to submit for the consideration of Parliament.

Now, in the Speech this day delivered from the Throne we commence with a paragraph so bare, so bald, so meagre, that I am at once warranted in drawing that distinction which I have already done between the Speech of the Sovereign and the speech of the Minister. We have a bare announcement in the first paragraph that—

> "Since the Close of the last Session of Parliament, the Arms of the Allies have achieved a signal and important Success—that Sebastopol, the great Stronghold of Russia in the Black Sea, has yielded to the persevering Constancy and to the daring Bravery of the Allied Forces."

One of the noble Lords who either moved or seconded the Address has spoken of the glowing encomiums which were passed by Her Majesty's Government on the gallantry and bravery of the troops; but all I can say is, that never was praise so faint for achievements so great, and never was a reception so ungracious given to heroic endurance, to unparalleled bravery, and to sufferings all but unparalleled, and to exertions that have achieved results which it was almost impossible to hope any amount of gallantry or endurance could have accomplished. I remember seeing it related of an officer that, in reporting to his immediate superior the result of a great victory, he couched his despatch in these short and emphatic terms—

> "Sir—Yesterday Her Majesty's squadron under my command burnt, sunk, and captured the enemy's ships as per margin."

This was a most modest and emphatic way of reciting the result of a great action; but that commander was speaking of his own deeds and not of the achievements of others; he was only claiming for himself that meed of praise which the energy and gallantry of himself and of his comrades deserved; he was not undertaking to bestow the meed of praise to others which their actions had deserved. The present, however, is an occasion on which the Sovereign, in the presence of Her assembled Parliament, ought to perform—and would have performed, had She been left to the promptings of Her own heart—the pleasing task of declaring Her gratitude—Her unbounded gratitude—for the exertions, and Her sympathy with the sufferings of those brave men to whom this country is indebted for the success which has been achieved. My Lords, who has not watched with admiration the personal course which Her Majesty has pursued—the warm, kindly, and womanly sympathy She has shown for the sufferings of Her wounded soldiers? Who that has beheld Her decorating the survivors; with Her own hand, with those marks of honour which acquire a double value from being thus conferred; who that has heard of Her visiting the sick beds of the wounded, speaking to them of their private and individual sufferings, and cheering them with words which from any one would carry comfort and consolation, but which, from the lips of the Sovereign, must gratify the pride of those to whom they are addressed, and excite feelings of the most loyal devotion; who that has observed the language, the demeanour, and the actions of the Sovereign towards Her soldiers will believe that, had Her Majesty been left to the promptings of Her own heart and to the expression of Her own feelings, the language of the Speech would have been thus cold and ungracious, and would have been confined to a simple statement that, since the close of the last Session of Parliament Sebastopol, the great stronghold of Russia in the Black Sea, has yielded to the persevering constancy and to the daring bravery of the allied forces? My Lords, if Her Majesty had followed the dictates of Her own judgment, I think I know what would have been the tone in which She would have addressed you. Her Majesty would have expressed a deep sense of gratitude to that Almighty Disposer of all events without whom arms can do nothing, and would have asked you to join in the expression of a nation's gratitude towards those brave men who, under that mighty Providence, have been enabled to achieve so important a success. Language such as that would have gone to the hearts of many and many thousands in this country. Language such as that, addressed by the Sovereign to Her Parliament, would have kindled anew and strengthened the flame of loyalty which burns among your troops, and would have encouraged them to those deeds of daring upon which such a paragraph as I have read is calculated to throw a damp.

But, my Lords, we are told in the Speech from the Throne, that—

> "Since the Close of the last Session of Parliament, Sebastopol, the great Stronghold of Russia in the Black Sea, has yielded to the persevering Constancy and to the daring Bravery of the Allied Forces"—

and we are now asked to thank Her Majesty for giving us this information—information which for the last three months has been notorious all over the world; within that time information of that fact, so far as it is a fact—because unhappily it is not a fact—might be derived from the columns of any newspaper. Unhappily it is not a fact. "Sebastopol, the great stronghold of Russia in the Black Sea," has not yielded to your valour and to your daring, whatever that valour and daring may have been. It is true, that by unparalleled achievements, you have succeeded in forcing a portion of that stronghold. You have obtained possession of the southern side of Sebastopol. You have destroyed the fleet of Russia—or, at least, she has destroyed them herself, and has saved you the trouble. You have blown up, or you are blowing up, those splendid docks which were miracles of art, of perseverance, and of skill, but "the great stronghold of Russia" still holds you at defiance. In front of that stronghold upon the northern coast, beleaguered rather than beleaguering, lie your armies at this moment, while your fleets are floating at a respectful distance from that stronghold which you declare has yielded to the persevering constancy and to the daring bravery of the allied forces. Although, therefore, I am ready to congratulate Her Majesty, as we are invited to do, upon the success which has been attained, I must yet say that it is not correct to say what this paragraph of the Speech says, and that it is an erroneous statement that the great stronghold of Russia has yielded to the daring and valour of your troops, however great that daring and valour may have been.

My Lords, I rejoice to learn that the naval and military preparations for the ensuing year have occupied the serious attention of Her Majesty's Government. I must confess, that, whatever hope of peace I may have entertained, or may entertain, as the result of these negotiations, I have not derived any great encouragement to look for a satisfactory issue from the language which has been held by my noble Friend who opened the debate and by the noble Earl who seconded the Address. Both those noble Lords expressed considerable doubt as to the issue of the negotiations which are now in progress; and I concur with them that, while we should welcome, and cordially welcome, in the interest of Europe, any peace which would effectually attain those objects for which we originally went to war, it will be a permanent disgrace to this country if we accept any peace which should fall short of the full accomplishment of those objects. I rejoice that, while we are not declining overtures of peace, we are making effective preparations for war; and, although I fear that the noble Earl has, to a certain degree, overrated the state of exhaustion and difficulty and distress of our great foe, yet I believe he has not overrated the amount—the formidable amount—of the preparations which we are making, and which my noble Friend would seem somewhat reluctant to see altogether wasted, and not applied in the new campaign of 1856; and I am sure that he has not overrated the stedfast, stubborn perseverance which this country will always display for the attainment of any object which it feels to be just and necessary to attain. I cannot blame Her Majesty's Government for having consented to enter into negotiations, although I may entertain considerable suspicion with regard to the quarter from which these negotiations proceed; and I must say, though I do not doubt that the framer of the paragraph before us has accurately described the course of events, yet the language used in that paragraph is by no means satisfactory to my mind. We are told that—

> "The Emperor of Austria lately offered to Myself and to My august Ally The Emperor of the French to employ His good Offices with The Emperor of Russia, with a view to endeavour to bring about an amicable Adjustment of the Matters at issue between the contending Powers."

I doubt not that this is a correct statement of the facts, and that the Emperor of Austria has applied to the Emperor of the French and to Her Majesty for their sanction to these negotiations with the Emperor of Russia in order to the attainment of peace; but I confess that it would to me have borne a more gratifying appearance if the Government had been enabled to state that the Emperor of Austria had applied for the sanction of the Emperor of Russia to employ his good offices with the Emperor of the French and the Queen of England; for from the language of the Speech—and I doubt not that language was well considered—the impression in Europe, and I fear it is a correct impression, will be that, after all, we are virtually applicants to Russia for peace, and that Russia is not the applicant to us. ["No, no," *from the Ministerial benches.*] Noble Lords opposite say "No, no." The statement they make is this—that Austria has applied for your consent to employ her good offices with Russia towards obtaining the assent of Russia to certain conditions in which you have previously signified your concurrence. Now, if in that case you are not the party seeking for peace—you having given your assent to the conditions and applying for the concurrence of Russia—and if Russia is not the party preserving the right to grant those conditions or to refuse them, I confess I do not understand what is the force of language, or how it could be more clearly intimated.

My Lords, there are in the Speech from the Throne two very remarkable omissions. The noble Earl who seconded the Address has to a certain extent supplied one of them. He has done justice to the merits and to the services and to the position of one of our Allies—the most disinterested, the most energetic, and the most deserving of our support and consideration—I mean the King of Sardinia; but strange it is that, during the whole course of the Speech, not only is the existence of the King of Sardinia altogether ignored, not only are the services he has rendered to the cause totally excluded from any mention, but—what is something more extraordinary still—from first to last in this Speech there does not occur the slightest allusion to the name or the existence of Turkey. Why, I thought Turkey was the principal in this war! I thought you were at war in defence of the integrity of Turkey. I thought it was because Turkey boldly and gallantly threw herself into the breach, and refused to assent to the degrading conditions which Russia sought to impose upon her, that we came forward as allies to her assistance; but now, forsooth, propositions of peace are made to France and England; they are accepted by France and England; and, having assented to those conditions, we are—certainly in conjunction with our Allies, as we find at the close of the paragraph—proceeding to discuss them as the foundation of a general treaty: but nothing is said of the principal party concerned. I must say, that this entire silence with regard to both Turkey and Sardinia—this thrusting of them both so entirely into the shade—is little consistent with the comity of nations, and the relationship in which those countries stand to France and England.

My Lords, I commented just now on the ungracious terms in which Her Majesty has been made to refer to the services of Her own troops in that successful and honourable achievement—the capture of a portion of Sebastopol; and certainly, if such ungracious terms are applied to those whose efforts have been crowned with such an important measure of success, it does not surprise me that Her Majesty's Ministers should have found no terms of commendation to throw away upon others whose sufferings have been not less unparalleled, whose deeds have been not less heroic or less distinguished, although, alas! their efforts, their long-suffering endurance, have not been attended with success—it does not surprise me that the Government should have found no language in which to record the matchless endurance and indomitable gallantry of those brave men who, in a distant and deserted Asiatic town, maintained so well and so nobly the honour of the English arms, and showed in so signal a manner that when directed and commanded by British officers, the Turkish soldiers are capable of as great devotion and heroism as any troops in the world. My Lords, were there no words of praise or of sympathy from their Sovereign and the Parliament which might have cheered these brave men in the depth of those prisons to which their gallantry has consigned them—which might have given them fresh courage to support their sufferings and their misfortunes, and proved to them that their exertions and their hardships had not been undergone in the service of an ungrateful country? It is but little that individual sympathy can do in such cases; but some such words of sympathy and praise as I have indicated coming from their Sovereign in the presence of Her assembled Parliament, would carry with them a weight which can accompany the language of no other individual;—yet, standing in this place, and feeling that my words may possibly reach the prisons to which they have been doomed, but by a not ungenerous enemy, I would say to those gallant spirits—to Williams, to Teasdale, to Lake, and Thompson — "You may rest assured that this House and the country deeply sympathise with you in your misfortunes; and we honour the valour and prize the fame of the brave but unsuccessful defenders of Kars as not below those of the more fortunate conquerors of Sebastopol." I am not surprised that there should rise a blush of shame on the cheek of the Minister, or that he should hesitate and be paralysed, when about to inscribe in the Queen's speech the significant name of Kars!—a name of everlasting triumph and distinction to the valiant souls who, amid all the horrors of famine and hemmed in on all sides by an overpowering force, again and again repulsed their enemy, on whom they on one occasion inflicted a loss almost exceeding the carnage of any battle of modern times; and who, despite of every discouragement, maintained their high spirit, and achieved victory after victory, until finally compelled to yield, not to the overwhelming numbers of the foe, but to the still more unconquerable force of sheer famine. The name of Kars, then, will be remembered to the immortal honour of its defenders; and let me add, that its name also confers no slight degree of honour and credit on the conqueror of those brave men, who, in the generous terms of capitulation which he granted, showed that he, at all events, knew how to appreciate an enemy's valour and fortitude, even when unavailing. Fortunate, indeed, was it for the gallant garrison of Kars that they had to deal with a Mouravieff, and not with a Coronini. Fortunate was it for the brave Poles and Hungarians who formed part of that undaunted garrison that the chivalrous spirit of their high-minded conqueror suffered them to go free, without incurring those additional dangers to which, as other than mere prisoners of war, they might have been exposed. Well was it for them that he was not one of those who would seek to strain the law of nations for the purpose at once of insulting an ally and trampling on the misfortunes of an exile. Yet, my Lords, if on the conqueror of Kars, and still more on its heroic defenders, the name of that fortress reflects imperishable renown; I must say, with deep regret, that it is equally a name of eternal reproach and shame to those, be they who they may, by whom this devoted band was left without support and without relief, and this important town allowed to fall unsuccoured, and even unavenged. My Lords, I know not to what influence we may ascribe this fatal, this inexcusable error. I have heard—but I cannot for a moment entertain the idea, and I bring the subject forward to give Her Majesty's Government an opportunity of giving to the rumour the most unqualified denial—I have heard it whispered abroad that while my noble Friend (the Earl of Ellenborough) was earnestly pressing upon the War Minister day by day the necessity of defending Turkey on her Asiatic frontier, warning him, from history and example, that that was the quarter from which Constantinople had most cause for apprehension, and reminding him that in the fatal years 1828 and 1829 the disastrous Treaty of Adrianople was hardly less attributable to the advance of the Russian troops upon the European side of Turkey than to the successes of Paskiewitch and Mouravieff at Kars and Erzeroum—while my noble Friend was urging these considerations upon the attention of the Government, it is alleged, though I can hardly credit it, that this important strategical post was neglected and abandoned to its fate because of some miserable jealousy between the two great Allies of Turkey—some paltry fear that we should be suspected of seeking, under cover of an expedition to the coast of Asia, to promote, not the conjoined interests of Turkey and the Allies, but our own isolated and exclusive interests. If this impression that has gone abroad were in any degree well founded, I should look, my Lords, upon the prospects of peace for Europe with the utmost alarm and dismay; I should see in this circumstance a convincing proof that, whatever the alliance which I deem so invaluable and on which I set such vast store, may be in name, it is nothing in substance—that there is no real alliance, no cordial co-operation between the two great Powers, the union of which is indispensable to the wellbeing and tranquillity of Europe. I should blush, my Lords, for my country, if I could believe that, under the pretence of advancing the common cause, any measure could be undertaken by the British Government, having for its object the separate and exclusive advantage of England only. On the other hand, I think it would be unworthy of France, and wholly inconsistent with the frank and loyal course which our illustrious Ally has hitherto pursued towards us, for him to harbour for one moment any such dark suspicion against the Government of this country as that we were influenced by a desire of attending only to our own interests and abandoning the other interests involved in the war, because we supposed that a particular course would more immediately contribute to our own advantage. I say that while, on the one hand, it would be disgraceful to this country to cover any such projects as those to which I have alluded under the mask of an expedition which was, in fact, directed to other objects—so, on the other hand, it would be equally disgraceful to France to cast suspicion upon us, and so to paralyse our efforts in the common cause; and it would be doubly unworthy of us to yield to, or to submit to such a suspicion; and, if I could for one instant believe that there was the slightest ground for anything so derogatory to the character of both nations, I should say then that we were reduced to the miserable position of submissively and obsequiously following in the wake of France, instead of standing in the manly attitude of complete equality with her, and acting in friendly and honourable community of councils and of arms. I have thought it my duty to make this statement, for I know there is an impression in the public mind to that effect, which I know is unfounded, and I earnestly appeal to Her Majesty's Government to profit by this opportunity, and give to the notion the most unequivocal and unqualified denial. My Lords, it has also been stated that the brave garrison of Kars, day after day, and week after week, watched, but watched in vain, for the arrival of succour—for provisions, ammunition, and money—which they had repeatedly applied for to Her Majesty's Ambassador at Constantinople. I have the very highest opinion of the services that have been rendered to his country by Lord Stratford de Redcliffe; I have had the opportunity of testifying in the most unmistakable manner my sense of the value of those services; and I cannot and will not believe, until I have had the most indisputable evidence of it, that he has so far forgotten what he owed to his Sovereign and Her Ally, and to the common cause in which we are engaged, as to treat with neglect, and even with contempt, repeated and urgent applications made to him for aid by British officers, who were bravely encountering the greatest difficulties, and resolutely supporting the severest privations to uphold the honour of their country's arms. Doubtless my noble Friend the Secretary for Foreign Affairs will feel it to be his duty to lay, at the earliest moment, upon the table of both Houses of Parliament a statement of all the circumstances that relate to this disastrous abandonment of the garrison of Kars. Let the blame lie where it may, this country has a right to know, and will know, on whose shoulders it properly rests. It will not do to cast it upon this or the other Pasha. It will not do attribute it, for instance, to the dilatoriness of Selim Pasha, who, having at his command a force of not more than 10,000 or 12,000 men, exercised, as I believe, a very sound discretion in maintaining his position at Erzeroum, instead of endeavouring to relieve Kars in the face of the vastly superior force of the enemy. We must know to what we owe it that when this advanced position had been taken up, and so fortified as to be rendered impregnable, or nearly so—we must be informed how it happened that, for several long months before it was invested, while communications were still open, while money was abundant, and while the means of transport were easily attainable, no measures were taken to relieve that fearless and gallant garrison which, as has been since ascertained, were invincible except by famine. My Lords, I do not hesitate to assert that there is a *primâ facie* case of grievous charge against Her Majesty's Government for neglecting to see to the provisioning and supplying of Kars while the communications were yet open, and I cannot but think that it will require some ingenuity to show why, even after the communications were closed, no effort was made to relieve the garrison—to break through the line of the besieging army. It may perhaps be said that no men could be spared from the army before Sebastopol. I have heard the remark made, that the first great blunder of the campaign was the entire concentration of all our efforts upon Sebastopol. Into the discussion of that question I will not now enter; but I may be allowed to ask, if of the troops before that mighty fortress not one man could have been spared, where was the Turkish Contingent of which we last Session heard so much? During the discussion on the Foreign Enlistment Bill last year, we were repeatedly told that what we wanted was not soldiers who would require six months' training, but an abundance of ready-made soldiers, who could be found over the whole of Europe, already prepared and disciplined for every service of war, and who would be available in a very short period for any purpose for which we could possibly require them. Parliament sanctioned last year a very considerable loan for the purpose of securing the disciplined services of such a body. What has become of the men who were raised under the Foreign Enlistment Act? What has become of the money that was procured under the terms of that loan? What has become of the Turkish Contingent which, having been embodied so slowly and organised so tardily, was sent at last to a point where they could do nothing for the assistance and relief of Kars? How are we to account for the imprisonment of 30,000 or 40,000 men at Eupatoria, where they were powerless for the relief of the distressed garrison, and of no possible advantage to the common cause? How do you account for your inactivity, when, with money in plenty to obtain provisions long before the place was surrounded by the enemy, you made no effort to furnish it with ample supplies, and with troops in abundance no attempt was made to relieve it after the Russian forces had invested it? I hope that Her Majesty's Government will be able to give such explanation on these points as will tend to remove the deep imputation which rests upon them as having sacrificed that gallant band of men, and lost that important post. These, my Lords, are momentous matters, and well deserve the serious consideration of the country. I hope that they will obtain the attention they merit, and that we shall have such an explanation of this apparent neglect on the part of the Government as will redeem them from the deep imputation which now rests upon them—of having sacrificed a gallant army, abandoned an important post, and permitted the occurrence of a calamity, which, though thanks to the heroism of that devoted band it has not dimmed the lustre of our arms, has yet given to the enemy a cause of exultation, and filled the heart of the British nation with the most painful emotions.

My Lords, we are informed in the Speech from the Throne, that negotiations for a treaty of peace will shortly be opened at Paris, and Her Majesty goes on to say,—

> "That in conducting these Negotiations She shall be careful not to lose Sight of the Objects for which the War was undertaken, and that She shall deem it right in no Degree to relax Her Naval and Military Preparations until a satisfactory Treaty of Peace shall have been concluded."

I have, my Lords, deemed it within my province, as a Member of your Lordship's House, and I have thought it a part of my Parliamentary duty, to express myself thus freely, frankly, and unreservedly upon the past; but there is a limit beyond which it would not be wise for me to go. I am sensible that it would be unsafe, unwise, and injurious to the public interest for me to say one single word either with regard to propositions which may be under discussion, or with reference to those terms and conditions on which, as I believe, peace might be fairly and honourably concluded. I entirely concur with the noble Lord who seconded this Motion, that it is in no degree desirable that we should entertain any views or contemplate any objects more extensive than those which, at the commencement of the war, were submitted to our consideration by the noble

Lord the Secretary for Foreign Affairs. I am far from giving my sanction to those exaggerated opinions and somewhat Utopian projects, which, as I understand, have obtained the approval of a noble Friend of mine on the opposite benches (the Earl of Harrowby), nor can I at all commend the idea, that the war should be continued with a view to the relief of oppressed nationalities. I trust that your Lordships will view the question in the same light, and that you will not give any such extension to the character and purpose of the war. If I remember aright, the noble Lord at the head of the Foreign Department laid it down that these were the objects of the war—to secure effectually the integrity and independence of the Turkish Empire, to include that empire as a component part of the great European system, and to take ample and decisive securities to curb the unjust ambition and to repress the territorial aggressions of Russia. These the noble Lord the Secretary for Foreign Affairs intimated to be "the objects of the war." With these objects permanently and effectually secured by the terms of a treaty, I profess that I shall be satisfied; with less than these, securely obtained, neither I nor, as I think, the country will ever be contented. With regard to the details connected with the obtaining of these objects I shall carefully abstain from saying a single word. Nay more, I am prepared to give Her Majesty's Government this assurance, that during the course of the deliberations now about to be entered on I will myself carefully abstain—and I will impress on all with whom I have the slightest influence the necessity of refraining from making any comments, suggestions, or observations which can have the effect of unnecessarily embarrassing the Government in the conduct and management of the negotiations. It may, no doubt, be gratifying to the self-love of this or the other House of Parliament to believe that in matters of this kind they are to be the constant and daily advisers of the Sovereign and the Minister; but, my Lords, I have not so read the history of our country, nor do I so interpret our constitution. In my opinion the prerogative of peace and war rests with the Sovereign, and with the Sovereign alone; but that privilege and prerogative of the Sovereign is exercised by the responsible Minister of the Crown. He to whom that great duty is confided has power to bind and tie down the nation to such terms as he may think advisable, inasmuch as he is intrusted, or supposed to be intrusted, with the confidence of the Sovereign and the country. To him is committed the conduct of affairs, and he is in a position to bind irreversibly both the Sovereign and the country. Such is the part which the constitution assigns to the responsible Minister of the Crown; and the duty of Parliament, I humbly submit, is not to interfere injuriously and gratuitously with the discharge of that duty, but to allow the Minister to pursue without impediment that course which he may think most consistent with the end to be attained. When the Minister has performed his task it becomes the duty of Parliament to signify its approval or condemnation of the policy he has pursued, and of the measures he has taken to give effect to that policy. This, I am well aware, is not the popular doctrine of the day; but it is the theory of the constitution, and great will be the evil if in practice we depart from it. Therefore, though I grieve to say that I cannot entertain for the Government those sentiments of confidence with which the Sovereign honours them, and which the majority of the country is not disposed to withhold from them, I am, nevertheless, prepared to give them an assurance that, as far as I am concerned, they shall be vexed with no wanton interference, with no vexatious comments, with no unnecessary questions, and that no impediment shall be offered to the course of their proceedings until they shall have brought us to one of two issues—a durable and honourable peace, or the renewal of a just and necessary war.

The Earl of Derby

My Lords, one of the noble Lords who have already spoken used the words "resumption of hostilities," and I find that Her Majesty speaks in a similar tone. The paragraph in the Royal Speech runs thus—

> "In conducting those Negotiations I shall be careful not to lose Sight of the Objects for which the War was undertaken; and I shall deem it right in no Degree to relax My Naval and Military Preparations until a satisfactory Treaty of Peace shall have been concluded."

I confess that the alteration of a few letters in this paragraph would have made the sentence much more satisfactory to me. For "preparations" I should have much preferred the word "operations." I do sincerely hope that it is not intended to grant an indefinite and uncertain suspension of hostilities, and so to give the opportunity, by protracting the negotiations, to waste in inactivity the early months of that season now fast approaching for which we have made such great preparations. I hope, above all, that there will be no armistice by sea. I hope that Her Majesty's Government will be especially careful to avoid consenting to any armistice whatever, for any description of armistice must be all in favour of the enemy. It will give him in the Crimea the undoubted right to move his troops from point to point, to carry his troops uninterrupted anywhere that he pleases in his own territory, and will give him permission to provision and reinforce Sebastopol by land, and it may be by sea also—an element from which he is now banished; while we, who have the uncontrolled command of the sea, will derive no advantage from the sea that we do not now possess, whereas on shore we shall be tied down to the simple occupation of the very spot, contracted as it is, in which our army is now placed. I should say that, if it be possible, there should be no armistice at all. The season and the weather alone will prevent all active military operations for a month or six weeks to come, and I trust that long before that period expires the Government will have brought to a definite issue the question of peace or war. What I most earnestly deprecate, and what Russia is, no doubt, most anxious to obtain, is an indefinite prolongation of, perhaps, fruitless negotiations which waste our time and spoil our opportunities, while they afford to Russia the means of recruiting her strength, which, if not so much shattered and shaken as was asserted by the noble Earl who seconded the Address, I believe to have been considerably crippled.

My Lords, the next paragraph of Her Majesty's Speech, I confess, appears to me one of rather a singular character, but I will not quarrel with it, although, certainly, a very curious sort of geographical puzzle is made in it. Her Majesty has been advised to say, as though we supposed it quite impossible that attention should be paid to both the south and the north, that—

> "Although the War in which I am engaged was brought on by Events in the South of Europe, My Attention has not been withdrawn from the State of Things in the North."

Nor am I going to say a single word against the Treaty with Sweden, which is about to be laid before us. As far as I can collect from public sources of information, I believe it to be one of a satisfactory character, and certainly of a very satisfactory character to the King of Sweden and Norway, because, as I understand it, we enter into an engagement which is very much as if I were to undertake with my neighbour that I would join in the expense of watching and guarding his house, provided he would promise me he would not let the burglar in at the back door. What advantages we are to expect, except very contingent ones, I cannot as yet discover. There may, it is true, be a secret article; but, as far as I can judge, the effect of the Treaty is that we bind ourselves that Sweden shall not be robbed, and Sweden binds herself that she will not be robbed if she can help it.

Your Lordships will excuse me if I pass over very slightly that very important commercial treaty "of friendship, commerce, and navigation" which we are informed has been concluded with the Republic of Chili, upon which much stress has been laid by the noble Earl who seconded the Address, and which will no doubt in due time receive all the consideration which its importance deserves. But, my Lords, while Her Majesty is engaged in this geographical tour from south to north, and thence to the Republic of Chili, it would have been satisfactory to know what impression had been produced upon Her Majesty's mind by events in the east and the west. I should have liked all the points of the compass mentioned, and it does, my Lords, I confess, strike me as singular that no notice is taken of any of our foreign relations in other countries, although, if I am to believe very current rumours, those relations are not in every case of a very satisfactory character. It would not have been dissatisfactory, if it had been known to us what is going on at Teheran and Washington. These are not unimportant points, and I should have thought that some mention might have been made of our relations with the Shah of Persia, from whose Court our Minister has withdrawn; and that something might have been said about our relations with the Cabinet of Washington, where those relations are in such a position that the recall of our Minister is said to have been demanded by the Cabinet of Washington. These, I should have thought, are matters of sufficient importance to have justified at least a passing notice in the Speech from the Throne; and if Her Majesty was unable, as She has done on most previous occasions, to inform us that all our relations with Foreign Powers were amicable and friendly, it might, at least, have been intimated to us whether there was any, and what, danger of a rupture of our relations with Asia and the West. Her Majesty's Government, however, have not thought it expedient to open this subject at all, and I am therefore very unwilling to deal with it; but, so far as I can collect as to our rupture with the Court of Teheran, it appears to be of so slight and trivial a character that, unless it is an indication of altered feeling on the part of the Persian Government, prompted by sympathy with Russia, I could almost have forgiven noble Lords opposite for not having introduced any allusion to it. But the case is far different as regards the United States. There is no country in the world with which we are bound by such ties of close and intimate relationship—none with which our commercial relations, exclusive of the ties of common language and laws, are so vast and important—none with which a war would be so mutually suicidal as with the United States. As to the United States I can excuse no such omission. I do not suppose that all the language we see used by the American press, and which would be wholly unworthy of the dignity of a great country, is adopted by the American Government; but if that Government have made the representations to the Legislature which they are reported to have made, then I think our relations with America are most threatening, not to say most alarming. With regard to what is called the Clayton-Bulwer Treaty, relating to Central America, so far as I am able to judge, I agree with Her Majesty's Government in the explanations they have given; nor, looking to that Treaty and to the circumstances which preceded it, can I conceive that a different construction can be put upon it from that put upon it by Her Majesty's Government. A dispute concerning the interpretation of a treaty is not, however, one which ought to excite great alarm as to the consequences; it is of all things in the world a most fitting subject for reference to the arbitration of a friendly Power, and I trust there can be no apprehension of the rupture of friendly relations on this account. I wish I could speak as confidently with regard to the other question of dispute; because, although I think every *amende* and every apology have been made by Her Majesty's Government, I cannot conceal from myself the fact that the Government have, in the first instance, given just and reasonable cause of complaint to the Government of the United States. When the Foreign Enlistment Bill was under discussion, one of the main objections brought against the measure was, that we should, in all probability, involve ourselves in constant disputes with those Powers whose subjects, without their concurrence, we were seeking to enlist; and, say what you please, and guarded as may be the language of the Bill, it is indisputable to my mind, that in carrying out the provisions of that Foreign Enlistment Bill, if you do not infringe upon the letter, you have proceeded in opposition to the spirit of the municipal law of the United States. I deeply regret that the Government should have been betrayed into such an error, and I do not wonder that at a period of great popular excitement it should have aroused angry feeling and a sense of insult on the part of perhaps the most susceptible nation in the world on the question of their institutions. At the same time I will entertain—I will not say confidence, but hope, founded on the sound common sense of that great and intelligent community, that when the first feelings of indignation and of anger have passed away—when the cause for which agitators are striving to inflame the public mind shall have ceased to exist—they will calmly and deliberately consider the unintentional character of the offence in the first place given, and will be content with that full and ample apology which I understand Her Majesty's Government has made to the offended dignity of the United States, and which I think any great nation, truly conscious of its own strength, would accept as a sufficient reparation for the wrong done. I therefore venture to entertain the hope that in that quarter more friendly relations will exist, though, at the same time, I must say that I think Her Majesty's Government would have acted more wisely, with a view to soothe any angry feeling, and to pave the way to more friendly relations, if they had inserted in Her Majesty's Speech a conciliatory paragraph applying to the people of that great country, instead of passing over the subject in a contemptuous way, as though it were unworthy a moment's consideration.

My Lords, upon the latter portion of the Speech I am not disposed to offer any lengthened remarks. Her Majesty informs us that "there are many subjects connected with internal improvements," which She recommends to our attentive consideration. With this recommendation of subjects to our serious attention, which would lead us to suppose that they are of importance, there might, I think, have been coupled some little information as to what those subjects were. I hope it was not intended to limit our consideration to those four questions with regard to which, with somewhat unnecessary and unusual tautology, we are informed that measures will be proposed to us. I do not undervalue the importance of the questions suggested for the consideration of Parliament; some of them are, perhaps, matters of national importance; others are matters in which the intervention of Parliament is required, for the purpose of remedying the somewhat bungling legislation of past Parliaments. But there are other topics of perhaps greater difficulty and importance which, I think, might have been mentioned. For example, the education of the people of this country will, perhaps, be considered as more worthy of allusion than many of the questions introduced into the Speech; but I suppose these topics are introduced as being most easily dealt with, on the principle that—

> "Quæ
> Desperat tractata nitescere posse relinquit."

In conclusion, I will only say, that I do not intend to offer the slightest opposition to the unanimous adoption of this Address. I do not propose to offer any amendment, though I think the Speech itself might be re-written with advantage. But not being responsible for the matter, or for the style, which I leave to Her Majesty's Government to settle among themselves—concurring with the general policy of conducting these negotiations with arms in our hands—of consenting to no peace except a just and honourable peace, and one which will effect the objects of the war—of carrying on the war for not one single moment after those objects are accomplished, but of carrying it on with unflinching perseverance and undaunted courage up to the time when, either with or without those who call themselves our Allies, those objects can be obtained by this country—assuming, I say, that this is the spirit of the Speech, I will not only give no opposition to the Address in answer to it, but the noble Earl (the Earl of Clarendon) may depend upon me and my friends in carrying out such a policy as I have described, and abstaining from taking any ungenerous advantage, which circumstances might afford us, to embarrass Her Majesty's Ministers.

My Lords, there is another subject to which no reference is made in Her Majesty's Speech, but to which I wish to call the attention of your Lordships, because, in my opinion, it involves a question of the deepest constitutional importance. We have heard that Her Majesty has been advised to confer upon an individual, distinguished for his eminent ability, the dignity of the peerage, but that that peerage is limited to the life of that distinguished person. It appears to me, my Lords, that that peerage has been conferred most unnecessarily and gratuitously as far as regards the limitation for life, because the distinguished person on whom it has been conferred has no son, nor is he likely to have one. A peerage, therefore, of such a description can only have been conferred in order to try the prerogative of the Crown. Now, my Lords, without venturing to discuss the constitutional side of the question, I may venture to say that when it is sought to exercise a prerogative, or supposed prerogative, of the Crown, of such a nature, such a subject ought not to be passed over in silence on the first night of our meeting. It is a prerogative which has never been exercised for a space of 300 or 400 years—one which during that space the greatest sticklers for prerogative have never ventured to advise, and which those who have been most desirous to swamp your Lordships' House have never dared to recommend. The gratuitous assumption of such a prerogative is a matter for the deepest consideration, and I earnestly exhort all your Lordships—for the subject is one which concerns all, and which especially affects the constitutional liberty of the country—to carefully consider whether you will, or can, or ought to submit to the exercise of a prerogative which has been dormant for many years, and which, as I believe, at no time your Lordships' House has ever sanctioned as conferring a right to sit and vote in Parliament. I do not wish to discuss that question, and I trust that it will not fall to my lot to do so, but rather that it will fall into the hands of those who are far more experienced in constitutional law, and much better able to deal with such subjects. I trust also that it will fall into other hands for different reasons. This is a question which should be discussed in such a manner as to exclude all suspicion of anything like party feeling; and if the subject were brought forward by one in the position which I have the honour to hold, party motives would in all probability be attributed to him. I trust, therefore, as I have before said, that this duty will fall into the hands of those much more able to undertake it than I am, and I hope that Her Majesty's Government will, without previous notice, taking into consideration the importance of the question, give us a *locus standi* by laying on the table of your Lordships' House the patent of peerage which Her Majesty has been advised to confer on the distinguished person to whom I have referred. That patent will necessarily be produced when that learned person takes his seat in your Lordships' House, and it is most desirable that the subject should not be discussed upon that occasion. I say, therefore, that we ought to have the patent laid upon the table as a formal *locus standi*, in order to obviate the great inconvenience of discussing this subject in the presence of the person chiefly concerned, and I hope that Her Majesty's Government will not object to laying the patent upon the table.

THE EARL OF CLARENDON, who was very imperfectly heard, was understood to say, that the noble Earl had addressed several observations to Her Majesty's Government in reference to the topics contained in Her Majesty's Speech, to which he wished to take an early opportunity of replying, and that he would begin with the latter topic adverted to by the noble Earl in reference to our foreign relations, namely, that connected with the differences which had arisen between Her Majesty's Government and the Government of the United States. With reference to both the questions which formed the groundwork of those differences, he begged generally to express his entire concurrence in the views of the noble Earl. With respect to the first of the points in dispute between the two Governments, he thought there could be no two opinions as to the common-sense view of the obligations of the Bulwer-Clayton Treaty. It was simply as to the legal interpretation that any difference of opinion could take place. Entirely taking the same view as the noble Earl, that when differences of this kind arose between two Governments correspondence was generally useless as a means of settlement, he had lost no time in making the offer to the United States Government to refer the whole question in dispute to any third Power that might be willing to undertake the reference, both parties agreeing to be bound by the decision. This offer, he regretted to say, had not been accepted by that Government; but he had since renewed it, and he thought it was so plain and so obvious that this was the fairest and the most rational mode of settling the difference, that he earnestly hoped that that offer would in the end be accepted. With respect to the other point of difference which had arisen between the two Governments, he must say that he concurred in the opinion expressed by his noble Friend that the Speech from the Throne should be as little like the President's Message as possible by entering into the details of pending negotiations; he thought that to bring such details prematurely under discussion was the least likely mode of promoting a friendly solution of existing differences. He considered that a subject of this nature ought not therefore to be referred to in the Speech from the Throne unless the Government were prepared at once to lay all the correspondence that passed between the two Governments in regard to it upon the table. But as that correspondence was still in progress, to produce it on the table of the House would possibly tend rather to prevent than to promote a satisfactory solution of the difference, and Her Majesty's Government would have ill served the public interest if they had advised Her Majesty to make allusion to it. The most recent demands of the Government of the United States arrived only two days ago, and to lay it on the table would be only to disturb the public mind without any necessity. The charge brought against the British Government was this. On the breaking out of the war numerous applications had been made to the British Minister in America from British subjects and from the subjects of other Powers residing within the territory of the United States for permission to join the Foreign Legion in the service of England. Some of these applications were made from feelings of loyalty towards the Queen, some on account of deep political interest in the cause, and some from other motives. In consequence instructions were sent to the Governor of Nova Scotia directing him to consider whether such persons, desirous of enlisting in the British service, could be lawfully received in Halifax; and he was instructed that, however desirous Her Majesty's Government were to obtain recruits, they were still more desirous that there should be no violation or infringement of the municipal law of the United States. These instructions were communicated to Mr.

Marcy, the United States Foreign Secretary, and he was satisfied with them. Soon after, an agent appeared in the United States and said he was authorised to raise recruits for the British Government; but Mr. Crampton, Her Majesty's representative at Washington, at once disavowed him, and made known to Mr. Marcy the instructions which he had received on the subject from Her Majesty's Government, and desired that it might be made known that the British Government did not recruit or raise soldiers in the United States; and Mr. Marcy expressed himself satisfied. The passage of persons wishing to go to a British colony to enlist was paid, and Judge Kane laid down the rule that to pay the passage of men to a foreign port and then enlist them was no violation of international law. Those persons whose passage to Canada was paid went as volunteers, and were perfectly free from any engagement, and, upon arriving there, they were not bound to enter into the British service, and, in point of fact, a large number of them preferred undertaking work in Canada. Undoubtedly a correspondence of a not very amicable character had taken place between the two Governments; but the transactions to which it refers were bygone transactions. It was in the month of July last, after Mr. Buchanan wrote to him (the Earl of Clarendon) bringing the matter under the consideration of the Government that he stated explicitly for the information of the Government of the United States that Her Majesty's Government never had the slightest intention of violating or infringing the law of the United States — that they regretted if it had been done, and that the agent who might have so violated or infringed any such law, had done so contrary to the wishes and against the instructions of Her Majesty's Government. Finding that it would be impossible in any way to procure men from the United States without giving offence to the Government of that country, or running the risk of directly or indirectly infringing the United States law, orders were sent to put an end to all such proceedings, and this was done before the receipt of Mr. Buchanan's note. Any difference, therefore, that might exist as to this point had reference, as he had said before, to bygone transactions only, and, like the noble Lord, he could not believe that, between two nations bound together by so many ties of blood and interest, and which had so long maintained amicable relations, such a question was not capable of a speedy and amicable solution. With the judgment and tact and straightforward conduct of the British Minister at Washington, Mr. Crampton, the Government had every reason to be satisfied. He would answer for it that that gentleman never had intentionally, and he believed he had never even unintentionally, infringed the law of the United States; and if that law had been infringed by others it was entirely without his knowledge or concurrence, and entirely against the intention or wish of Her Majesty's Government. Under these circumstances, therefore, he hoped and believed that this question would be speedily brought to a satisfactory solution, provided that on the part of the Government of the United States there existed the same good will and the same desire to terminate the matter amicably as were intended by Her Majesty's Government. At the same time he did not consider that that object would be promoted by making allusions to the subject in the Speech from the Throne, and thus prematurely inviting discussion upon it. He was sorry that his noble Friend opposite should so entirely have mistaken the feelings of the Government of Her Majesty as to think that the absence of such allusion arose from any slight, or was the result of any want of appreciation of the importance of the question, for he could assure him that such was not the fact.

Next, with regard to the surrender of Kars. He thought it was hardly necessary for him to say that he fully concurred in the eulogium which his noble Friend had passed upon the valour, and, above all, the moral courage and patient endurance which had been displayed by the brave garrison by whom that place had been so long and so nobly defended, under such adverse and trying circumstances. At present, all he would add further upon that point was, that all the papers connected with that event—from the first occupation and fortifying of the place, and from the period when Colonel Williams was sent by the British Government to aid in its defence to the day of the surrender—would be laid before Parliament at the earliest moment; and he would ask their Lordships to suspend their judgment until they should have had an opportunity of reading those papers as to the manner and the degree in which the blame attaching to that melancholy event should be apportioned. There was one other topic in relation to this subject, to which, however, he thought it necessary to advert. His noble Friend had alluded to the reports, which had certainly been in extensive circulation, that assistance had been withheld from Kars in consequence of a feeling said to exist in the mind of the French Emperor and the French nation, that England had personal objects to serve in that part of Asia. To those reports he could give the most unqualified contradiction. If the opinion obtained in France, or in any portion of the French press, that England desired to carry on the war in Asia Minor for the purpose of promoting English interests, he now gave to it the most unqualified contradiction, as he did, also, to the report, that any such feeling had been expressed by our Ally the Emperor, or by the French Government. In entering upon this war the British Government had in view only the general interests of Europe, and in support of these interests she was prepared to continue it if the negotiations now about to be opened should not result in a safe and satisfactory peace. With regard to these negotiations for peace, he was sure their Lordships would feel that it would be indiscreet of him, on the present occasion, to give their Lordships more information on the subject than he should be strictly justified in doing; and as Her Majesty in Her Speech from the Throne had indicated the course which had been pursued, he need scarcely add that the Government, fully relying on the support of Parliament and of the people of this country, were prepared, if necessary, to carry on the war with the utmost vigour, and with far greater means for insuring success than they had hitherto possessed. At the same time they had never at any moment been disinclined to listen to proposals of peace, and they had been all along most anxious to bring the struggle to an honourable and satisfactory conclusion. But it certainly was not for either England or France to make overtures to Russia for that purpose, and he thought they could well understand, and he had almost said respect, the motives which might have induced Russia not to make overtures directly to us. Austria, however, was in a position to proffer her good offices, and the time she chose for doing so —namely, at that period when winter had put a stop to all warlike operations—was certainly not inopportune. But it was no mediation that Austria offered. The offer of Austria was to ascertain and make

known to the Government of St. Petersburgh the terms upon which the Allies would consent to make peace; and he must do the Austrian Government the justice to say that from the first she admitted the necessity of making these terms clear and precise, in order to preclude the possibility of their being evaded, and the negotiations that might be founded upon them not being brought to a successful issue, but also to prevent those misunderstandings and complications which last year had placed Austria in a painful position. It would not accord with the sense of duty which actuated the Government of Her Majesty to refuse this offer; and however confident they might be, from the extent of the preparations which had been made, that another campaign would have increased the military fame of England, or have led to a treaty of a different and more comprehensive character, such anticipation would have been no justification for prolonging a war when there appeared to be a reasonable prospect that the specific objects for which the war was undertaken might be accomplished. Notwithstanding, therefore, the statements which had been put forward to the contrary, notwithstanding the spirit which now animates this country, his belief was that the cool judgment and right reason of the people of England would support Her Majesty's Government in upholding the propositions of Austria as the basis of peace, and in continuing the war should the negotiations fail. The original proposal of Austria was to communicate the terms, whatever they might be, to Russia, on her own responsibility; but it would have been useless for Austria to send those terms to St. Petersburgh without the sanction of the Allies; they were, therefore, first submitted to England and France, and their concurrence having been obtained, they were made to Russia. Here let him say, that there was no disrespect intended either to Sardinia or Turkey by omitting to mention them from Her Majesty's Speech. Her Majesty's Government was deeply sensible of the courage and good faith which Sardinia had exhibited from the beginning, and of the generous manner in which she had embarked in the contest, and fulfilled both in the letter and the spirit the conditions of the treaty into which she had entered. But in making the announcement to Parliament that negotiations for peace were about to be opened, it was thought sufficient for Her Majesty to declare that, in concert with Her Allies, she had thought it advisable to accept the offer the Emperor of Austria had made, to endeavour to bring about an amicable adjustment of the matters at issue between the contending Powers. Austria, however, had herself become a party to the terms proposed, and had, in fact, made herself responsible for them. She had entered into an engagement with the Allies to break off diplomatic relations with Russia in the event of her propositions being rejected; and then to concert with the Allies as to the best means of coercing Russia into a peace. The Austrian Minister at St. Petersburgh was sent with these terms, to which he was directed to receive only a categorical answer—yes or no. He was simply the bearer of a despatch; he was forbidden to discuss its contents, and he was on no account to admit any modifications or counter-propositions whatever. The answer of Russia was transmitted to Vienna; but it was found not to be in the form required by Austria, but contained some material alterations; and the Austrian Government thereupon informed the Russian Minister at Vienna, that unless a categorical acceptance was received within the stated period the Austrian Minister and the whole Austrian mission would leave St. Petersburgh, and passports would be sent to the Russian legation at Vienna. That was communicated by Prince Gortschakoff to his Government, and the result was, that the acceptance of the propositions of Austria by the Russian Government, "pure and simple," was telegraphed, and a despatch was received at Vienna, he believed on the 24th, to that effect. The substance of it was communicated to Her Majesty's Government the day before yesterday, and the plan which is proposed to be adopted is this—that the terms which have been accepted by Russia shall be agreed to by the representatives of the Allies at Vienna; that the representatives shall then sign a short protocol, agreeing that the preliminaries shall be signed at Paris; that an armistice shall be entered upon, and that the provisions of the treaty shall then be determined. Though he was sure the House would not insist upon his entering further into the subject, in alluding to the terms of the treaty, or in alluding to the duration of the armistice, he felt called upon to take that opportunity of stating that he fully agreed with his noble Friend that the armistice should be of the shortest possible duration. He had now informed the House of all that he thought ought, in the present state of affairs, to be made known. It was impossible to deny that much doubt and anxiety was still felt as to the result. It was impossible to deny that much doubt existed as to whether Russia was sincere in her desire for peace, and the readiness with which she had accepted the propositions, after having at first rejected them, and the manner in which she acted last year, after accepting the four points as a basis of negotiation for peace, were urged in support of those doubts. It was not, however, for him to explain the intentions or analyse the motives of the Russian Government—he could only hope they were sincere—he was sure it was for their interest to be so. Russia desired peace, and he thought the Emperor of Russia had exhibited great moral courage in accepting terms which he believed to be distasteful to the war party in that country. He hoped he would continue to exhibit that moral courage, and that he would, without any attempt at evasion, abide by the letter and the spirit of the engagements into which he had entered. Should such fortunately be the result, he thought there was a prospect of speedily obtaining that which throughout has been the object of the war—a safe and honourable peace. But by honourable peace he meant honourable to both sides; because a peace dishonourable or degrading to Russia would not be a safe, because it could not be a desirable peace. For his own part he thought that Russia, in accepting the propositions of Austria, had accepted conditions which could cast no stain upon her honour. She must be aware that the aggressive policy which had been imputed to her had long been a source of irritation and alarm to Europe; she now knows that it will be resisted, and that it is upon that account she had been required to give, and had consented to give, guarantees for respecting the integrity and independence of the Ottoman Empire. He said there was no dishonour or degradation cast upon Russia by the acceptance of these terms; the only dishonour would be in the evasion of them. But the sincerity of England in these negotiations had also been called in question. Their Lordships would be aware that throughout the Continent England was accused of insincerity in consenting to those conditions; it was said that although she had consented to them, she meant, nevertheless, to continue the war, not because she had any definite object in view in doing so, but because she expected that another campaign would be productive of a more abundant harvest of military glory, which would compensate her for the sacrifices she had made. He noticed this charge first, because it was widely circulated; next, because it was pretty generally believed; and, thirdly, because he was desirous of giving it, on the part of Her Majesty's Government, the most unqualified contradiction. However much he might be aware of the war spirit that animated the country, and however much it might be regretted that such vast preparations as had been made—preparations such as there had been no instance of before in the history of this country—should not be turned to account, and made to redound to the enhancement of the military and naval fame of England, he was convinced that the number of persons who entertained those feelings would rapidly diminish, provided that we obtained the full measure of the conditions to which we had agreed. But should any attempt be made to delude us of the conditions which we have a right to demand, and to which we have already agreed, then he believed the people of this country would be united as one man—he believed there was no sacrifice which the people of this country would not make to carry on the war with greater vigour and determination than ever, and then they would be entitled to expect conditions of a very different nature from those which Her Majesty's Government have accepted, and to which, therefore, they will faithfully and honourably adhere. There was another motive which induced him on the present occasion to allude to these rumours, and he hoped he might allude to it without being accused of presumption, although there was something personal to himself in it. Her Majesty had been pleased to command that the negotiations on the part of this country should be conducted by him (the Earl of Clarendon): and however gladly he would have declined this honour, and however unaffectedly mistrustful he must feel of his own ability to conduct negotiations involving so many difficult questions and such complicated interests, he had not hesitated to obey Her Majesty's commands, and to devote to the public service such experience as he might have gained in the office he had now the honour to hold upon the questions which would come under discussion. But whatever power of usefulness he might possess would, he felt, be entirely extinguished if it were thought that he undertook a mission or was capable of undertaking a mission, with any other object than that of endeavouring honestly to bring it to a successful issue. Acting on the part of Her Majesty's Government, he should enter on the duties of this mission with an earnest desire for peace, and in the belief that the terms which formed the basis of the negotiations were capable of affecting it; and it would be with deep and unfeigned regret he should find himself compelled to withdraw from them under the conviction that peace was impossible on terms consistent with the dignity and honour of this country. And he thought he might say, without any violation of official reserve, that the feelings of Her Majesty's Government in this respect were entirely shared by the Emperor of the French; and it would not, perhaps, be considered presumptuous in him to say that of the judgment, firmness, and moderation, the honourable and straightforward conduct of that illustrious Sovereign it was impossible to speak in terms of too high praise. The Emperor of the French desired peace, but he would make no peace that was inconsistent with the honour and dignity of France; and, pending the negotiations, he, like Her Majesty's Government, was determined that the military and naval preparations should go on not only with uninterrupted, but with increased activity, so that both countries might be fully prepared to renew the war on the very day it should be known that negotiations for honourable peace had failed.

EARL GRANVILLE said, that there was one subject mentioned by the noble Earl (the Earl of Derby), to which he was desirous of alluding. The noble Earl had stated that Her Majesty had conferred a life peerage upon a certain learned Judge, and that creation the noble Earl described as illegal, unconstitutional, ill-advised, and as one to which their Lordships' House should not submit. The noble Earl expressed the hope that when this question came to be discussed it would be discussed without any intermixture of party spirit. He (Earl Granville) reciprocated that hope. There was no Lord in that House so base as not to feel an interest in every matter which concerned the constitution of the House of Peers. The noble and learned Baron came into the House unfettered by any political pledge whatever, and without any previous understanding with Her Majesty's Government. The noble Earl had said that he hoped the discussion would be left to the noble Lords learned in the law. He (Earl Granville) thought that the Crown had only exercised an undoubted prerogative, and any legal knowledge which the House could derive from the noble and learned Lords would no doubt be advantageous; but he must express the hope that the House would not follow the advice of the noble Earl (the Earl of Derby), and that all their Lordships would take part in the discussion of the question, which was one of great constitutional importance, affecting the real utility and dignity of their Lordships' House.

Lord CAMPBELL also hoped all their Lordships would take part in the discussion, and not limit it to the law Lords. It affected one as much as another. He (Lord Campbell) entertained extreme doubts whether what had been done was lawful, and whether it could be done, if desirable, without the authority of Parliament—without a new law to alter and establish precedent. He thought it was expedient that that should be discussed. It might turn out that it was within the prerogative of the Crown, and then their Lordships would only have to consider whether the prerogative of the Crown had been wisely exercised or not.

The Earl of DERBY explained that what he had meant to say was, that he was very desirous of having the question settled; and, with that object in view, that it might be introduced by some Member of their Lordships' House who was more cognisant of the law on the question than he could possibly pretend to be. In the absence of his noble and learned Friend (Lord St. Leonards), he would take that opportunity of stating that his noble and learned Friend would probably introduce the matter to the House on Thursday next.

Motion *agreed to, Nemine Dissentiente*; and a Committee was appointed to prepare the Address. The Committee withdrew; and, after some time, Report was made of an Address drawn by them, which, being read, was *agreed to*, and ordered to be presented to Her Majesty by the Lords with white staves.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, January 31, 1856.

Minutes.] New Writs (*during Recess*).—For Huntingdonshire, *v.* Viscount Mandeville, now Duke of Manchester; for Totnes, *v.* Lord Seymour, now Duke of Somerset; for Wells, *v.* Robert Charles Tudway, esq., deceased; for Southwark, *v.* Right Hon. Sir William Molesworth, bt., deceased; for Lincoln, *v.* Charles Delaet Waldo Sibthorp, esq., deceased; for Meath, *v.* Frederick Lucas, esq., deceased; for Armagh, *v.* Ross Stephenson Moore, esq., deceased.

New Members Sworn.—For Armagh, Joshua Walter M'Geough Bond, esq.; for Renfrew, Right Hon. Edward Pleydell Bouverie; for Hertford, Right Hon. William Francis Cowper; for Wells, Hedworth Hylton Jolliffe, esq.; for Totnes, Earl of Gifford; for Kidderminster, Right Hon. Robert Lowe; for Southwark, Vice Admiral Sir Charles Napier; for Huntingdon County, James Rust, esq.; for Lincoln, Gervaise Tottenham Waldo Sibthorp, esq.

New Writs (*now Ordered*).—For Taunton, *v.* The Right Hon. Henry Labouchere, Secretary of State; for Leeds, *v.* The Right Hon. Matthew Talbot Baines, Chancellor of the Duchy of Lancaster; for Wigtonshire, *v.* Viscount Dalrymple, Manor of Northstead; for Edinburgh, *v.* Right Hon. Thomas Babington Macaulay, Manor of Hempholme; for Newcastle-upon-Tyne, *v.* John Fenwick Burgoyne Blackett, esq., Manor of Northstead; for Rochester, *v.* Hon. Francis John Robert Villiers, Chiltern Hundreds; for Cambridge University, *v.* Right Hon. Henry Goulburn, deceased; for Midhurst, *v.* Right Hon. Spencer Horatio Walpole, Chiltern Hundreds; for Tamworth, *v.* Captain John Townshend, now Marquess Townshend.

Public Bill.—1° Outlawries.

THE QUEEN'S SPEECH.

Message to attend Her Majesty: the House went; and being returned—

Mr. SPEAKER *reported*, that the House had that day been to the House of Lords, when Her Majesty was pleased to make a most gracious Speech to both Houses of Parliament; and that, for the sake of greater accuracy, he had procured a copy thereof.

The right hon. Gentleman then read the Speech to the House.

THE ADDRESS IN ANSWER TO THE SPEECH.

Mr. BYNG: Sir, In rising to move that an humble Address be presented to Her Majesty, in reply to the gracious Speech which we have this day heard read from the Throne, I feel that it would ill befit the respect due to this House, and the importance of the occasion on which Parliament re-assembles, were I not to solicit the kind attention and favourable consideration of hon. Members, not only on account of my own inexperience in addressing this assembly, but also for the sake of those momentous topics to which I shall have occasion to refer. The events of the last five months are so pregnant with recollections of pride, gratification, and sorrow, that the pen of the historian, and the calm and dispassionate judgment of posterity, can alone render them that meed of praise which is their due. But, while on many subjects connected with the past, differences of opinion and diversities of criticism may fairly be supposed to exist among us, there is one point on which I would fearlessly appeal to the judgment of the House, feeling convinced that upon that head nothing but the most perfect unanimity will be found to prevail in this assembly. It is that we, the British House of Commons, in the joint name of the British people, while humbly acknowledging the mercy of Him from whom alone come victory and defeat, are anxious to tender our grateful thanks to those brave men who, having for upwards of eleven months endured the perils and fatigues of an arduous siege, with no more cheering alternations in their round of duty than the duties of the trenches, and the sufferings of the hospitals, who having endured cold and hunger, and exposure to an extent almost unparalleled in the annals of modern warfare, have finally obtained the reward of their patient heroism and endurance by the capture of one of the strongest fortresses that ever defied attack. Associated with the recollections of the heroes of our own army are the recollections of those gallant Allies who for upwards of two years have vied with us, not alone in feats of arms and personal daring, but in the more gentle and agreeable offices of mutual kindness, friendship, and cordiality. At the same time it would be invidious to make no mention of an alliance of a more recent date with a Sovereign who, surrounded by difficulties of no ordinary magnitude, and in the midst of a series of domestic sorrows, has won not only the affection of his own subjects, but the respect of strangers, by his constitutional sway, and by his love of freedom, and who, thinking it right to throw his influence into the scale of justice against wrong, has on the fields of the Crimea cemented his alliance with the Western Powers by the blood of the hardy and chivalrous people over whom he rules. While, however, upon these subjects, we have, doubtless, good reason for mutual pride and congratulation, there is a sad reverse of shade in this otherwise bright picture of the past. We have to recollect the many gallant lives that have been sacrificed in this contest; we have to remember the many happy homes now darkened by irreparable losses; and we have to regret that it has not pleased an all-wise Providence to permit that brave and gallant old man, who died as he had lived in the discharge of what he believed to be his duty, to witness the final triumph of that army which he loved, and by which he was so deservedly beloved in return. There must also be a feeling of regret among many of us that but scanty justice has been done to one who, having earned by personal merits in Eastern warfare the reputation of a distinguished soldier, accepted a command which he neither solicited nor wished for, and which command he felt compelled to resign under an accusation of incompetency—a verdict, however, which, pronounced by so many of his contemporaries, the calmer judgment of the future will, I think, hardly ratify. I allude to one who was justly termed the right arm of the late Sir Charles Napier in his Eastern campaigns—to one who owed his high position in the army neither to political patronage, nor aristocratic influence, nor Court favour; and, although in any future war, it is possible that a more fortunate commander may be found, I doubt whether an English army will ever be led by a more high-minded, a more upright and conscientious officer than Sir James Simpson. If, however, in the vicissitudes and trials incidental to a state of warfare, we have to deplore the loss of the good and the brave—if we have to regret errors committed or opportunities thrown away—how much is there also to remind us that the people of this country, both high and low, both rich and poor, have been tried alike for no common or unworthy purpose. If ever there was a war which was entered into, not for any scheme of national aggrandisement, and only after the failure of a long and patient series of negotiations had proved to us that there was no other course which we could adopt in equity or in honour, this war has been that one. If ever there was a time when the people of this country cheerfully and cordially supported the Executive in the belief that we were one and all embarked in a cause which admitted of no abandonment or drawing back—if ever there was a time when private munificence endeavoured to administer to the comforts of our troops abroad, and to alleviate the poverty and the sufferings of those who were necessarily left behind by their natural protectors—if ever there was a time when woman appeared a ministering angel, cheerfully resigning the luxuries and comforts of home, braving discomfort, sickness, and death, in soothing the agonies of our stricken national defenders, that time has been the period of this war; and the history of the last twelve months will testify how much good has been mercifully associated with some great and undeniable evils. Turning, then, thankfully, from the past, I hope I shall not be considered presumptuous if I venture to say that we may look to the future hopefully and confidently. A proposal, containing certain elements for negotiations, having been adopted by France and England on the one hand, has been submitted, on the other, by a great Germanic Power, to the consideration of Russia, and has been accepted by that country unconditionally and unreservedly, as we have every reason to believe. I am aware that in cases of this kind it is difficult to preserve the just line between over-confident exultation and unnecessary mistrust. We should, no doubt, temper the great joy and thankfulness with which we hear that the hand of the Destroying Angel seems to have been stayed, and that we may hope to return to those peaceful occupations and pursuits in which we were engaged for a period of nearly forty years previously to the breaking out of the war—we should temper that joy and thankfulness with the recollection of former unsuccessful negotiations, and the conviction of the great uncertainty that must prevail wherever diplomatic deliberations are concerned. If, however, we now calmly consider the relative chances of peace and war, and the consequences which may result to us from either the one or the other, so far as human foresight will permit, I venture to think that there is no cause among us either for despondency or for fear; for we have this day heard from the Throne the gratifying intelligence, that, notwithstanding the pressure and the burdens incidental to a state of war, the finances of the country are in a satisfactory condition, and that the revenue presents a favourable aspect. Should the details of the proposed treaty of peace correspond with the outline that has been submitted to our consideration, and with the sense which the English people are disposed to put upon them, I think that the objects of the war will thereby have been honourably and satisfactorily obtained, and that reasonable precautions will have been taken for the security of the future. If we could see the independence of the Principalities established—if we could see the protectorate which Russia has arrogantly usurped over the Christian subjects of the Porte abolished—if the freedom of the mouths of the Danube were ensured by a rectification of territory in that quarter, where it is so much needed—if we could effect a neutralisation of the Black Sea to the armed vessels of all nations—and if we could remove the standing menace which the armaments in that sea formerly presented to the integrity, not only of Turkey but also of Europe—I think we should all then admit that we have not fought in vain. If any conditions should be imposed on Russia beyond those specially named in the preliminary terms of peace, every one must hold that the safety and independence of the maritime Powers in the north of Europe is a subject which deserves the best consideration of the Western Powers, and that for that safety they are now more than ever bound to provide. Let us recollect how recently the interests of England, both commercially and politically, were identified with those of Sweden and of Norway, and we shall be the better prepared to see how desirable it is such a standing menace to the independence of neighbouring States which recently existed in the Black Sea should not be permitted to exist in the Baltic, to the detriment of the maritime Powers in that quarter. But should the preliminary outline submitted to the consideration of the Western Powers contain these bases of peace—although there is doubtless much that may be modified, altered, and improved upon in a complete series of negotiations—yet what I should wish to see recognised by the deliberate judgment of the House and the country is, that we have in them the elements of a safe and honourable peace. We must not, in the full flush of the successes that have attended the allied arms, forget the cause for which we originally took them up. We must remember that we did not take them up for the sake of obtaining any addition to our territory—it was not for the purpose of annihilating Russia—it was not for the purpose of effecting a repartition of the soil of

Europe, nor for any idle visions of fame—but we took them up to provide, as far as in us lay, for the independence and integrity of our Ally Turkey, and to stop the further advance of Russia in her path of ambition and conquest, by endeavouring to demonstrate, not only by the force of arms, but by an appeal to the judgment of the civilised world, that the verdict of the more right-thinking portion of Europe was against her. In any Conferences for peace which may be held, I trust that we may approach them in the same spirit as all must hope our antagonist will approach them. If we believe the terms proposed to be just, honourable, and indispensable, do not let us depart one iota from them, or shrink from maintaining a stedfast resolution to see the negotiations accelerated, and the terms finally adopted. On the other hand, do not let us be decoyed from the strict path of honour and moderation by any thirst for revenge, or dreams of further conquest. The moment that justice ceases to preside over our councils in this matter, shall we not have reason to fear that the same Nemesis which followed that mighty Sovereign who died in the midst of the struggle which he had so wantonly provoked might follow also upon our track? At the present moment it is difficult, if not impossible, to particularise the several negotiations that must ensue. We are told that the Conferences will be held in the capital of our august Ally; but their duration must necessarily be uncertain; but if, as we have every reason to hope, they are opened in all good faith and honesty of purpose on each side, I hope that during their progress Her Majesty's Ministers will meet from this House and from the country with that amount of patience and forbearance which is absolutely requisite under such circumstances. I would say, bear with them while the political horizon is obscure, and do not forestall that verdict which sooner or later the people of this country always pass upon those into whose hands they have committed great power and trust; but the moment that their task is accomplished, let the country, through its representatives here, pass upon them its formal judgment of approval or of condemnation. Should peace be happily restored—as God grant it may—on a firm and lasting foundation—let us hope that the judgment of this age, and the verdict of posterity, will severally record their approval of the course which England has adopted throughout this eventful contest, and that those whose fate it may be to chronicle the past will be able to say, and to say truly, that in the year 1853 Europe, through the weakness of a member of its body, Turkey, was menaced with a sudden and crushing danger; but that England, forgetting for awhile its labours, suspending those multifarious industrial occupations which had been the source of her pride and her wealth for so many years, addressed herself to arms, and united with her ancient enemy, France, to repel this dangerous and insidious adversary; and that sparing no pains, shrinking from no expense, contributing her best blood and her costliest treasure in support of her Allies, she persevered in her generous course, until, at the end of two years, when her warlike energies, long dormant, were beginning to be freely developed, and when those who were best able to pass an opinion upon the subject, ventured to predict for her arms further triumphs and greater victories, both by sea and by land, news came that the justice of her cause had been recognised, that her adversary was disposed to treat upon fair and reasonable grounds—and that England then, mindful of the objects for which she had done and suffered so much, presented to the world an aspect of equity and moderation, accepted with the same earnestness and sincerity terms of peace which she believed to be indispensable, as she had manifested in refusing others which those conducting her affairs believed would have proved nothing but a mockery, a delusion, and a snare, and that, under Providence, she was finally instrumental in restoring to the civilised world the blessings of peace. This, Sir, would, in my opinion, be a verdict worth striving for; but it is possible that so wished-for a consummation is as yet premature, and that upon entering into a narrower acquaintance with the questions at issue, we may find that it is intended to cheat us by diplomatic intrigue out of what we have won by the sword at the cost of so much precious treasure and yet more precious blood. Should such unhappily be the case, there is but one course which I should wish to see adopted; let us show to the world that, however sincerely, honestly, and anxiously desirous we were to stop the further progress of the war, and its consequent horrors and bloodshed, this country considers it absolutely necessary to continue the struggle till the object for which the war was commenced had been fully attained. Let the noble Lord (Viscount Palmerston) appeal to the patriotism of this House and to the good sense of the country, let us rely, as I know we may rely justly, and with the greatest confidence, upon that great branch of the service which, for want of a fair opportunity of distinguishing itself, has not yet fully brought into play all those multiform powers which it now possesses. Let us appeal again to that army, now inured to the dangers and hardships of war—and which, in point of numbers, discipline, courage, and enthusiasm may well vie with any force that has ever been despatched from these shores — that army which has the memories of such good and brave men as Raglan, Cathcart, Campbell, Shadforth, Egerton, and Yea, to cheer them on in the path of duty—while there will be the consciousness that in any future hour of danger and difficulty there will not be wanting men as self-devoted and heroic as those gallant spirits who have passed away in the midst of their duty. It is possible that, should the contest be prolonged, it may become arduous and eventful; but, under Providence, I do not think the issue can be doubtful; and if it should happen that the same Minister who was called to power in the moment of doubt and gloom be permitted to put an honourable termination to a war which, under his tenure of office, has been successfully conducted, I do not think it will form one of the least pleasurable or satisfactory reminiscences of a long life, so much of which has been passed in the public service. Difficult as it no doubt is to withdraw our thoughts from the one great subject which engrosses the attention of all classes in this kingdom, there are two paragraphs contained in Her Majesty's gracious Speech which I have heard read with great satisfaction, and I trust that the promises contained in them will, during the present Session, bear much valuable fruit. I would wish earnestly to see the law so simplified and amended as to render justice easy of access to persons of all ranks, and that its vexatious and iniquitous delays should no longer exist, and I hope that the good work commenced last Session with respect to the law of partnership and limited liability will be perfected, and be followed by measures that will be hailed with gratitude by thousands of persons in this country, who will through its agency find safe opportunities for the employment of their capital, so that by this means enterprise will be fostered and industry augmented. Gratifying as it is to hear so satisfactory an account of the condition of the country, I think we should do well to remember that it is possible that we may be called upon to endure further taxation and heavier burdens, to suffer the loss of further treasure and more life. It is for this reason therefore that I deem it impossible to overrate the importance of the present moment, big as it is with incident of incalculable importance to the welfare of the State. The peace of the civilised world, the progress or decay of those institutions which have humanised and ameliorated mankind—the future destinies of Turkey, the possible regeneration of Russia, the lives of thousands—I would almost add the happiness of every individual Member of this House—are trembling in the balance; and I earnestly trust that a higher hand, and a greater mind than ours—may guide our councils with wisdom, strengthen them with firmness, temper them with moderation, and, finally, in its own good time crown them with success. The hon. Member concluded by moving to *resolve*—

"That an humble Address be presented to Her Majesty, to convey to Her Majesty the thanks of this House for Her Majesty's Most Gracious Speech from the Throne:

"Humbly to congratulate Her Majesty upon the signal and important success which since the close of the last Session of Parliament the Arms of the Allies have achieved, and upon Sebastopol, the great stronghold of Russia in the Black Sea, having yielded to the persevering constancy and to the daring bravery of the Allied Forces:

"To thank Her Majesty for informing us that the Naval and Military Preparations for the ensuing year have occupied Her serious attention; but that, while determined to omit no effort which could give vigour to the operations of the War, Her Majesty has deemed it Her duty not to decline any overtures which might reasonably afford a prospect of a safe and honourable Peace:

"That accordingly, when the Emperor of Austria lately offered to Her Majesty, and to Her august Ally the Emperor of the French, to employ His good offices with the Emperor of Russia, with a view to endeavour to bring about an amicable adjustment of the matters at issue between the contending Powers, Her Majesty consented, in concert with Her Allies, to accept the offer thus made:

"To assure Her Majesty, that we participate in the satisfaction which Her Majesty expresses in informing us that certain conditions have been agreed upon which Her Majesty hopes may prove the foundation of a general Treaty of Peace, and that Negotiations for such a Treaty will shortly be opened at Paris:

"To thank Her Majesty for acquainting us that in conducting those Negotiations Her Majesty will be careful not to lose sight of the objects for which the War was undertaken, and will deem it right in no degree to relax Her Naval and Military Preparations until a satisfactory Treaty of Peace shall have been concluded:

"To thank Her Majesty for informing us that although the War in which Her Majesty is engaged was brought on by events in the South of Europe, Her Majesty's attention has not been withdrawn from the state of things in the North; and that, in conjunction with the Emperor of the French, Her Majesty has concluded with the King of Sweden and Norway a Treaty containing defensive engagements applicable to His Dominions, and tending to the preservation of the Balance of Power in that part of Europe:

"Humbly to thank Her Majesty for acquainting us that Her Majesty has also concluded a Treaty of Friendship, Commerce, and Navigation with the Republic of Chili, and to convey to Her Majesty our thanks for having directed that these Treaties shall be laid before us:

"To thank Her Majesty for informing us that the Estimates for the ensuing year will be laid before us, and that we shall find them framed in such a manner as to provide for the exigencies of War, if Peace should unfortunately not be concluded:

"Humbly to acquaint Her Majesty, that we participate in the gratification expressed by Her Majesty at finding that notwithstanding the pressure of the War, and the burthens and sacrifices which it has unavoidably imposed upon Her people, the resources of the Empire remain unimpaired:

"To thank Her Majesty for the confidence with which Her Majesty relies on the manly spirit and enlightened patriotism of Her loyal subjects for a continuance of that support which they have so nobly afforded Her, and for the assurance that Her Majesty will not call upon them for exertions beyond what may be required by a due regard for the great interests, the honour, and the dignity of the Empire:

"To assure Her Majesty that we will give our best attention to the several subjects connected with internal improvement which Her Majesty has recommended to our consideration:

"To thank Her Majesty for informing us that measures will be proposed for applying a remedy to the inconvenience which a large portion of Her Majesty's subjects engaged in Trade have experienced from the difference which in several important particulars exists between the Commercial Laws of Scotland and those of the other parts of the United Kingdom:

"To thank Her Majesty for acquainting us that measures will also be proposed for our consideration for improving the Laws relating to Partnership, by simplifying those Laws, and thus rendering more easy the employment of capital in Commerce:

"To express our humble thanks to Her Majesty for informing us, that the system under which Merchant Shipping is liable to pay Local Dues and Passing Tolls, having been the subject of much complaint, measures will be proposed to us for affording relief in regard to those matters:

"Humbly to assure Her Majesty that the other important measures for improving the Law in Great Britain and in Ireland, which Her Majesty informs us will be proposed to us, shall receive our attentive consideration:

"To assure Her Majesty that we unite with Her in fervently praying, that in these, and all other matters upon which we may deliberate, the blessing of Divine Providence may favour our Councils, and may guide them to the promotion of the great object of Her Majesty's unvarying solicitude, the welfare and the happiness of Her people."

MR. BAXTER said, it was not necessary for him to request, on the present occasion, the indulgence of the House, since the observations he should have to make in seconding the Address just moved by his hon. Friend would be brief—more especially as some of the remarks he intended to have made had been anticipated in the able speech which had been listened to with such attention by the House. The internal condition of the country was at present so prosperous, and within the last week or two our foreign relations had so changed for the better, that his task had been rendered a comparatively easy one. There had been periods in the history of Great Britain when, at the commencement of the Session, hon. Members had differed so irreconcilably upon matters of the gravest importance, as to have found it extremely difficult to agree upon the tenour or the precise phraseology of the Address to be carried to the foot of the Throne. He felt confident that upon this occasion no such difficulty would arise, and no such contrariety would be displayed; for Her Majesty had been able to meet Her Parliament with better tidings than might have been anticipated, in circumstances which afforded room for congratulation, reason for hope. However momentous and pressing might be some of the domestic topics on which they might hereafter be called to legislate, it was needless for him to say that public interest undoubtedly centred at the present moment upon the war—a war which, like that waged by this country 150 years ago against Louis XIV., might emphatically and justly be styled the war of the people of England. The people knew its origin, sanctioned its policy, watched its progress, and thanks to the efforts of the press had been made acquainted, day by day, with the most minute events; and had made up their minds thoroughly as to its objects; and if he should not be too much trespassing on the prophetic province of the hon. Member for the West Riding (Mr. Cobden), he would venture to say that the courage, manliness, and unflinching perseverance of the people were about to be rewarded in a manner that would give a great impulse to the cause of freedom, and "teach presumptuous kings." It was not at all surprising that there should exist, in a country of free discussion like this, a small party opposed to international contest; it was to be deplored that some persons, eminent for their moral worth and their great ability, should have been disposed last year to advocate peace on what the great bulk of the nation believed to be insufficient terms; but they were but as a drop in the ocean of public opinion—opinion founded, not as the hon. Member for Manchester averred, on popular ignorance, but upon popular intelligence, and embracing all grades of society from the peer of the realm to the artisan at his loom. Hon. Members might not be aware that almost the entire of the population of the four neighbouring counties to that in which he resided were engaged in the linen manufacture, a trade dependent for the supply of the raw material upon Russia. When war was declared they had therefore but a gloomy prospect before them, a prospect of ports deserted, of mills and factories closed, and thousands of operatives reduced to destitution; and yet even there so great was the sympathy of the people with the great bulk of the nation in their resolution to begin, and afterwards to carry on the war with vigour, and so strong was the manifestation of that sympathy, both by contributions to the Patriotic Fund and in other ways, that had any member of the Peace Society gone among them to promulgate his views, very few gentlemen would have been bold enough to have given him a safe conduct. They relied upon the justice of their cause. They were accustomed to count the cost in the first instance, and had counted it on this occasion; and great indeed would have been the sacrifices they would have made, or the calamities and suffering which they would have endured, before they would have agreed to proposals for peace of an unsatisfactory or dishonourable character.

It must be extremely gratifying to every British patriot, and to every man who not only looks back to the history of his country with pride, but forward with hope for the future, to observe the fortitude, the unanimity, and the noble spirit of self-sacrifice and devotion which had characterised the British nation at every step of this great contest. He felt that he was not going too far when he asserted that the conduct of Englishmen at the present time afforded a parallel to that of the Romans in the days of Horatius Cocles—

> " When none was for a party,
> But all were for the state :—"

for if ever the inhabitants of these three kingdoms had stood shoulder to shoulder, firm and united, it had been in their determination to resist the aggression of Russia, and relieve Eastern Europe and Western Asia from the constant fear and the constant attacks of a vast military despotism, which, founded on popular ignorance, on the serfdom of millions, and on official peculation, had been graphically described by the hon. Member for the West Riding in 1849, as "the most gigantic political imposture in all Europe." This unanimity of sentiment had displayed itself in harmony of action throughout the nation; and no one could have witnessed the proceedings in Parliament last Session, or throughout the country since the war began — no one could have read the speeches delivered during the past recess by various hon. Members opposite, without perceiving that Her Majesty's Opposition were prepared to give to Her Majesty's Government a high-spirited, patriotic, and single-minded support in carrying on this war. In this respect they had proved faithful to the traditions of a great party, they had acted on the advice left us as a legacy by the great Lord Chatham, and they had afforded a remarkable practical illustration of the magnanimous diction of the ancient Roman, *Non me impedient privatæ dissensiones, quo minus pro reipublicæ salute etiam cum inimicissimo consentiam.* It appeared to him that they had not any reason to feel a want of confidence in the firmness, the patriotism, and the public spirit, either of the nation or of the Government. In a trying and difficult moment, the nation had manifested a substantial and unhesitating confidence in the noble Lord at the head of the Government, who had served it in such a manner, that it was superfluous on his (Mr. Baxter's) part to say that those services had met with the ready acknowledgment and appreciation of his countrymen, and he trusted, therefore, that no efforts of party would be made at the present time to detract from them. He need scarcely remind the House of Commons that the same unanimity and harmony of action which had hitherto characterised the proceedings of Parliament, and the effect of which had been to enable Her Majesty's Government to carry on the war with vigour and success, were required as much, if not more, in the present posture of affairs. Russia had commenced the present war under the most favourable auspices. She was intimately acquainted with the country which was about to become the theatre of operations; she possessed a military system well organised in all its branches, and ready for immediate action; and yet, according to the opinion of those intimately acquainted with the country, she already begins to feel the ground fall away beneath her feet. The sufferings that had been endured by her soldiers in encampment and on march—by her agricultural labourers, deprived in many instances of the animals and the implements necessary for the cultivation of the soil—by her landowners, unable to extract their rents from a suffering peasantry—by her merchants, with their ports blockaded and their commerce ruined—were known only to Him who knew all things; but he thought he was not far wrong in his conclusion that the Czar, considering the losses he had sustained from the present war, added to that caused by the enormous quantity of land thrown out of cultivation, the cost incurred in transporting large bodies of armed men over barren wastes, having to meet at every point the combined naval and military attack of France and England, pressed on the one hand by an aristocracy which had no confidence in the stability of the social system under which they dwelt, and on the other by the representations of those who knew that Russia had far more to fear from the continuance of this war, and the consequent uprising of European nationalities, than from the arms of France and England; looking, he said, at all those circumstances, there was little doubt that the Cabinet of St. Petersburgh had been driven into a sincere desire for the establishment of peace. Russia, in fact, was in the same position as France found herself in 1693, one marshal victorious in Catalonia, another victorious in Piedmont, her commanders issuing their orders in the

Palatinate, her ambassadors assuring every Court of Europe that Louis never would make peace on the terms offered, and at the same time so exhausted by previous efforts that she was able to provide neither men nor money to carry on another campaign. With regard to the negotiations for peace, two things he thought would be required of Her Majesty's Ministers at the present crisis;—the first, a resolution to treat only as far as details were concerned, and not to deviate one jot or tittle from the principles laid down as the bases of negotiation; and further, not to submit to any delay, either in the assembling of the representatives of the various Powers, or the carrying on of the proceedings of the Conference. One thing was tolerably certain — namely, that the people did not want to see a repetition of what took place at Vienna last year. They wished to know, without any diplomatic subterfuge or reservation, and as soon as possible, whether or not Russia was prepared to accept the terms that had been offered to her—yes or no. The second thing which he thought the people of this country would require of Her Majesty's Ministers was, that, while they treated with their adversary for peace, they would omit no single preparation for carrying on the war with renewed vigour. Unless every means were taken to administer with vigour the affairs of the army and navy, and unless these peace proposals were not permitted to interfere with the conduct of the war, the noble Lord at the head of Her Majesty's Government must understand that he would have to encounter not only a powerful enemy abroad, but a dissatisfied people at home. In illustration of that point, the House would perhaps permit him to read an extract from Macaulay's recently-published volumes, describing a speech made by William III. to the House of Commons on the 20th of October, 1696, on the occasion of negotiations for a peace with France :—

> "Overtures tending to peace had been made; what might be the result of the overtures was uncertain; but this was certain, that there could be no safe and honourable peace for a nation which was not prepared to wage a vigorous war. I am sure (and here the historian quotes the *ipsissima verba* of William) we shall all agree in opinion, that the only way of treating with France is with our swords in our hands."

Adopting that view, and assuming this attitude towards Russia, he thought we should obtain a treaty as satisfactory as that of Ryswick—he thought there would be signed a second treaty of Paris, a treaty honourable to all parties, because founded on the eternal principles of truth and justice — a treaty which might — and God grant that it would — preserve the tranquillity of Europe during the lifetime of the youngest Member in that great assembly. On the other hand, by showing an over anxiety to bring about a pacification by omitting preparations for another campaign, by giving way at the council table on points which the people of this country considered of vital importance, by placing too great faith on promises which might be broken, and engagements which might be explained away, they would only delay a lasting peace, and render more deadly the war. If, as he had said, the people of Great Britain had given very striking evidence of their sense of justice and their firmness during the present contest, none the less conspicuous, it appeared to him, was the intelligence and moderation which they now displayed in regard to the terms of peace. Last year not all the eloquence of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) could persuade them to agree to the terms of peace offered by the Russian agents at Vienna, or restrain their efforts as long as the objects of the war remained unaccomplished. Now, he was equally persuaded that all the threats and harangues of foreign refugees and of agitators at home would fail to keep alive the flame of war when the people felt that as reasonable and honest men they had nothing left to fight for. The House would not expect him to examine at any length the conditions agreed to preparatory to the commencement of negotiations. Those articles had already found their way into all the newspapers from John o' Groat's to Cornwall, and formed the topic of conversation at every social hearth; it sufficed for him to say (and he believed he only echoed the sentiments of the great majority of his countrymen) when he said that the terms were honourable and creditable to their arms, and worthy of the Allies, commensurate with the efforts they had made. They afforded most ample recompense to France, England, and Sardinia for the sacrifices they had made. They opened up fresh fields to commercial enterprise: they marked a new era in the history of Europe and the world, an era when might would not be permitted to ride roughshod over right, and even when the most powerful and despotic of emperors would quail at the bar of public opinion. It would be very easy for him, as a commercial man, to expatiate upon other topics connected with the mercantile and commercial interests alluded to in Her Majesty's most gracious Speech; but the fact was, that even to men of business the war at the present moment was more absorbing than the ledger, and they thought more about Paris and St. Petersburgh, the mouths of the Danube, the Black Sea, the Baltic, and Sebastopol, than they did about shipping and commerce. There was no man, therefore, in such an assembly and upon such an occasion as this, who could expect to be listened to with patience, who did not confine himself exclusively to the great topic which agitated the nation. He would, therefore, at once conclude by most cordially seconding the Motion for the presentation of an humble Address to Her Majesty, in reply to Her Majesty's gracious Speech from the Throne.

Motion made, and Question proposed, "That," &c. [*See p.* 58.]

Mr. DISRAELI: Sir, I feel confident that I am only expressing the unanimous opinion of the House when I say that we must all agree with the hon. Mover of the Address, who has spoken to-night with conspicuous ability, in expressing the satisfaction and the gratitude which we feel towards Her Majesty for informing us this day from the Throne that She has acceded to conditions which, She hopes, may prove "the foundation of a safe and honourable peace." I think, too, I am not misrepresenting the feelings of the House when I venture further to say that it is with no less satisfaction that we have heard, in the gracious Speech from the Throne, that Her Majesty, in conducting the negotiations which must be the consequences of Her having acceded to those conditions, will not lose sight of the objects for which the war was undertaken. Sir, I do not feel that I am at liberty at present to attempt to enter into any criticism of the conditions which are referred to in the gracious Speech. We have indeed — notwithstanding the slight intimation which has been given us of their nature by the hon. Mover of the Address—no authentic information before us at the present moment on the subject of those conditions. There certainly has transpired in an irregular manner some information which no doubt has excited great interest; but, at the same time, we have been told that the conditions there stated are imperfect, and that much is intended which is not there communicated. Under those circumstances, therefore, it would be not only indiscreet, but it would be impossible, even if expedient, to enter into any criticism of what, after all, is only a political hypothesis. I am not intending by these remarks in any way to impugn the conduct of Her Majesty's Government in not communicating to the country in an official, authentic, and complete manner the nature of the conditions upon which they intend to insist, in order to secure the objects for which the war was undertaken. I take it for granted that they have acted, in the position in which they are placed, with the wisdom which becomes so great a responsibility. For my own part, Sir, I must express a hope that the House of Commons will, under these circumstances, exercise that prudent but high-spirited reserve, which, while it shrinks from embarrassing a Minister on whom is about to devolve the fulfilment of so difficult a duty, will at the same time watch with the utmost vigilance —I will not say suspicion—the course of all his proceedings. And, Sir, though it may be at the present moment impolitic, and, perhaps, impossible for the House of Commons to enter into a protracted discussion of the impending negotiations, yet I think no little advantage will be gained in the prosecution of these negotiations from the fact that the Parliament of England is in session. Although we may feel it our duty not to enter at this moment into a discussion of the terms which it may be the duty of the Allies to insist upon, I cannot but feel that the fact that Parliament is assembled will exercise a salutary moral influence on the Conferences; and I am sure that no Minister either in this or in any other country will, if we be silent, mistake our forbearance for indifference. There is another reason why I feel much satisfaction at the gracious assurance which we have this day received from the Throne, that in the attempt to conclude a peace the carrying out of the purposes for which the war was undertaken will be the object which Her Majesty's Government will seek to attain. We have on that subject had so many statements of a different character, and in a different spirit from individuals in office — and some of them the highest office — that it is a source of great satisfaction that, when Conferences are about to be opened under auspicious circumstances, we have in a document of such august authority as that which I have before me a definition of the business which will be conducted at those Conferences, more tending to the satisfaction of sober-minded persons than many of the statements which have heretofore been made by persons high in authority. It is but a short time ago—it was in the late Session of Parliament, but that is no long period when we are considering matters of such grave importance—it is but a short time since that in another place a noble Lord made a speech the professed object of which was to set forth the objects of the war, and that noble Lord assured the other House of Parliament that one of the objects of the war was to "vindicate the cause of the oppressed nationalities of Europe." What happened then? In a few days that noble Lord was invited to take one of the highest places in Her Majesty's councils. Of course, it is now obvious that the object of the Minister in giving that invitation to the noble Lord was that he should have his too-fervent enthusiasm subjected to the cooler atmosphere of Cabinet society; but, unfortunately, the people of England, and, I fear, those oppressed nationalities of which the noble orator was the advocate on that occasion, drew a different inference from his high promotion; and a misapprehension which might have led to very serious calamities has been prevalent throughout a great part of Europe. Sir, I shall make no reference to more recent statements respecting the objects and purposes of the war which have been made by other Members of the Government not occupying so exalted and responsible a position, except to say that I deeply regret them; and I think that those who have been so rash and inadvertent as to make such declarations will, after listening to the Speech which has been graciously delivered to-day, if they ever find themselves in similar circumstances, in future perhaps be induced to take a more temperate and moderate course. Sir, I regret that there are some gentlemen, both in and out of Parliament, for whom I have the greatest respect, who, after having taken a sound and satisfactory view of what should be the conditions of peace—namely, the accomplishment of the objects for which the war was undertaken—have still been induced, by what I cannot but feel to be a deplorable hallucination, to regret, while confessing that the objects of the war may be accomplished, that war should cease to proceed; and this, too, on a ground which appears to me to be scarcely one which can recommend itself to the sober consideration of any public assembly. We are told, that although we may have attained the objects for which we embarked in war, still it is expedient that the war should be continued in order to sustain or to increase the lustre of the arms of England; or rather, perhaps, because in the struggle that may, and which I trust will, soon cease, we have not achieved exploits so striking as those which illustrate some portions of our history. Now, Sir, the abstract principle that we ought to continue a war after having attained its objects, merely to gratify the vanity or to support the reputation of a community, is, in my opinion, one of a very questionable character; but I deny that in our present circumstances any application of that principle is possible. I, for one, will never admit that the lustre of our arms has been tarnished. It is not easy to find words to express the admiration which all must feel for the great qualities which have been exhibited by our troops throughout this struggle. It is not easy to describe the vast resources which we have at our disposal, and the energy which we have already displayed. I lay down as a principle, that the leading Powers of Europe should never engage in a war unless they are certain and predetermined to achieve victories, which may figure among what are called the decisive battles of the world, is really one of the most monstrous propositions that was ever addressed to the intelligence of a nation. To suppose, for example, that France or England is never to go to war unless she can be certain of achieving victories like Rocroi or Blenheim, Austerlitz or Waterloo, is totally to misunderstand the object for which great States should go to war. Instead of their being the vindicators of public law and the conservators of public order, you degrade them into the gladiators of history, and their brilliant achievements would only be crimes which might accomplish the ruin of this country. Therefore, Sir, I cannot at all admit that the principle that we ought to continue this war in order to obtain extraordinary results is one which we ought at all to sanction; and I am afraid that those in this country who fall into this fallacy are too much induced to do so by the taunts of foreign critics. But the very persons who indulge in those taunts are themselves the persons most persuaded of the substantial increase of the power of England. If you look to the authors of these statements respecting the decline of the *prestige* of England—I will not inquire who or where they may be—whether they are journalists who have become statesmen, or statesmen who have become journalists—you will generally find that they are the persons who are most competent to estimate the importance of England, and who are really the least inclined to undervalue it. They play upon the too easily excited susceptibility of the people of this country, and I will say of them, as was said of a great sceptic, that when they attempt to depreciate our achievements and our resources they really "tremble while they sneer." Sir, there is one paragraph in the Speech which I am sure will meet with the unanimous approval of the House. It is that to which the hon. Mover of the Address adverted with much eloquence, in which we express to Her Majesty our admiration of the "persevering constancy and the daring bravery" by which the stronghold of Russia in the Black Sea was reduced. I hope, Sir, that whatever may be our political differences, there will never in this House be any difference as to the sentiments of admiration with which we view the achievements and the exertions of our fellow-countrymen when they are supporting the honour and the interests of Her Majesty's realm. I think, however, that there is another siege not less distinguished by persevering constancy, and by daring bravery, although that constancy and that courage did not reap the reward which the assailants of Sebastopol have been so fortunate as to secure—I think, there is another siege which, on a night like the present, it would ill become the House of Commons to pass unnoticed and unnamed. I am not anxious on this occasion to call upon the Government for that explanation which of course will hereafter be demanded as to the circumstances which led to the mysterious catastrophe of Kars, but I hope they fully understand that that is a subject upon which this country and this House will expect and will require the most ample explanation. Let us at least, whether there be peace or whether there be war—let us express our admiration of those who, although they may have been unfortunate, were not subdued—let us express our sympathy for an energy, which was, perhaps, betrayed, and for a courage which we know was unsupported, and at a moment when we are called upon, and rightly called upon, to express our admiration of the great achievement which has rendered the names of the Allies illustrious in the Black Sea—let us vindicate the conduct of those who have so well deserved—if they have not attained—success in another quarter, and let us make our absent countrymen understand that it is not merely the man who achieves but the man who deserves success, who in this House is honoured. Sir, after the Address from the Throne to-day—after the grave expression on the part of Her Majesty with regard to the impending negotiation, it is impossible to resist the conviction that the prospects of peace are most favourable. It is true we may be disappointed; it is true that on this, as on previous occasions in our history, we may find that when the cup has reached the lip, the draught may yet not be quaffed. All this I admit, but we have at least the satisfaction of knowing that if Her Majesty fails in the negotiations which are now about to be carried on—if the conditions of peace of which the noble Lord is cognisant, but with which we are unacquainted, may not effect that great result which is now generally expected, and generally desired—we have the satisfaction of knowing that Her Majesty may appeal with confidence to Her Parliament to support Her in a renewed struggle, and that there is no sum which Parliament will not cheerfully vote, or Her people cheerfully raise, to vindicate Her honour and maintain the independence and interests of Her kingdom. It is with this conviction that our negotiators will enter upon their important duties. After the intimation from the Throne, the prospect of peace is one which I trust will not be dissolved. The hon. Gentleman who seconded the Address referred most justly to the exhaustion of Russia as the best security for peace at this moment. Under these circumstances, I cannot but hope that we shall soon have it, upon authority, announced that a general treaty of peace has been successfully negotiated; and that it will prove to be a treaty that will accomplish the objects for which the war was undertaken.

VISCOUNT PALMERSTON: I have waited, Sir, to the last moment before rising, being of course anxious, if any other hon. Member wished to express his opinions upon the subject under discussion, to reserve myself till I had learnt what might fall from him, that I might be in a position to reply to any observations which might be made. I must, in the first place, beg to express my thanks to my hon. Friends the Mover and Seconder of the Address for that strain of eloquence and good feeling, and, above all, for the ample consideration they have bestowed on the subject of that Address, a display of talent which, while it did honour to them, must, I am sure, have been particularly gratifying to the House. I hope that the specimens which they have just given us of their powers both of oratory and argument will only be the prelude to many other addresses in those debates that will hereafter take place in this House. I am bound also to say that nothing could be more becoming the position which the right hon. Gentleman who has just sat down fills in this House than the course which he has taken on the present occasion. I entirely agree with him, whatever may have been said or thought to the contrary, that, when great national questions are pending between the Government of this country and the Governments of other Powers, so far from the presence of Parliament being inconvenient or hurtful to the public service, it, on the contrary, gives strength and support to the Government while that Government is pursuing a proper and right course; and, on the other hand, it is a check upon any Government which may at any time entertain a wish to deviate from their duty. Therefore, though rumours were spread abroad that it was the intention of the Government to propose an adjournment of Parliament for a certain period, no such intention ever passed through our minds. On the contrary, I think it advantageous to the best interests of the country that it should have so happened that when the great question of peace or war was pending there should have been assembled the great council of the nation to give to the Government that support and strength which the welfare of the country may require to receive from it. The right hon. Gentleman has very properly pointed out to the House the course which he recommends it to pursue. In the present state of these matters it is not fitting that the Government should enter into any public explanation of the particular position in which the negotiation now stands. As soon as any step has been taken which shall place Her Majesty's Government in a position in which, consistently with their duty, they can lay before Parliament any statement of propositions actually agreed to, it will be their duty to give this House every information which the public interest will allow them to give. At the present moment this is not in our power. Sir, I concur entirely with those who have said that it would not be our duty to urge this country to continue the efforts and sacrifices of war if we are able to obtain now the accomplishment of those objects for which the war was undertaken. No doubt the resources of the country are unimpaired. No doubt the naval and military preparations which we have been making during the past twelve months, which are now going on, and which will be completed in the spring, will place this country in a position, as regards the continuance of hostilities, in which it has not stood since the commencement of the war. We should, therefore, be justified in expecting that another campaign—should another campaign unhappily be forced upon us—would result in successes which might perhaps entitle us to require—perhaps enable us to obtain—even better conditions of peace than those which have now been offered to us, and have been accepted by us. But if the conditions which we now hope to obtain are such as will properly attain the objects for which we are contending—if they are conditions which we think it is our duty to accept, and with which we believe the country will be satisfied—then undoubtedly we should be wanting in our duty, and should not justify the confidence which the country and this House has reposed in us, if we rejected terms of this description merely for the chance of obtaining greater successes in another campaign. These, Sir, were the feelings which actuated Her Majesty's Government. We felt, like many others in this country, that the future chances of the war were in our favour—we felt, like many others in this country, that the available resources of the enemy with whom we are contending were daily diminishing, while our resources, our preparations, and our means of carrying on the war were continually increasing. But, Sir, we felt that we should not be justified in rejecting overtures which promised the possibility of a safe and honourable peace merely for the prospect of obtaining even greater successes in another year of war. Sir, I think the country will approve the course which we have pursued. The country is in this position—if we succeed in obtaining a peace which will be satisfactory and safe, we shall reap the fruits of the efforts which we have made and the sacrifices we have endured. If, on the other hand, that end cannot be accomplished—if we can show to the country that there has been no fault on the part of those who had the conduct of the negotiations—I know there is in this country strength for continuing the war, spirit and determination to carry it on in a just cause until its full accomplishment. I feel convinced that that strength, when put forth, that spirit when aroused, will in the end accomplish those objects which we might have failed to accomplish by other means. Sir, it is impossible to speak or to think too highly of the brave men whose gallant exploits, patient sufferings, and unflinching courage and perseverance have had justice done to them by those who have taken part in this discussion. I agree entirely with the right hon. Gentleman opposite, that we have reason to be proud of the gallantry, the courage, and the daring exploits of our brave troops in the course of this war, and that we have no need to continue the contest to gain glory for our arms. The fight at Alma, the ridges of Inkerman, ay, and Balaklava and the Redan, too, are exploits which do the highest honour to the courage and bravery of our troops, and which prove that our soldiers of the present day are equal to any of those who have been crowned with laurels in former wars. Therefore, Sir, it is not for glory or for victories that this country need continue hostilities, if the objects for which we began the contest can be obtained by other means. The right hon. Gentleman has alluded to an event which undoubtedly excites feelings of regret mingled with admiration—the fall of Kars. A greater display of courage or ability, of perseverance under difficulties, inexhaustible resources of mind, than was evinced by General Williams, never was exhibited in the course of our military history. When that event comes to be discussed I think we shall be able to show that no effort of Her Majesty's Government was wanting to prevent that unfortunate calamity—a calamity, however, which was not attended by anything like defeat on the part of our gallant countryman or the garrison which he commanded, for it was the victors who were compelled to surrender, not by the force of the enemy's arms, but by the unfortunate want of those resources which were necessary to enable a city to endure a siege. It was a defeat most honourable to those who surrendered —more honourable than many successful resistances recorded in history. I can assure the House that Her Majesty's Government have taken all the measures in their power to obtain the exchange of General Williams and his brave companions for Russian prisoners at present in our hands, and I hope, whether hostilities continue or not, that such exchange in the regular course of such transactions will be effected. I shall not enter now upon those other questions of domestic interest upon which measures will be proposed to the House. I trust the House will give Her Majesty's Government credit for a determination not to overlook domestic improvement, although their exertions have been mainly directed towards preparations for war. The two subjects can proceed together, and I trust the measures which we shall feel it our duty to introduce in relation to the matters indicated in Her Majesty's Speech, will be found by the House to be conducive to the improvement and prosperity of the country, and as such will receive the early and favourable consideration of the House. It is stated in Her Majesty's Speech that the Estimates will be presented to you framed in a manner to provide for the exigencies of war in the unfortunate event of a peace not being concluded. It is our intention to lay on the table those Estimates framed upon a war basis, but we shall only ask for a portion of the sums to be voted—that is, only provision for a short period—so that, should peace be re-established, the Government and the House may come to an understanding as to what diminutions an altered state of circumstances may render proper. I should have wished to delay anything which I might have to say until I was quite sure that no further observations would be made which might require a reply, and I hope the House will adopt the spirit in which the right hon. Gentleman (Mr. Disraeli) has addressed it on the present occasion by acting unanimously, and by abstaining from those more detailed criticisms which, although perfectly justifiable upon all great public matters, might in the present case lead to misconception and misrepresentation in other quarters—I mean, of course, abroad. I hope, therefore, that the House, by following the course which the right hon. Gentleman has so honourably pursued, will show to the world that, while the people of England are desirous of restoring to Europe that peace which, both from principle and from national interest, they feel to be essential to their welfare, they are determined so far to place confidence in those who for the moment are responsible for the conduct of the national affairs that they will not impede or embarrass negotiations by premature discussions, but reserve to themselves the right which Parliament and the people of this country undeniably and inherently possess to call to strict account those who are intrusted with the conduct of public affairs—to confirm those acts which have been done in conformity with duty, and to manifest their displeasure if their confidence has been misplaced. It is with that feeling that we are prepared to undertake these negotiations. We trust that we shall be able to show that in the course of those negotiations we do not abandon any principle, or forego any object which the country has a right to expect us to stand by; and, on the other hand, we shall be found to have shown that spirit of conciliation which the country is entitled to expect, and that we are not actuated by any spirit inconsistent with that which should animate the representatives of a great country when entering upon an important negotiation like that which is about to commence.

MR. ROEBUCK said, the noble Lord had just stated that the assistance of Parliament during negotiations was a matter of very great importance, but that Parliament was not to express any opinion with regard to them. He (Mr. Roebuck) wanted to know what the noble Lord meant? The noble Lord had told the House that they were to put confidence in him, and trustingly rely upon his protecting the interests of the country; and that if he should deceive them, Parliament might punish him by way of revenge. In other words, the Ministers of the Crown offered themselves to Parliament as a recompense for the loss of the nation's interest and honour. The loss of the Ministers' heads was to be regarded as an equivalent for the loss of our honour and interest. It was his opinion that Parliament was there assembled to watch over the interest and honour of England; and although the details of the negotiations had not been presented to them by the Ministers, yet, in their deliberative capacity, hon. Gentlemen, knowing what the honour and interest of their country demanded, had a right to chalk out to Ministers the course that they ought to pursue. The right hon. Gentleman the Member for Buckinghamshire, had said that he would not enter into a disquisition on the subject of these negotiations, and for that abstinence he gave a very good reason. He (Mr. Disraeli) said he did not know the principles on which the negotiations were about to be entered into. Now, he (Mr. Roebuck) was in exactly the same state of darkness as that right hon. Gentleman; but he did know, or he fancied that he knew, that England's interest demanded, and he thought it was the duty of that House to require, that the course which Ministers ought to pursue with reference thereto should be pointed out to them by Parliament. The noble Lord had not in the least told them what they were to expect, but he concluded by saying that, as the representatives of the people had placed him in power, they ought to repose confidingly in his wisdom, prudence, and honour. But he (Mr. Roebuck) had not that confidence in the noble Lord, nor did he believe that the people in this country had. They had seen a great country brought imprudently into a great war. They had seen that war inefficiently conducted—and it became their duty to say that the country must not be permitted to come out of that war with disgrace. The noble Lord had talked of the objects for which we entered into war, but he had not told them frankly, honestly, and candidly, as he ought to have done, for what we really did enter into war. But feeble and humble as he (Mr. Roebuck) was, he would attempt to supply the place of the noble Lord in that respect. He would tell the House what he firmly believed we entered into that war to gain. He would then discuss the mode in which we conducted that war, and then he would endeavour to show—and the House would appreciate—what sort of confidence the noble Lord was entitled to with respect to these negotiations. It appeared to him (Mr. Roebuck) that we entered into the present war for the interests of humanity. He might be accused of using large terms unworthily, and of using language that was not called for; nevertheless, he would persist in maintaining that we entered into war in defence of the interests of humanity. Russia, ever since the reign of Peter, who was miscalled the Great, had pursued one course of aggression. She had, by fraud and by force, extended her power and dominion. We had stood by—we had looked on—we had shamefully allowed her to pursue her course without let or hindrance. But the cup that was thus being filled became full to overflowing, and what was the last drop that made it overflow? In the east of Europe there was a Power whose existence was of importance to England, and that Power was Turkey. The dominions of Turkey were situate between the acquisitions of Russia and our dominions in Asia. Once in Constantinople—once in possession of the Asiatic territories of Turkey—Russia would be formidable to England in India. Do not let them fancy that Russia was not aware of that. Russia knew very well why we entered into the present war, and it did not become us to be the only people blind in the matter, for the world was well aware of what we were fighting for. Russia, in pursuance of her system of aggrandisement, at length threatened the very existence of Turkey. She not only thrice threatened, but she actually violated the rules of international law, and crossed the Pruth. Then it was that England, taking fright, at last saw that this tremendous Power was becoming dangerous to England. We allied ourselves with France. With that alliance we imagined that we should be able to cope with this great Power in the north of Europe. Therefore he contended that our object in entering into the war was to prevent Russia from acquiring such a preponderance in Europe as would enable her to override both France and England. England, more especially, was bound up with the civilisation of mankind. Her interests were the interests of humanity. Anything that militated against her interests, militated likewise against the interests of humanity. And what did we do to prevent Russia from acquiring the dreaded preponderance in Europe? We entered into war at a moment when we were totally unprovided with the means of carrying it on. We sent a fleet to the Baltic that was truly magnificent, but at the same time it unhappily was wholly unfit for the purpose for which it was sent forth. We sent an army to the East, as if we intended the destruction of that army, for we landed it upon a most pestilential spot, with respect to which we had already been warned. We then, without any preparation, threw our army upon the shores of the Crimea. But for the press of this country, whose statements were confirmed by hon. Members of that House, that army would have dwindled away, and not a single soldier would have survived. The army of England would have been as a thing that had disappeared from the face of the earth, and then we should have had the noble Lord's head to have compensated us for the loss of our army. He (Mr. Roebuck) was now going to touch upon a delicate matter. The right hon. Gentleman the Member for Buckinghamshire had alluded to certain observations which had not been made in public—which he (Mr. Roebuck), at least, had never heard in public or read in the press. There could be no doubt, however, that these observations were frequently made in private. We were told that we must enter into this peace because our Ally—our great Ally—our "big brother," as he was called—chooses to lead the way. He (Mr. Roebuck) denied that that was the truth. Time had been when this country stood alone. When the greatest warrior that the world ever saw—the Great Napoleon—made Europe resound with his conquering legions, England stood alone, and she conquered. Shall it be said that now, with all the appliances which modern science had given us—with a fleet that the world never saw equalled, with an army greater than any English general ever commanded—shall it be said that we are not able to cope with Russia when we coped with Napoleon? If such had been the language held by our Administration—if they had held up their heads and exhibited a front which England demanded of them, could any one suppose that we should now have been driven into peace, when, as the noble Lord himself acknowledged, if we had fought the next campaign, we should most probably be in a much better position? For let us understand the position in which we now stand. We were suing for peace. He used the word "suing" advisedly. Kars had fallen. Before the Redan the English army had been repulsed. An English navy had come a second time from the Baltic without a single act accomplished. Our arms had been tarnished. Let not hon. Members suppose that he was speaking disparagingly of the gallantry of our army. He recollected what had been said of it—that it was an army of lions, led by jackasses. That expression, he thought, accurately described our army. And that was the state of things in which we were seeking for peace, and if peace be obtained now with all these sacrifices, will not Russia, he asked, have reason to rejoice? There had been arrayed against her the greatest nations in the world, but what conquests had they achieved? Not only two but four nations were arrayed in battle against her, and yet the whole of those four armies were cooped up in a corner in the Peninsula, and held at bay there; and, in fact, was not Sebastopol as much out of our reach now as it was the year before? Could it be said, then, that our arms had achieved triumphs sufficient to compensate us for all our labour and cost in the war? If peace were now agreed to, would it redound to England's glory? He did not like to take upon himself the character of a prophet, but he thought that if peace, preluded by such a war, were entered into, Russia would be in Constantinople in ten years; and when she is there the Black Sea is hers, Asia Minor would be hers, then Persia. Affghanistan would follow, and then she touches on India. That is what we are afraid of—that is what she is looking to, for the aggrandisement of Russia tends to the acquisition of the Indian peninsula. Well, then, shall it be said that when this northern avalanche threatens destruction we shall enter upon such a peace as we are told we are about to conclude? And now he would ask what protection it would give against the aggression of Russia? We have coined a new word—the "neutralisation" of the Black Sea. Last year we were told, when the noble Lord the Member for the City of London (Lord John Russell) was made the scapegoat—when the Four Points were derided—when the Conferences of Vienna were laughed at, and when the noble Lord retired, he might almost say ignominiously, from the Administration of the noble Viscount—that the terms of Russia with regard to the Black Sea could not be listened to. But he wanted to know what difference there was between those terms and the proposed neutralisation of the Black Sea? Did it mean that the forts in the possession of Russia in the Black Sea are to be razed, that Nicholaieff was to be abolished as a fortress, and that we mean the Sea of Azoff to be considered a part of the Black Sea? Suppose Russia chooses to build gun-boats at Nicholaieff. Is that to be a *casus belli?* and, if so, shall we get our grand Ally again? Those gunboats would come into the Black Sea; they would get under the guns of Sebastopol and beyond our reach, and in twenty-four hours they would be in Constantinople. Now, what was to prevent it? Why, we are to have consuls in the Black Sea to tell us what is to happen. Negotiations are to take place, protocols are to follow; but meanwhile the gunboats are to be built and brought under the guns of Sebastopol, and we shall be laughed at for our pains. He wanted to know if we were to have another campaign, if we drove Russia out of the Crimea, and if, discarding that pretended liberality which says we are not going to take any territory from Russia, we were to take the Crimea from her, and erect the Principalities, including Bessarabia, into a kingdom,—he would ask, if we did that, should we not then have some protection against Russia? But for all those things we have now no guarantee. As it is, the power of Russia is as intact in Constantinople, as it was at the beginning of the war. It is true that Russia has now no fleet in the Black Sea, but she may begin to build a fleet of gunboats, and where shall we be then? The honour and interests of England are now in the keeping of that House, and it becomes the duty of hon. Members to watch over the negotiations, to know every step that is taken and every proposition that is made. It has been said that Paris is a desirable place for the Conferences, because it is so near; but that is an additional reason why we should now interfere, in order that we may not only stop the perpetration of any mischief, but interfere for purposes of good. Parliament will best watch over the interests of England by calling for explanations at every step of the proceedings, and by giving blame where blame is deserved. We must ever remember that we are dealing with a Power in which we can have no confidence—which has schemes of aggrandisement propounded a century ago, and ever since steadily pursued by her rulers. He therefore called upon the House to watch carefully over the negotiators and the negotiations of Paris.

Mr. STAFFORD said, that since the House had separated, he had visited all the hospitals in the East to which our brave troops were sent, from the fine hospital of Renkioi to the furthest hospital in the Crimea; but sanguine as his expectations were of the improvements made in them, they were surpassed by the reality. Not only were the patients in those hospitals supplied with every necessary and comfort, but he might even say with every luxury which they could wish for. In answer to his inquiries, he heard nothing but expressions of satisfaction and gratitude to the country that cared so well for her soldiers. He could also bear the same testimony to the improvement which had taken place in the transport service. He could speak from experience, because, having come from Balaklava in a transport ship, with a cargo of sick and wounded, he could say that nothing could be better than the ventilation, diet, and medical attendance of the patients. Such a state of things was highly gratifying to him as a spectator, and could not be less so to the noble Lord who had brought it about, and to those Members of the last Government under whom so many of these reforms were organised and commenced. Whether we had now war or peace, we could say to every recruit and every regiment—"All the miseries and evils of war that can be mitigated shall be mitigated by the solicitude of your country." If peace came, there would be some consolation in reflecting that, whatever errors and mistakes might have been made at the commencement of the war, at its conclusion we should leave both our hospitals and our transports worthy of the imitation of every civilised and humane Government.

SIR DE LACY EVANS said, that while agreeing with much that had fallen from his hon. and learned Friend (Mr. Roebuck), he could not agree with him in thinking that we felt any alarm for our territory in India from Russian aggression. It would be prejudicial to the interests of this country, if foreign nations and governments supposed that to be the case. It would also be unjust to the enlightened spirit and patriotism of the people of this country to suppose that we had entered into war from any such motive. It might be that the Russian Government had designs of possessing itself of the countries bordering upon our Indian territory, but if she pursued that ambitious policy we had great powers and means of resistance. For himself, he did not see the slightest ground for being alarmed at Russian projects in that quarter. The country had entered upon the war with the desire of protecting the rights of nations, of defending civilisation, and protecting the principles of international law, and more with regard to Europe generally than on her own account. The subversion of our power in India would not be by any means an immediate result of the acquisition of Constantinople by Russia, but the people of this country thought such an acquisition by Russia would be most dangerous to the independence of every nation of the world. France also had a far greater interest than England in preventing the establishment of Russia in the Dardanelles; for, if she succeeded in effecting that establishment, her power would become great in the Mediterranean, from which, although we certainly possessed a few rocks there, it was more important to France than to England that she should be excluded. England, with her great commerce and powerful navy, would be the last Power in Europe to feel the influence of the aggrandising policy of Russia, and therefore it was much to her credit that she had so steadily and with such determination maintained the general interests of humanity, and greatly to her honour to be one of the most forward nations in fighting the battle of Europe in this war. He was rather surprised at the speech of the right hon. Gentleman the leader of the Opposition. It certainly was proper for the right hon. Gentleman, as a possible future Minister of State, to exercise great discretion upon the topic of negotiations, but he thought the right hon. Gentleman had carried his complaisance to his opponents a little further than was required by the interests of the country. That part of the noble Lord's (Viscount Palmerston's) speech to which his hon. and learned Friend had referred, with regard to the convenience of the negotiations going on during the session of Parliament, was not easy of explanation. He believed the country looked upon the conditions of peace which had been offered as the very minimum which could be accepted by us, and it was important that Europe should know that the people of England, although the prospect of peace was very dear to them, were perfectly prepared to proceed with the war with still greater vigour than they had yet displayed, and that the resources of England, instead of being exhausted, were only now about to be fully developed. Those resources had hitherto been most inadequately and incapably developed, but if the war were carried on they would display themselves to far greater advantage than they had yet done. The military service had not been at all adequately brought forward; it was marvellous how bungling had been the efforts of the present Government to bring it forward. Their performances with regard to the army and the militia had certainly been miserably deficient in comparison with the Estimates they had presented to the House last Session. He believed that the number of our forces, independent of those in India, was now about 200,000 men, of whom not more than about one-fourth were engaged in the East. Where, he wished to ask, were the rest? They were either not employed at all, owing to the extreme mismanagement of the military departments, or they were dispersed in different parts of our dominions. Many thousands were in the Colonies, doing nothing but police duty, and from which service they could be well spared. It was desirable to let the world know that this country had not yet displayed its force, and that if an inadequate peace were accepted, it would not be because it had not the power of insisting upon better terms. He would not, however, enter into the conduct of the military departments at greater length, because he should have a more legitimate opportunity of doing so when the Estimates were laid before the House. He knew nothing of the conditions upon which the negotiations for peace were to be opened, except through the usual public channels of information; but he must avow that, judging from what he had there seen, he could not perceive in those conditions any guarantee for a secure peace. He did not mean to say there was not some little concession, but there was not sufficient, nor could he see that Austria had done much besides her offer of mediation, for she had not actively engaged in hostilities, and shed no blood, and spent but little money. As regarded affairs in Asia, he must declare his opinion that there the *prestige* of England had been materially injured. ["Hear, hear! and no, no!"] Yes, he repeated, in Asia the *prestige* of Great Britain had been materially injured — and he would deeply lament if some advantages in regard to Asia could not be obtained. He had no wish for the acquisition of territory, but it was not because he disclaimed that, that he would not be anxious to compel a Power which had wrongfully taken so much from her neighbours to give back a little of the spoil. They ought not to be content with a slice of Bessarabia when they saw how much Russia had taken from Turkey during the last thirty or forty years. He thought it was impossible to impress too strongly upon those engaged in the negotiations about to open, that England, at all events, did not desire peace from any want of power, even if she were alone, to prosecute and carry on the war. His hon. and learned Friend had called attention to a period when England met the greatest warrior of all time in defence of public right and public law; and, as at that day, should any unforeseen or unexpected cause induce our great Ally to be more desirous than we were for a speedy peace, in his (Sir De L. Evans) opinion our naval and military resources were amply sufficient to carry on the contest with, he believed, final success and great advantage to civilisation.

LORD JOHN MANNERS said, he felt that the circumstance of the noble Lord (Viscount Palmerston) having spoken, entirely precluded him from saying one word in the way of criticism, either on the conduct of the war, or in regard to that diplomacy which was expected to issue at the present juncture. On that subject he quite concurred in the remark of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). The hon. Mover of the Address, who had expressed himself with so much force and ability, said, with regard to the Five Points which had been under discussion, not only that he was himself in favour of them, but that he believed the great majority of the people of this country would be perfectly satisfied with a peace concluded on that basis. Now, while he (Lord J. Manners) did not, as he had already intimated, wish to enter into any discussion whatever as to the nature of those proposals, he must guard himself against being supposed to consider them as fulfilling the objects for which the country entered into the war. If it turned out that those proposals secured the independence and integrity of the Turkish Empire in Asia as well as in Europe; if it turned out that they secured the independence of the eastern littoral of the Black Sea, as well as of the western; if it turned out that they would restore the *prestige* which this country had unquestionably lost in Asia; if it turned out that they would bar the march of Russia to Constantinople through Asia as well as through the Danubian Principalities, then, indeed, should he concur in the eulogy which had been passed upon them by the hon. Gentleman, and he should rejoice from the bottom of his heart that a peace of that nature were the result. But if, on the other hand, the great object for which this country entered into the war were not secured by a peace based on those proposals—if Russian *pres-*

tige were not diminished in Asia; if Constantinople would still be open to Russia by the same route that Marshal Diebitch took in 1827–28, and General Mouravieff might take now; if Turkey were not secured in her eastern as well as in her western territory; all he could say was, that he would express no opinion in favour of such a termination of the war—should feel no gratification at a peace which was concluded on so inefficient and unsatisfactory a basis.

SIR HENRY WILLOUGHBY said, he was anxious to call the attention of the House to a single point, which appeared to him to involve a constitutional principle. He understood the noble Lord (Viscount Palmerston) to say that there was an advantage in that House sitting while the negotiations were going on. Now, he had always understood that the entire responsibility of such negotiations rested with the Executive, and that that House ought not to meddle with them. It should therefore he thought, be distinctly stated, what were the intentions of the Government with regard to the matter. Did they mean to place on the table of the House, from time to time, the various documents relating to the negotiations, or did they mean to conduct the negotiations on their own responsibility, in accordance with the principle which had hitherto regulated the negotiations of this country with foreign Powers? If a new principle was to be adopted, the sooner that was understood the better; but, for his own part, he believed it would not be safe to abandon the old rule, that the Executive must carry on the negotiations on its own responsibility. Of course after the negotiations had terminated, the House would take whatever course it might consider best for the interests of the country.

VISCOUNT PALMERSTON: What I said appears to have been entirely misunderstood. What I meant to say, and what I think I did say was, that it would be a great matter for the Government in carrying on these difficult negotiations to have the support of Parliament—to have Parliament sitting and employed at the time—so that if the Government want the support of Parliament they may apply to it immediately. What I said was, that, under such circumstances, the Government would derive great support from the great Councils of the nation. But I also stated distinctly that it is the duty, and that it was the intention of the Government, not to shrink from the full responsibility imposed upon them to conduct the negotiations with which they are charged. I never meant at all to throw on the House of Commons that responsibility which properly belongs to the Queen's Ministers. I repeat, I only said it would be a great advantage to the Government, if they wanted the support of Parliament, to be able at once to obtain it if Parliament thought the Government deserving of it.

MR. HADFIELD said, he hoped that in the important negotiations which were about to be carried on, the commercial interests of the country would not be neglected. After all the sacrifices which the country had made there did not appear as yet to be a single stipulation with reference to those interests, and as it was by means of the commerce of the country that such great contests as the present one were maintained, he thought that commerce was entitled to great consideration. Attention to such matters would do more than anything else to prevent the recurrence of war, and to secure prosperity, not only to themselves, but even to their enemies, by promoting "peace and good will" among nations.

MR. V. SCULLY said, he wished to call the attention of the noble Lord at the head of the Government to the fact, that while Her Majesty's Speech had adverted to important points in connection with England and Scotland, nothing was said about Ireland. Notice had been given of three Bills having reference to Ireland, but nothing had been said upon the great question which excited so much interest throughout that country.

Question put, and *agreed to.*

Committee *appointed,* "to draw up an Address to be presented to Her Majesty upon the said Resolution:"—

MR. BYNG, MR. BAXTER, Viscount PALMERSTON, The CHANCELLOR of the EXCHEQUER, Sir GEORGE GREY, Sir CHARLES WOOD, Mr. VERNON SMITH, Mr. ATTORNEY GENERAL, Mr. SOLICITOR GENERAL, Mr. HORSMAN, Mr. LOWE, Mr. BOUVERIE, The JUDGE ADVOCATE, Mr. COWPER, Mr. WILSON, Mr. HAYTER, and Mr. FITZROY, or any Five of them.

Queen's Speech *referred.*

House adjourned at half after Seven o'clock.

HOUSE OF LORDS,

Friday, February 1, 1856.

Minutes.] *Sat First in Parliament.* — The Marquess Townshend, after the Death of his Cousin.
Took the Oaths.—Several Lords.

THE ANSWER TO THE ADDRESS.

Her Majesty's most gracious Answer to the Address was *reported* as follows :—

"My Lords,

"I thank you for your loyal and dutiful Address.

"I rely with Confidence on your cordial Co-operation in all Measures which I may consider necessary to maintain the Honour and Dignity of the Empire, and to promote the permanent Interests and Welfare of My People."

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 1, 1856.

Minutes.] Public Bills. — 1° Partnership Amendment; Joint-stock Companies.

TENANTS' COMPENSATION (IRELAND) BILL—QUESTION.

Mr. VINCENT SCULLY said, he would beg to ask the noble Lord at the head of the Government what were the precise intentions of Her Majesty's Ministers as regarded the Tenants' Compensation (Ireland) Bill; and whether it was intended to introduce it as a Government measure, and pass it through its several stages early in the present Session?

Viscount PALMERSTON: Sir, it will be in the recollection of the House that last year a Bill upon this subject was brought in by an independent Member, which at his request was afterwards adopted by Her Majesty's Government, and that we undertook to do all we could to carry it through the House. We redeemed our pledge; we made every effort which we could to induce the House to pass the measure, but we met with difficulties from quarters where we least expected them. And, indeed in truth, I am obliged to say, that some of those difficulties have proceeded from the very quarter from which the request had been made that we should undertake the conduct of the measure. A good deal of time was spent in discussions upon the subject which resulted in no successful issue, and certainly the encouragement which we received last year was not such as to induce us to undertake the same task in the present Session. Under these circumstances I have to state, that it is not the intention of the Government either to propose any measure upon that subject, or to take charge of any such measure if it should be brought forward by an independent Member.

THE GUARDS' MEMORIAL—QUESTION.

Viscount GODERICH said, he wished to ask the hon. Under Secretary of State for War whether the attention of the noble Lord the Secretary for War had been directed to a memorial lately addressed by the colonels of the respective regiments of Foot Guards to Her Majesty the Queen; and whether it was the intention of the Government, in consequence of the representations of that memorial, to make any alteration in the warrant regulating promotion and retirement in the army, dated the 6th day of October, 1854?

Mr. FREDERICK PEEL said, that the memorial in question had been brought under the consideration of the Secretary for War, and the delay that had occurred in answering it had arisen from the necessity of going carefully into the statistical returns on which it was based. But he (Mr. Peel) was already able to say that the inquiry into those comparative tables had been carried far enough to show that the memorial had been founded on an error in calculation; and that there had, in reality, been no such difference as the memorialists supposed in the promotion of officers of the Guards and of officers of the line. He could not say, therefore, that there was any prospect of an alteration being made in the warrant of the 6th of October, 1854, in consequence of that memorial.

ALIEN ACT—COLONEL TÜRR—QUESTION.

Mr. T. DUNCOMBE said, he wished to inquire whether it was the intention of the Government to introduce any Bill for the alteration or amendment of the laws affecting aliens. He also wished to ask whether it was true that the release of Colonel Türr by the Austrian Government had taken place, and whether that officer was at liberty to return to the employment of the Crown of England? The noble Lord, perhaps, would at the same time have the kindness to state what steps were taken by Her Majesty's Ministers with respect to that gross violation of international law, as regarded Turkey, and insult to the Crown of England?

Mr. ROEBUCK: Perhaps the hon. Member will allow me to suggest an addition to his question.

Mr. T. DUNCOMBE: Perhaps my hon. and learned Friend will amend my question after hearing the reply of the noble Lord.

Viscount PALMERSTON: With regard, Sir, to the first question of my hon. Friend, I have to state that Her Majesty's Government have at present no intention of proposing any new law upon the subject. As to the second question, I have the satisfaction of stating that the result of communications which have passed between Her Majesty's Government and the Government of Austria has been that the Austrian Government have declared themselves ready to deliver up Colonel Türr to any military authority which may be authorised by this country to receive him, and he will therefore be perfectly free to perform any duty which may be assigned to him. With regard to the request to have the whole of the communications which have passed between the two Governments, I think the House will be of opinion that, as the matter has ended in a satisfactory manner by the liberation of Colonel Türr, it is useless going into those details. The question was not altogether so simple as my hon. Friend imagines. It was complicated by a great variety of conflicting circumstances. All I can say is, that while, on the one hand, the Austrian Government have insisted on the assertion of certain rights, on the other hand they have shown every disposition to meet the wishes of Her Majesty's Government as far as was consistent with the rights which they deemed it their duty to maintain. The result was that Colonel Türr was tried by a military tribunal on a charge of desertion from the Austrian army. He was convicted of that offence. The transaction was perfectly well known, and he never denied it. The conviction having taken place, the Austrian Government, in deference to the wishes of Her Majesty's Government, immediately ordered Colonel Türr to be released in the manner I have described.

Mr. ROEBUCK: Allow me now to put my emendation of the question—whether Colonel Türr is liberated without indignity?

Viscount PALMERSTON: As far as I am aware, there is nothing further than a pure and simple liberation.

JUVENILE REFORMATORIES.

On the Question that the House at its rising should adjourn until Monday next,

Sir JOHN PAKINGTON said, he rose, pursuant to notice, to ask the right hon. Baronet the Secretary of State for the Home Department what were the intentions of Her Majesty's Government with respect to the future support and regulation of Juvenile Reformatories? He would not detain the House at any length upon that occasion, when he was aware that he could not address them except by an abuse of the forms of the House, although that abuse was one to which the House itself had repeatedly given its sanction. His object was to ascertain what were the intentions of Her Majesty's Government upon a subject which was at present exciting very considerable interest in the country, and which, in his opinion, required the careful attention and the decided action of the right hon. Gentleman at the head of the Home Office. It was his belief that the House and the country were hardly aware of the magnitude which that question had assumed within a very short period of time. He believed he was not at all exaggerating when he stated that upwards of thirty counties had already either established reformatory institutions, or were engaged in doing so. But he believed he was also right in saying that hardly any two of those counties acted in the matter exactly with the same objects, or exactly on the same principle. Some of them had raised the necessary sums of money to build very large establishments, while others had appropriated mere cottages for the reception of juvenile offenders. Again, some of them had resolved on subscribing considerable sums annually for the maintenance of those establishments, while others had made no such provision for the future. It appeared that in some counties a strong opinion prevailed, in which he confessed that he shared, that the support of those institutions ought not to be left to the efforts of private charity. He wished further to remind the House, that while those establishments were springing up in every direction, they were springing up without any regulation having been laid down for their government; and he doubted whether the public were aware of the very large powers which the Act passed two years ago had conferred on all the Courts of this country—not only on the principal Courts—not only on the Courts of Assize and the Courts of Quarter Sessions, but on every Court of Petty Session—on every Court in which two justices sat. These latter Courts, as well as the superior Courts, had the power, without the intervention of a jury, of confining those juvenile criminals for a period of five years; and that large power was given without any regulation having been laid down by the Government or by Parliament for the purpose of providing that due care should be taken of those youthful criminals during the time of their detention. They were left to the discretion, or the want of discretion as the case might be, of men who were animated, he admitted, by the most admirable motives, but many of whom were enthusiasts, who ought hardly to be trusted with the duty of carrying out such a system. Then, again, he was not aware that the scanty security taken by Parliament for the proper management of those establishments in requiring a certificate in their favour from a prison inspector—he was not aware that that scanty security was enforced by the Government in a manner that could ensure its operation. He believed the inspector might recall within a certain time the certificate he might have given. But he wished to know from the Home Secretary whether the Government had called for any Reports with respect to those establishments. In his opinion it was not only desirable that such Reports should be obtained by the Government, but they ought even, he thought, in consequence of the magnitude which the question had assumed, to be laid before Parliament from time to time. Another point was that there was no security for the continuance of these establishments when once they were set on foot. The Government at present allowed *5s.* a week for each boy confined in those establishments; but it was notorious that that sum was insufficient to defray the expenses actually incurred, and it was generally understood in the counties anxious for the establishment of Juvenile Reformatories, that a sum of £300 to £400 a year should be raised by charitable contributions for their maintenance, in addition to the sum obtained from the State. Now he wished to remind the House and the Government that the existence of those establishments involved two most important social questions. It involved the administration of the criminal law, and it involved the care and the training of thousands of young criminals scattered all over the country; and that being the case, it appeared to him that the matter ought not to be left in its present state, but that the Government were bound to extend to it their care and supervision. He thought it was most desirable that the House and the country should know at once whether Her Majesty's Ministers intended to propose any further legislation upon that subject during the present Session. He believed that legislation with respect to it was necessary, and he wished to know whether the Government coincided with him in that belief, and, if so, how far they were disposed to carry it into operation?

Sir GEORGE GREY said, that the question to which the right hon. Gentleman had directed the attention of the House and of the Government was one of undoubted importance. But before the House committed itself to the opinion that the present law upon the subject ought to be altered, and before the Government could pledge themselves to propose any such alteration, they should recollect what had already passed upon the matter. Only two years ago the Act had been passed, chiefly through the exertions of the hon. Member for North Staffordshire (Mr. Adderley), by which the present system of dealing with juvenile offenders had been established, and established avowedly as an experiment. It was then thought desirable that institutions should be sanctioned in which juvenile offenders who had undergone a penal sentence on correction, should afterwards be subject to a training, having for its object to redeem them as far as possible from those habits of vice and crime in which they had been early initiated. By that enactment, it was provided that if a prison inspector should report that any such institution was useful and efficient for the purpose of a juvenile reformatory, after a certificate to this effect from the Secretary of State, juvenile offenders on the expiration of their sentence might be committed to it for a term not exceeding five years, and a certain sum might be paid by the State for the maintenance of the children confined in it. The right hon. Gentleman wished to know the course pursued in these cases. In reply to that question, he could state that a detailed report was made by the inspector, stating the grounds upon which he considered that the particular reformatory school was entitled to a certificate, and there had been instances in which, upon the report of the inspector, the certificate had been withheld.

Sir JOHN PAKINGTON said, he wished to know whether any steps would be adopted to prevent the increase of such schools, until the general principle upon which they were to be conducted should be settled, and also if there were to be periodical reports as to the state of the existing reformatories?

Sir GEORGE GREY said, that many such schools were now in the course of being established, and meetings had been held throughout the country in promotion of the object. The existing Act provided for the revocation of the certificate in case they should not be conducted in a satisfactory manner. It was clear, therefore, that there must be a periodical inspection and periodical reports from the inspectors as to the condition of those institutions. He agreed with the right hon. Gentleman opposite that those reports ought to be laid before Parliament. As Parliament had decided two years ago that the experiment should be tried through the agency of gentlemen actuated by very benevolent motives, who had devoted a great deal of time and money to the object of reforming offenders, and as their efforts had hitherto been attended with success, twenty-five reformatory schools in Great Britain having been certified under the provisions of the 17 & 18 *Vict.*, sec. 38, in addition to those certified under another Act of Parliament, applicable to vagrant children in Scotland, it appeared to him that it would be inexpedient to interfere with an Act that was working upon the whole most beneficially, until some further experience had been obtained of the effect of its operation. The right hon. Gentleman had remarked that some of those institutions were very large, while others were very small. Undoubtedly such was the case, but as an experiment it was desirable that it should be tried in establishments of different kinds. He did not believe that the right hon. Gentleman was correct in stating that some of those which had been certified were held in mere cottages — although there might be temporary buildings hired for the purpose—because such buildings would be inconsistent with the safe detention of the inmates. In connection with this subject, he noticed that there had been a petition presented that night by the hon. Member for East Somersetshire (Mr. Miles), praying that power might be given to county magistrates to establish reformatory schools out of the rates. If this were done, he (Sir G. Grey) doubted whether the result would be beneficial. The institutions in that case must come within the penal establishments of the country, and the Government must frame the regulations under which they were to be conducted, which would take the management of them in great measure out of the hands of those benevolent individuals to whom he had before referred, and would, therefore, hardly meet the views of the right hon. Baronet opposite. Then, again, he was by no means satisfied that a permissive power to establish and support such institutions out of the county rates would be generally exercised, and it would be necessary to make it compulsory upon counties and boroughs to establish and support those institutions as they did prisons and lunatic asylums. What had been the result of the Act passed two years ago for the purpose of establishing a reformatory in the county of Middlesex? Although the powers of that Act were not permissive but compulsory, it had not yet been established. A committee of the magistrates had taken measures for its formation; but though a year and a half had elapsed since the Bill was passed, nothing decisive had as yet been done in the matter, while in other counties where no such power existed such institutions had already sprung up. He wished, however, to guard himself from saying that, after the experiment had received a fair trial, an alteration of the law might not be desirable. He had likewise been asked whether the Government were willing to alter the mode of passing sentence, the Act at present prescribing the insertion of the name of a particular reformatory establishment to which the boy should be sent. There must be some limit as to the place; and if, under the present state of the law, the system should become general, he did not anticipate that any inconvenience would arise, inasmuch as a magistrate of Devon would naturally send a boy convicted before him to the Devon reformatory, or if any difficulty arose in consequence of overcrowding the establishment, the Secretary of State had always power to remove the children to another reformatory. He thought there would be great objection to repeal altogether the existing restriction in the Act as to the reformatory to which a boy is to be sent, though this point may require further consideration.

MR. MILES said, he thought the suggestions contained in the petition to which reference had been made by the right hon. Baronet (Sir G. Grey) were such as were calculated fully to carry out the objects contemplated by the Legislature. When the House considered the enormous number of children to whom such institutions were applicable, and how few were at this time in existence, it would perceive that at present it was impossible that anything like justice could be done to the boys themselves. The right hon. Baronet had stated that no county reformatory had yet succeeded; but he (Mr. Miles) would refer the right hon. Gentleman to the Devonshire Reformatory, which had accomplished a vast amount of good. The difficulty of getting proper persons to superintend and manage such establishments was well known, but that difficulty would in a great measure be obviated by the establishment of large county reformatories, where masses of children might be placed under one general treatment and discipline. He hoped that, notwithstanding what had fallen from the right hon. Baronet opposite, the House would recognise the necessity of such institutions, which had become more than ever apparent since the cessation of transportation; and that, as it was much to be feared that the older classes of criminals were in too hopeless a condition to be influenced by such measures, care would be taken to endeavour to influence the minds of juvenile offenders, and thus rescue thousands of miserable children from the gulf of sin. In order to show that reformatory schools on a large scale would be beneficial, he appealed to the success of the establishment at Redhill, and asked whether anything could be better conducted than that institution? Yet Redhill was an uncertified reformatory school, promoted by private individuals, and only sanctioned by the Government to the extent of sending children there in certain cases. Why then, having that power, did they hesitate to put the magistrates in the various counties in a situation to establish similar institutions for the instruction and reform of the young criminals convicted under the Juvenile Offenders Act; and why not allow them to raise rates for the support of such establishments? So strongly were the people of the county of Somerset in favour of their establishment, that for three years they had contributed £500 a year, in the hope that the Government would take the matter up and introduce a general system. In his opinion, the question was one of vital importance, and ought to be taken into consideration as early as possible; he trusted, therefore, that if the right hon. Baronet would not listen to the solicitations made to him from various quarters, and submit a Bill himself, he would not impede the introduction or progress of any sound measure brought forward upon that question, either by the right hon. Baronet (Sir J. Pakington) or any other hon. Member of that House.

SIR STAFFORD NORTHCOTE said, that, in order to show the inconvenience attending the present system, he would mention a case which had been brought under his own knowledge a fortnight ago. A boy had been convicted by the magistrates of Dorsetshire, in which county there was no reformatory, and had been ordered to be sent to the Devonshire school. When the communication was made to the magistrates connected with the Devonshire Reformatory, they replied that they had not room. A request was then made to the right hon. Gentleman the Secretary of State, that the sentence might be altered, so that the boy should be sent to another reformatory, where accommodation could be found; but the right hon. Baronet had replied that he could not make the order unless he was received into the Devonshire school in the first instance. As it happened, they were enabled eventually to get him received there; but such might not have been the case, and their object would then have failed altogether. The Act as at present constituted was extremely defective, and he could not see why it should not be permitted to the magistrates to sentence a boy to be sent to some reformatory establishment, leaving the precise school to be afterwards named, apprehending that no difficulty would arise from overcrowding, because the managers of the school would have to certify in the first instance whether they had room or not.

LORD ROBERT GROSVENOR said, he wished to correct a mistake into which the right hon. Baronet below him (Sir G. Grey) had fallen, with respect to the formation of the Middlesex Reformatory.

The right hon. Baronet had stated that no practical steps had been taken towards the establishment of a reformatory school for the county of Middlesex, an Act having been obtained enabling its promoters to support it entirely by means of a county rate. So far from that being the case, the very day after the Royal Assent was given to the Act, a committee was appointed to carry it into effect, but extreme difficulty was experienced in obtaining a proper site, which had retarded its establishment. That difficulty had, he was happy to say, now been entirely overcome, and in a short time plans would be submitted for the erection of a school in all respects conformable with the wishes of those who had promoted the scheme. He entirely agreed with the observations which had fallen from the hon. Member for East Somersetshire (Mr. Miles), and entertained a strong opinion that the House ought not to allow the present Session to pass away without giving its sanction to a general measure for the establishment of reformatories.

Sir WILLIAM JOLLIFFE said, he wished to point out an anomaly in the present law, in consequence of the existence of which the managers of reformatories had the power to refuse admission to boys who had been sent there by the magistrates. In any alteration of the law such an anomaly ought to be abolished.

Mr. MONCKTON MILNES said, he must deprecate an irregular discussion on so important a subject at the present moment; but such a discussion having arisen, he thought it right to mention, as a matter of complaint, that a large portion of the West Riding of Yorkshire derived no advantage whatever from the law as it at present existed in reference to this matter, and were obliged to seek a remedy for the evil by other means. If a proper system were adopted, thousands of young men might be prevented from entering into criminal courses which could end in nothing but their own misery and ruin.

Mr. ADDERLEY said, he joined in the regret that the subject had been brought forward prematurely, but, at the same time, he must admit that there were great defects in the present law; he thought, however, that the Secretary of State would do wisely to wait until he had consulted those practically acquainted with the subject before he attempted to make any alterations. It could not be denied that hitherto the Act had been most successful, and he did not believe that any measure had met with a more speedy adoption by the country. In little more than twelve months there had been established, in consequence of that Act, twenty-five reformatories, and what was wanted was, to develop the system more comprehensively throughout the country. The hon. Member for East Somersetshire thought that an Act to enable county magistrates to levy rates, which should be devoted to the establishment and support of such institutions, would be the best plan that could be adopted; but he (Mr. Adderley) did not believe, in spite of what the noble Lord the Member for Middlesex (Lord R. Grosvenor) had said, that institutions founded upon such principles would be successful. Hon. Members must bear in mind that the existing Act enabled the Treasury to make grants that would defray the whole cost of such institutions, and therefore it was in their power at once to meet the object of the hon. Member for East Somersetshire, and he would tell the right hon. Baronet the Home Secretary that, before many days were over, several gentlemen interested in the subject would request an interview with him, with a view of inducing him to increase such grants. The experience, however, of those most competent to judge, induced them to believe that it would not be wise to dispense altogether with private benevolence, but that the Government grants might be considerably increased with great advantage to the community at large. Whatever might be the plans proposed for the amelioration of the law upon the subject, he hoped that the right hon. Baronet would, as he had promised, take the matter into his grave consideration, and not bring forward a measure till he had well considered it. Redhill had been mentioned as an instance of the success of the voluntary system; but although Redhill was governed by a private corporation, it received a greater amount of money from the Government than all the rest of such institutions put together, and had more advantages generally than any other reformatory.

Lord ROBERT CECIL said he wished to ask whether it was the intention of the Government, in any changes in the law, to do away with the necessity of a previous servitude in prison before sending boys to reformatories? The object, as he understood, was to prevent them from receiving the contamination of a prison, and it seemed an anomaly to send them there as a condition of their being admitted into a reformatory.

SIR GEORGE GREY said he must decline, on the present occasion, to go into the merits of the question suggested by the noble Lord who had last spoken. The Act was passed only two years ago, when he had not the honour of holding his present office, and he remembered it had then been fully discussed; and he agreed with hon. Gentlemen opposite, that it was inexpedient to treat a question of such a nature with petty legislation and perpetual meddling. All he could say was, that if anything were done by Government on the subject, it should only be after due deliberation, and on the opinions of men possessing knowledge and experience on the subject.

The Motion for the adjournment of the House to Monday was then *agreed to.*

THE ADDRESS—EDUCATION.

The Report of the Committee upon the Address was brought up by Mr. BYNG.

On the Question that the Address, as reported, be agreed to,

SIR JOHN PAKINGTON said, that he did not rise with any intention to revive the discussion which took place yesterday on the subject of the Address, or to depart in any degree from the tone which marked the discussion on that occasion. On the contrary, for himself he most cordially concurred in the tone then adopted, though he could not help remarking that the tone seemed to imply that the two Houses had changed their characteristics, and that solemn dignity had become the characteristic of the House of Commons, and vivacity of debate the characteristic of the other House. His object in now addressing the House was to remark on one of those omissions in the Speech from the Throne which was adverted to in the course of the debates on the previous evening. There were several rather remarkable omissions, but his present object was to comment on one only of them. He found in the Speech from the Throne the following sentence—"There are many subjects connected with internal improvements which I recommend to your attentive consideration." Now, he quite understood that the Ministers, in advising the Speech from the Throne, might have considered that the question of peace or war was, at the present moment, a question of such transcendent and paramount interest that that circumstance justified the passing over that reference which the Speech from the Throne usually made to many topics of domestic policy. Still, as the Government advised Her Majesty to advert to questions of internal improvement, he did not understand why it was that they omitted altogether any reference to a subject which, in his humble opinion, was, beyond all comparison, the most important of all internal questions at the present day, and that which excited the greatest interest in the country—he meant the question of National Education. He felt very great disappointment that the Government had altogether omitted such an important subject from Her Majesty's Speech, and he felt the disappointment the more strongly on account of what had occurred in that House last Session. When he then ventured to submit to the House proposals on that great subject, he had expressed a very strong opinion that, among other things, the present constitution of the Committee of Council was not satisfactory, and that the time had come when the large grant annually made by Parliament for the encouragement of education, ought to be under the management of some educational department responsible to Parliament and duly represented in the House of Commons. He had pressed that matter very strongly on the Government, and at a late period of the Session, when he withdrew the Bill he had introduced on the subject, he again adverted to the point, and he now wished to call the attention of the noble Lord at the head of the Government and of the House to the language used by the noble Lord the Member for London (Lord J. Russell), then a Minister of the Crown, and speaking on behalf of the Government of the present Prime Minister, with which the noble Lord was then connected. The noble Lord the Member for London, in the course of his speech, when he withdrew his Bill, after stating the reason why he had thought it desirable in the first instance to constitute the Committee of Privy Council in the shape in which it existed, proceeded to use the following words—

> "But circumstances had since changed, and he thought that it would be for the benefit of the public service if the President of the Committee of Council were to be acknowledged as the Minister of Education, and that the department of education should be represented in that House by a person who might, perhaps, hold the rank of a Privy Councillor, and who might be able to

defend any measure that might be adopted, and who would be prepared at all times to explain the views of the Government with regard to the general question of education. As to the steps necessary to be taken to carry that view into effect, he could assure the House that the whole subject was under the earnest consideration of the Government, and they hoped in an early Session to be able to lay before Parliament a scheme for the regulation of an educational department."—[3 *Hansard*, cxxxix. 386.]

He thought that language, spoken with the authority of a Minister of the Crown, was perfectly satisfactory, and he heard it with the greatest pleasure. Not long afterwards the noble Lord the Member for London resigned office, and ceased to be a Minister, and, consequently, when the annual Vote for Education came under the consideration of the House, he (Sir J. Pakington) made an appeal to the noble Lord the Prime Minister, and, adverting to what had fallen from the Member for London, expressed a hope that he had spoken in the name of the Government, and not merely in his own name; and that, though that noble Lord had ceased to be a member of the Government, the Prime Minister would consider himself bound by what the noble Lord had said. The noble Lord at the head of the Government met that appeal in the same tone and spirit in which the Member for London had spoken, and, though not formally addressing the House, intimated across the table that the observations of the noble Member for London were concurred in by him, and that he intended to act on them. Considering, then, that the Government last year concurred in those views, and had expressed an announcement of their intention on the subject, it was disappointing that so important a matter had been altogether passed over in silence in the Queen's Speech. While on the subject he could not help adverting to the notice given by the noble Member for London yesterday. He (Sir J. Pakington) stated last year, on more than one occasion, that, having thought it his duty to make some efforts on that great question, the last idea that ever entered his mind was, that of any feeling of rivalry with reference to the noble Member for London, who had so long paid attention to the subject with so much honour to himself and benefit to the country. Indeed, he should be well satisfied in any way to co-operate with the noble Lord if their views should be identical on the question. But he was much disappointed when he heard so high an authority as the noble Member for London give notice for March—the Ides of March—that he would then bring forward, not another measure, but only a series of Resolutions on the subject. Of course he (Sir J. Pakington) could not tell what the nature of those Resolutions might be, but he must express his fear that no Resolutions the noble Lord could move would educate the people of this country. The Resolutions, however skilfully framed, would stand on the Journals of the House, while darkness and ignorance pervaded the mass of the population. What the country wanted on the subject was something more tangible. Increased means and increased money for so great an object were wanted in the first place, and, in the second, a better and more effective supervision and control. He feared these objects could only be attained by legislation, and legislation there must be ere long, though it might not be in the present or even in the next year. Of the noble Lord's intentions he wished to speak with the greatest respect. The noble Lord was, doubtless, influenced by the dread of the difficulties of the subject, and might think some other moment more opportune than the present for legislation; but what the country desired was legislation, and a fair but comprehensive measure to supply the great deficiencies now existing. In the meantime, while the question of legislation was pending, it was most important that the management of the grants given by the House and the superintendence of the system, such as it was at present, should be under the management of a responsible Minister, and that the distribution of the grants now given should be controlled by such a Minister. And as the Government, notwithstanding what had passed last year, and notwithstanding the declarations which had been made, had passed over the subject in utter silence, he appealed to the Government in the hope that they would not recede from those declarations, and that they would be prepared to express their opinions and announce their intentions on the subject.

SIR GEORGE GREY said, he could assure the right hon. Gentleman that the omission of the subject of the education of the people from the Royal Speech was not caused in the least degree by the Government undervaluing its importance. They had frequently recognised it, but it was unusual to insert any topic in the Speech from the Throne unless the Government were prepared to lay before Parliament a measure of some importance with regard to it. The right hon. Gentleman himself, however, seemed scarcely to anticipate the passing of a large and comprehensive measure on the subject during the present Session, and, as the Government had no measure relating to it which could properly be so described, they had not thought it necessary to introduce the topic into the Royal Speech. Still it would be found, from the notices which would be given, and by the Estimates which would be brought forward, that the subject had not been neglected by the Government. A Bill would be introduced in the other House of Parliament by the Lord President of the Council, which, if acceded to by Parliament, would have the effect of greatly increasing the present means of education in the country. That measure, however, could not be called "large and comprehensive," and the Government had not thought it of sufficient importance to be mentioned in the Royal Speech. With reference to the better supervision of the distribution of the funds granted by Parliament for educational purposes, if the right hon. Gentleman had simply asked whether the Government meant to carry into effect the promise made by them last year, he would have received an answer in the affirmative. He had rightly understood the intimation of the noble Lord at the head of the Government, last year, of his concurrence with the opinion before expressed on this subject by the noble Lord the Member for the City of London. It was thought desirable that the distribution of those funds, as well as other duties connected with education, in its largest sense, including matters referring to science and art, which were now under the charge of the Board of Trade, should be placed under the supervision of an individual minister as the head of a department responsible to Parliament, and represented in that House by a Minister, who would be able to answer all questions and give any explanations that might be required. To that intention Her Majesty's Government adhered, and a Bill would be introduced for the purpose of carrying it into effect.

PRUSSIAN NEUTRALITY.

Mr. BENTINCK said, he rose to direct the attention of the House to certain opinions expressed by the hon. and learned Member for Sheffield (Mr. Roebuck) in the course of his speech last night. Anything which fell from an hon. Gentleman of his talents and experience would naturally be diffused widely throughout the country, and command great attention; and it was on that account that he was unwilling to allow those opinions to go forth to the world without some correction. The hon. and learned Gentleman stated his conviction that the people of this country in going to war with Russia had been actuated rather by selfish motives than by any desire for the preservation of Turkey, or the maintenance of the balance of power in Europe. He further stated, too, that in his opinion this country was unable to cope with Russia without the assistance of our great Ally. [Mr. Roebuck: I beg the hon. Gentleman's pardon. I said just the reverse.] He was glad to be contradicted on that point at least. The hon. and learned Gentleman also expressed his belief that the result of concluding peace on the terms on which negotiations were now supposed to be going forward would be to put Russia in possession of Constantinople in the course of a certain number of years, and consequently to endanger the security of our Indian possessions. He (Mr. Bentinck) must at once express his decided dissent from those views, and most especially from the latter opinions. He was prepared to pay the fullest tribute of praise to our gallant Ally, during the present war, and he referred with pride to the glorious successes which had attended their combined exertions. But he was disposed to think it was not altogether to those glorious successes the present prospect of peace was to be attributed, and he further contended that England, unaided by any other Power, was able to coerce Russia and compel her to submit to terms of peace. He had had occasion, during the recess, to address his constituents, and he then stated that the vulnerable part of Russia was her foreign commerce, and yet that no attack had been made to put a stop to the resources of Russia in that direction. He contended that the only way to make Russia feel the blow was to enforce the right of search, and take immediate and decisive steps to put an end to that neutrality which had been so profitably turned into account by Prussia during the war. That speech had found its way into the newspapers, and since then he had received a variety of communications, from mercantile and other quarters, in which the writers took the same views as he did, and enforced their adoption by very strong arguments. He might especially allude to an article which appeared in a morning organ, which was supposed to express the opinions of the noble Lord at the head of the Government, and to which, consequently, official importance might be attached. The following was an extract from a leading article in *The Morning Post*, of the 9th of January, in the present year.

> "Russia is essentially an agricultural country; her exports consist mainly of raw material supplied to manufacturing nations, and her imports largely of articles of luxury. Her export trade, judging from the quotations of her produce in the markets of Memel, Konigsberg, and other places, and from the extraordinary activity exhibited in the yards of the Prussian shipbuilders, we suspect has not been materially checked; and even if the imports have suffered in larger degree, their nature is not such that the want of them will produce ruin, although it may, and probably does, create discontent. An agricultural country is not so capable for active aggression as a commercial one, but it possesses greater ability to maintain dogged resistance. We do not, therefore, look so much to commercial prostration or monetary pressure for the means of bringing Russia to reason as to downright military and naval attack, threatening her territories with ravage, and her splendid cities, her fine harbours and her strong places, with destruction. It is fear of military, not commercial, results which will bring Russia to assent to terms that will satisfy the Allied Powers, and secure Europe from a revival of aggression. We may thank an energetic and sagacious Administration that we enter upon the new year with our hands full of every means that can be devised to carry the next campaign to a triumphant issue."

The remarks of this journal had much weight attached to them; and it was worthy of notice that a very short time after the leading article appeared from which he had read an extract to the House, the world was astonished by the sudden resolution on the part of the Russian Government to enter into terms of negotiation; and it was declared in all the journals of Europe that that resolution was caused by the intention of the British Government to put a stop to the trade of Russia. That placed the question in a very different position. The delay to exercise the right of search and power of blockade had been one of the main charges against the "Coalition Government." Happily that Government now no longer existed; and the councils of the Crown were no longer labouring under the incubus of association with a certain knot of men whose conduct had connected them indelibly with political tergiversation at home, and public disaster abroad. He (Mr. Bentinck) trusted, therefore, that if the present negotiations did not end in the attainment of peace, it was the intention of the Government to carry out the operations which had been declared in the article to which he had referred.

LORD JOHN RUSSELL: Sir, I rose immediately after my right hon. Friend the Secretary of State for the Home Department, to correct a piece of misapprehension on the part of the right hon. Gentleman the Member for Droitwich (Sir J. Pakington). The right hon. Gentleman seems to suppose that I intend to move certain Resolutions, and that, should these be adopted and placed upon the books, then no further proceedings shall be taken; and the right hon. Gentleman having got that notion into his head, adds, very justly, that Resolutions will not educate the people of this country. But if the right hon. Gentleman had reverted both to the ancient precedents of the House, and those of very recent times, he could not but have seen that Resolutions have been very often introduced into this House as preparatory and introductory to measures which have afterwards been adopted by Parliament. It was rather, then, with a view of introducing a subject to Parliament which might hereafter be partly controlled by administration and partly by enactment of Parliament, that I proposed to put it in the form of Resolutions. I am further induced to take this course by what happened in the last Session of Parliament. The right hon. Gentleman introduced a Bill upon the subject of education in a most able speech; discussion afterwards followed for several nights; the right hon. Member for Oxfordshire (Mr. Henley) also, in a most appropriate speech, pointing out the objections to the Bill, threw so many obstacles in his way that if we had given up the whole Session to the right hon. Gentleman's Bill it would have occupied every night, and scarcely then could this House have succeeded in passing it. If I were to take that course, continuing the discussion from Wednesday to Wednesday, as opportunity might afford during the present Session, I should be little more likely than the right hon. Gentleman to succeed in legislating on the subject. But if the House should devote, perhaps, two nights to the discussion of Resolutions, and were then to say what general principles on the subject they would approve of, I think it would then become the business of the Government to take care that measures were prepared on the principles which the House had approved of, and that these measures should pass with as little delay as possible. I will take this opportunity of saying that I rejoice at the statement which has just been made by my right hon. Friend the Secretary for the Home Department. I am very glad that the Government are to make the Lord President of the Council, or some Member of the Cabinet, or a Privy Councillor, the responsible Minister of Education, with a seat in this House; it is an arrangement calculated to advance the progress of education, and will give satisfaction to all who concerned themselves with the subject throughout the country. I believe that great progress has already been made in the country in connection with this subject, and the new arrangement proposed will tend very much to accelerate the work which still remains to be done. As I rose to address the House upon this subject, on bringing up the Report upon the Address, I may be allowed to say, in connection with it, that I am very much gratified at the tone of the discussion of last evening. It appears to me that however arduous the situation may be of public affairs, never was there a time when the feeling of the House of Commons was more pleasing than at the present time. We must wait for the event of the negotiations, of which Her Majesty has been pleased to give us information; but at the same time we ought to omit no preparation necessary for the effectual carrying on of the war until these negotiations are terminated. Let me say, further, that I will only hope that those operations at Sebastopol which at one time were attended with so much privation, and at another with so much glory, but at all times with the highest qualities of human nature,—I do trust that the exertions made in the capture of that fortress will be noticed by us in some regular manner, and that we shall hear before long my noble Friend the First Minister of the Crown, or some Member of the Government, giving notice of his intention to move a Vote of Thanks on the part of this House in acknowledgment of those exploits. I need not say more. The House have in their mind how great and how noble have been those exertions; many of them were splendid, but many others were performed in the midst of the dark and snowy nights of winter, and can have no other reward than such as might convey the feelings and sympathy of the country with such noble devotion on the part of the army.

MR. ROEBUCK said the hon. Gentleman opposite (Mr. Bentinck) had been pleased to direct his attention to him. He (Mr. Roebuck) would remind him of a Scotch proverb, which is to the effect that "his bark is far waur than his bite." The hon. Gentleman began by stating that he (Mr. Roebuck) had said that England of herself was unable to cope with Russia. It seemed to him that the hon. Gentleman was too much occupied with his own speech to attend to his (Mr. Roebuck's); for he thought it was one of the most salient points of what he had said to aver the contrary of that which the hon. Gentleman had attributed to him. He had said that at all times, and more especially at this time, was England able to cope by herself with Russia; and in proof of that, he had adduced the case of the Great Napoleon, under whose conquering legions the very earth trembled as they trod, and whose armies extended from Italy to the Niemen—with him even we were able to cope single-handed, and conquered him; "and shall it be said," he (Mr. Roebuck) asked, "that we cannot now cope with Russia?" And after that the hon. Gentleman turned to him as if he would depreciate the power of this country. He thought he had sufficiently shown how without foundation was that accusation.

The Report on the Address *agreed to.*

LAW OF PARTNERSHIP AND JOINT-STOCK COMPANIES.

MR. LOWE, before moving that the Speaker should leave the chair, should request his opinion on a matter of order. On the previous day, notice was given by his right hon. Friend the Member for Wells (Mr. Hayter), that he (Mr. Lowe) should that day introduce two Bills—one to amend the law of partnership, and the other for the incorporation and regulation of joint-stock companies and other associations. By some accident, a portion of the notice had fallen out, so that the Bill for the amendment of the law of partnership was omitted from the notice, although the words "Law of Partnership" appeared as the title. He wished to know whether, under such circumstances, it would be competent for him to introduce both Bills?

MR. SPEAKER said, that, as the error was not on the part of the right hon. Gentleman (Mr. Lowe), he would be entitled to proceed with both Bills. It was important that notices should always be given in writing; and in the present instance that had been done.

House in Committee; Acts read; *considered* in Committee.

MR. LOWE: Sir, it will be in the recollection of the Committee that in the course of last Session a Bill was passed through Parliament for the purpose of enabling joint-stock companies to enjoy the advantages of limited liability. At the time when that measure was under consideration, it was stated that it was founded on the laws already in existence for the regulation of Joint-stock companies, and it was also intimated that it was the intention of Her Majesty's Government to ask next Session for leave to bring in a Bill to alter and amend the enactments in question. The measure of last Session was incorporated therefore in a temporary law, and on that account, if on no other, temporary in its nature. Since that time the whole question has undergone a thorough review by the Government, and I shall now proceed to state the results at which they have arrived. The questions we have now to consider are these:—first, how shall the principle of limited liability be extended to private partnerships?—secondly, in what respect may the laws to which Joint-stock companies are at present amenable be amended and improved? These are two great branches of the same subject, and, that they may be dealt with in a satisfactory manner, it will be necessary to introduce two Bills—the one relating to private partnerships, the other to Joint-stock companies.

I shall endeavour briefly to explain the state of the case with regard to these two measures. And first with regard to private partnerships. The law of private partnerships in England has been very little interfered with by the Legislature; it has heretofore been left very much as it stood at common law. The great grievance complained of is, not the want of limited liability, strictly so called—not the want of a power in a partner, known to the creditors, to contract with those creditors that he shall not be liable to them beyond a certain amount; that is not the ground of grievance as regards private partnerships, but rather the converse of the proposition—namely, that a dormant partner—a partner not visible to the creditors and never known to them—who may have embarked a certain amount of capital in a concern, should, on the failure of the business, be made liable not merely in the proportion of the capital he had so embarked in it, but to the extent of all the property he possesses in the world, though the existence of that property was unknown to the creditor, and though it is, in consequence, property on the credit of which not one farthing could have been advanced. This is the nature of this practical grievance, and it now becomes the duty of the Legislature to consider how it will deal with it. There is another question arising out of the present state of the law as affecting private partnerships which has also to be considered. The Committee is aware that by an Act recently passed, the usury laws have been repealed; and though at the time of their repeal it was not foreseen how that measure could affect private partnerships, it is, nevertheless, very certain that it has altered very materially the position of persons making advances to partners by way of loans advanced on terms of receiving, instead of interest, a share of the profits. Mr. Baron Bramwell, a good authority as a political economist, but whose authority as a lawyer—I may say it without disparagement to him—is still higher, gave, in his evidence before the Mercantile Law Commissioners, an opinion which is well deserving of our attentive consideration. That opinion is to the effect that, as the law at present stands, it is perfectly competent for any person to lend money to a private partnership, reserving as a guarantee for repayment the right of demanding interest at the rate of, it might be, 50 per cent, to be considered as a penalty; the agreement being that the right to such interest should not be enforced in case the creditor should be paid a rateable share of the profits of the concern for his loan. This opinion of Mr. Baron Bramwell coincides with one delivered by Lord Eldon, *ex parte* Hamper; both those distinguished Judges concurring in the view that, as the law at present stands, it is possible for a creditor to lend money to a private partnership, and to receive a share of the profits by way of interest on the loan. It is not the intention of Her Majesty's Government to narrow or diminish the powers and abilities which persons already enjoy to enter into these contracts. We take the question as it stands, and desire rather to enlarge and enable than to contract and to restrict.

It being the present state of the law of private partnerships that property and capital not embarked in the concern, and upon which credit was never given, is liable for the debts of the partnership, it remains to be seen what is the proper manner in which to deal with this question of private partnerships. One method would be to carry the present law of limited liability into these partnerships, and to say that any number of persons, however small—even to one, and there could not be a much smaller number than that—that he or they shall be entitled to be formed into a corporation, and to enjoy, as such, the privilege of limited liability. To that proposition I am not disposed to accede; and for this reason—that it appears to me that there is something incompatible and inconsistent between the character of a man acting as a principal in trade, and that of a person being corporator, and whose liability as such shall be limited. There would be a constant ambiguity whether such a person was trading as a principal or as a private individual. There is nothing inconsistent with the character of limited liability in the position of an agent such as a director or manager, but the position of a principal carrying on such business would be ambiguous and uncertain; many of his acts would bear a double construction, and there would always be a struggle on the part of creditors to fix him with individual liability, and on his own part to refer his acts to his corporate capacity. Individual partners would have to guarantee their own partnerships. These difficulties would increase as the partnerships grew smaller, till in the case of little tradesmen they would become absolutely intolerable. Everything would always be said to have been done by the corporation and nothing by the individual, and a door to vexation, quibbling, and perjury would be opened which it is most desirable to keep closed. Seeing that there is no particular demand for such an extension of the law, and bearing in mind that, even though it were adopted, it would be so merely for the sake of a barren consistency and an idle uniformity, I do not think that it would be in any degree desirable to decide the question by such a method as this. Neither should I advise the House to adopt the law of *commandite* as it is at present practised in France. It is not suited to the habits nor to the methods of the people of this country; and its introduction would be tantamount to the enactment of a new law of partnership. I think that if we can remodel the old law in such a manner as to adapt it to our wants and usages, and to infuse into it the liberal principles of our modern commercial system, we shall by so doing adopt a far more judicious course than if we were to sweep away the old fabric and erect a new one in its place. Neither should I be satisfied to deal with partnerships merely by way of legalising loans or making them the subject of special legislation. In my opinion it is not any business of the State to favour by special legislation one particular method of dealing in preference to another. It is rather the duty of the State to act with strict impartiality as regards them all, and to leave to every man in the community the option of deciding for himself what is the best system on which to conduct his affairs. But I cannot but think that if we were to facilitate loans to partnerships, without at the same time giving to dormant partners the power of limiting their liability, we should be giving an undue preponderance to the loan system over any other, and should be stimulating perhaps the worst way of dealing by encouraging men to carry on their business rather by means of temporary advances than by embarking capital permanently in the concern; and that thus we should be throwing the weight of legislation into the wrong scale. Into the question of whether it be or be not an improvident practice to carry on business by means of loans I do not now propose to enter; but I cannot think that it would be at all advisable to facilitate the contract of loans unless you at the same time provide that the advance of money or capital on contract to share profit or loss shall not be held to make the lender liable as a partner. But, on the other side, it is not the duty of the Legislature to prohibit persons, if they choose to do so, from carrying on their business by loans. I hold that it is not the business of the State to save men from the effects of their own improvidence; but neither is it desirable to provide facilities for the contraction of loans. The whole evil complained of in the present state of the law, as regards private partnership, resolves itself into this, that a dormant partner, unknown to the creditor at the time of the contracting of the debt, is made responsible to his last shilling or acre for a debt for which he was not known at the time to be a party, and that property of his, on the strength of which not one farthing had been advanced, is confiscated to satisfy the claim of a person who when the transaction occurred knew nothing of his or its existence. In reprobating this state of things, I only echo the opinion of some of the most distinguished jurists, and among others of that eminent Judge, Mr. Justice Story, a man by no means prone to rash innovation, who concurs with other great legal authorities in deploring the doctrine laid down in the case of "Waugh *v.* Carver," and in thinking that it would have been better if it had been decided the other way. The Bill which I now solicit the permission of the House to lay upon the table will overrule the judgment pronounced in that well-known case, and proposes to provide that "the advance of capital or money to be used in any trade or undertaking, not being the trade of a banker, upon a contract with the person carrying on such trade or undertaking, that the person making such advance shall receive a share of the profits, or shall bear a share of the loss of the trade or undertaking, shall not of itself render the person making such advance liable to third parties as a partner in such trade or undertaking." The law will then stand thus—that a man who has embarked a certain sum of money in a concern may become a dormant partner for certain purposes without involving himself in the general liabilities of partnership. In fact, with all that is most beneficial in the French *commandite* partnership you will also have, without making any great innovation on your old law, the advantages of a loan system, conducted not in a circuitous or evasive but in a direct and intelligible manner; and it will be practicable for any partnership to raise money by way of loan without making the lender or the dormant partner liable beyond the amount of the money he may have advanced. We take things as we find them, and, while we propose to regulate the liabilities of lenders and borrowers, we are not to be understood as pronouncing any opinion as to the wisdom or propriety of either lending or borrowing, on any particular terms. There may be instances where it would be highly improvident to conduct an establishment by means of loans, and on the other hand it is quite possible that there may be cases where a permanent increase of capital would be more injurious to a business than a temporary advance. These are questions with which we have no concern. It is for us to allow men to conduct their affairs on such principles as they shall themselves approve. It is for us to observe an impartial demeanour, leaving to every trader the option of determining on what system he may think fit to manage his affairs.

The Bill also contains a clause providing that the remuneration of servants or agents by a share of the profits shall not be held to make them partners. Bankers are omitted out of deference to the course of previous legislation, which has constituted them an exception to the general rule applicable to other occupations. This omission is also made because we do not wish to encumber a question of this kind, which is merely one of limited liability, with questions relating to the banking trade, currency, and other kindred matters: although, for my own part, I see no reason why bankers should not be treated in the same manner as any other class of partners.

Having now disposed of all that I think it necessary to say regarding the smaller Bill, I next approach the subject of the larger measure; and here I must beg that the Committee will bear with me, because, although I shall endeavour to condense my observations as much as possible, yet the question is so very complex in its nature that I cannot hope to render myself intelligible to them without trespassing on their attention for some little time. Now, the state of the law relating to Joint-stock companies is somewhat peculiar. It seems to have been the misfortune of these bodies to be always legislated for by persons in a state of excitement. The first Act relating to them, called "the Bubble Act," was passed during the first paroxysm produced by the bursting of the memorable South Sea bubble, in the reign of George I. Banquo says—

> "The earth hath bubbles as the water has,
> And these are of them!"

And so our legislators set to work to explode them; and for 100 years the law of this country rendered the formation of Joint-stock companies illegal, and an indictable offence. This I mention not because it is immediately relevant, but that it may act as a caution to us against being led away blindly by precedent. Here is a remarkable instance of a thing being proscribed which is now generally recognised as having proved very beneficial to most communities—namely, the right of association among capitalists. This prohibition remained in force till the year 1825, when it was repealed. The Government at that date still continued to look very jealously on these companies; and, although it was then seen that they partook very largely of the nature of corporations, yet it was only by very slow degrees that it could be induced to regard them in that light; for in the first year of the reign of Her present Majesty it was enacted, not that Joint-stock companies should be allowed to sue under a corporate name (that was thought to be too high a privilege for bodies which had so lately lain under the ban of the Legislature), but that they should be allowed to sue and to be sued in the name of their public officer—a most inconvenient and circuitous form of proceeding, and one which showed the absurd and ridiculous distrust with which these associations were regarded. Then we come to the law of 1844—the present Joint-Stock Companies Act. That measure was the result of the Report of a Select Committee, which appears to have conducted its deliberations in a state of mental perturbation scarcely less violent than that which prevailed in the days of George I. For, when I look at their Report, I find the headings of the different sections of what one would generally expect to be a very demure and quiet sort of document running thus:—"Form and Destination of the Plunder," "Circumstances of the Victims," "Impunity of the Offenders," and the like; so that a hurried glance at the contents might make a man fancy he was reading a novel instead of a blue-book. This Committee, however, notwithstanding their excitement, evidently examined the matter with great care, and arrived at a conclusion to which I invite the attention of the House, because it illustrates the *animus* and the principles on which the Act that I am about to discuss was founded. The decision of the Committee—although I do not blame them for coming to it at the time when they considered this intricate subject—is nevertheless hardly one which this House will now be disposed to sanction or support. They divided these companies into three distinct classes—the first being those which, faulty in their nature, were based on unsound calculations, and could not possibly succeed; the second, those which, let their objects be good or bad, were so ill constituted as to render it probable that miscarriages or failures incidental to mismanagement would attend them; and the third, those which were fraudulent in their constitution and never intended to work at all, being started only to create shares for jobbing purposes, or to secure, under the pretence of carrying on legitimate business, an opportunity of raising funds to be divided among the adventurers who projected them. The Committee state that, for the third class of companies, the remedy is easy; that the compulsory publication of the names of the shareholders and directors would suffice to baffle every case of fraud that had come under their notice; that, in fact, the only class that "did not admit of certain cure," were those which were faulty in their nature and based on miscalculations, such as two and two make five. This Act appears, therefore, to have been introduced in the belief that it was in the power of the Legislature, by its enactments, to correct every evil relating to these bodies except those growing out of flagrant miscalculation. It was then confidently asserted that a certain cure could be effected in these matters; but I wish to show the House how ill the performance has kept pace with the expectation held out, and how signally the machinery, which was supposed so very efficient, has broken down in the hands of those intrusted with its working. The Joint-Stock Companies Act, 7 & 8 *Vict.*, chap. 110, was passed. It provides that there shall be a provisional registration—that is, that the promoters of a company shall register their names, their objects, and other matters of that kind, before they are allowed to allot the shares, or to do other acts that are specified; and between the periods of provisional and complete registration they are not permitted to deal in shares or in scrip, and they are likewise then forbidden to do anything except provisionally. Next, they are required to execute a deed containing eleven requisites which are enumerated in the body of the Act, and thirty-eight more that are comprised in the schedule which the Registrar is to see inserted in the Act. This is to be signed by at least one-fourth of the shareholders, holding one-fourth of the stock; after due compliance with which formality the company is entitled to complete registration. The rest of the Act is taken up with clauses, either dealing in minute detail with the internal government of the company, or specifying a vast number of returns to be made by it upon different matters connected with its affairs, and a provision for the shareholders, which has turned out totally inadequate. Such is a general outline of that measure, as far as it is necessary for me now to describe it. Upon this was ingrafted, in the last Session of Parliament, the Limited Liability Act, which provides that, in addition to all that is requisite in order to enable a company to obtain a certificate of complete registration with limited liability under the Joint-Stock Companies Act of 1844, a deed shall be executed by twenty-five partners, holding three-fourths of the company's capital, and paying up 20 per cent each, upon which a certificate of complete registration with limited liability shall be granted to such company. That, then, is the state of the law at present; and of course, before I ask the Committee to agree to alter it, I am bound to show them that it labours under various and serious defects. Unfortunately, I shall have no difficulty in executing that task.

And, first, as to provisional registration. It was no doubt intended by provisional registration that the law should watch over an infant company, as (if I may so express myself) it would watch over a child, so as to guard against its committing itself by doing any act that would irretrievably and permanently damage its interests before it has arrived at years of discretion—in a manner, in fact, analogous to that in which an infant in law was protected until it had attained the *toga virilis* —like infants, they were allowed to contract only for necessaries. Now, however reasonable this view may be in theory, it has proved to be one far too refined for actual practice; for the result has been that some companies have treated provisional registration as the only registration that is necessary, and have gone on ever since without complete registration in open defiance of the law; while others have treated this registration (to use the language in vogue among diplomatists) as *non avenu*, and have subsequently come out with totally different aims and objects from those which they originally contemplated. The Act has, therefore, been practically set aside, and has no effect whatever even in prohibiting the sale of scrip, because, unfortunately, the prohibition was addressed to the Stock Exchange (which I will not call a lawless body, for it is actuated by the highest of all laws—the law of honour); but like all bodies acting under that law, it is independent of Parliament, and therefore, although the statute says that the Stock Exchange shall not negotiate the scrip of provisionally-registered companies, yet the Stock Exchange in this case is an *imperium in imperio*, and such shares are as freely bought and sold there as though the companies were completely registered. The object which the framers of the Act had in view was no doubt a good one, being intended to put a restriction upon half-formed and immature companies, which are not ripe for uncontrolled action. A better principle, however, would have been to accelerate the attainment of their majority by the companies, and to declare in fact that none of them should be permitted to come into existence before the public until they were able to undertake all the liabilities and duties of a company. Thus *quasi* companies would not have been allowed, as at present, to be started, until all the preliminary negotiations incidental to their getting up had been fully perfected. I should not expose them, in relation to the execution of a deed with eleven requisitions of one class to be complied with, and thirty-eight more of another, to all the trouble and expense to which they are now subject; and this, too, in regard to matters which the companies are quite competent to manage for themselves, and which are exclusively personal to them, the public having no possible interest in them. There is also another provision as to the subscription of one quarter of the shareholders holding one quarter of the stock of the company, which is deserving of attention. It was clearly established in evidence before the Committee moved for two years ago by my hon. Friend the Member for Westbury (Mr. J. Wilson) that, in the case of very exorbitant individuals for the sum of one shilling, and in others for the more moderate consideration of a pint of beer, as many so-called shareholders could be got to sign the subscription list of a company as the projector pleased. As this matter is one of great importance, seeing that the whole foundation of the law I am about to propose to the Committee turns upon it, I will take the liberty of reading a few brief extracts from the Report of the Committee. I find that the Registrar of Joint-Stock Companies, Mr. Whitmarsh, who was examined before that tribunal, states very compendiously that the returns which the Act requires, and which are enormously burdensome and expensive, are worth nothing—that the Act is very much evaded, companies being frequently formed with no other foundation than that supplied by men of straw. Such is the testimony of the Registrar himself; and I beg the House to compare this testimony with the prognostications of certain cure made in the Report of the Select Committee to which I have previously referred, because I cite this in support of the inference which I wish to deduce—viz. that it is quite impossible by any legislation that we can devise really to protect the public in matters in which they are fully able to protect themselves. I will first refer to a very remarkable prediction made by Mr. Bellenden Ker in 1837. That gentleman is a high authority on the subject, having been engaged in settling the deeds of Joint-stock companies for many years past, and he says:—

"In the consideration of this part of the subject other points of importance occur; first, whether, previously to the formation of such partnerships" — Joint-stock companies — "It should be made requisite that a certain part of the capital should be paid up, or that there should be any regulations concerning periodical returns of the state of the affairs of the company, or for the appointment of auditors of the accounts by the shareholders at large. It is probable, however, that the best course would be to leave these matters to the agreements and provisions of the parties interested, more especially as any measure requiring that the capital, or a part of it, should be paid up would be liable to evasion, and, moreover, would be of difficult application in many cases. It is also to be observed, the provisions proposed do not confer any privilege or immunity on these companies, but merely bring them within the effectual reach of the law, and only accomplish, as regards all partnerships, what is now the law regarding banking partnerships, and what is frequently permitted to companies by private acts, charters, or letters patent."

It appears that this gentleman, a man of great experience, seven years before this Act was passed foresaw, and clearly predicted, that all the provisions intended to protect the public would end in affording no protection at all—that they would be nugatory; if not absolutely mischievous. I will next read an extract from the Report of the Committee appointed on the Motion of the hon. Member for Westbury to inquire into the state of Insurance Societies. They say in their Report referring to this subject:—

"With regard to provisional registration, it appears that the law as it now stands does not afford the security which was contemplated by the Act of 1844, inasmuch as the representations made by the prospectuses and advertisements issued by new companies often vary very materially from the objects for which they have been provisionally registered; and there appears to be no means at present to prevent deception and misrepresentation being practised on the public in this way. Nor are the regulations required in order to obtain complete registration more perfect for that purpose. It is required by the law that the deed of settlement should be signed by shareholders equal to one-fourth in number, and representing one-fourth of the proposed capital of such companies; but it appears from the evidence of Mr. Whitmarsh that this provision has been extensively abused by means of false and fraudulent signatures, and has thus proved to be a very insufficient security for the objects contemplated. It appears also that it has been frequently evaded"—there are other means of evasion, and their name is Legion—"by companies commencing business with a very small capital, and, immediately upon obtaining complete registration, greatly increasing its amount, which they are enabled to do without further recourse to the office of the Registrar."

It appears, then, that these provisions can be evaded, and some of the witnesses examined before my hon. Friend's Committee stated, with great courage, that we should not suffer them to be evaded any longer, and that the whole fault was in the insufficiency of the law. It is always the case, with regard to restrictive laws, that where a restrictive law is once enacted there is a craving for further restriction. The restrictions you impose in the first instance are admitted to be of some value, but you are told they do not go far enough, and that if they are meant to do any good they must be carried still further and further. It is said that these projects are frequently originated by men of straw. "Oh, then," says one of the witnesses, "arm the Registrar with inquisitorial power, and let him inquire into the circumstances and responsibility of every promoter." That is one suggestion. But it is also true that companies may begin with a small capital under these restrictions, and that when they have gone on for a little while with a small capital they can double or treble that capital without any restriction. Now, can you prevent that? Are you able to say that companies shall not increase their capital? Will you empower the Registrar, or any other person, to judge what capital these trading companies shall raise? You begin by encroaching upon natural liberty, and, in order to make that encroachment effectual, you find that you must proceed to an utter deprivation of liberty, until, to carry out your principle logically, you will have to take the whole management of these companies out of the hands of the people to whom it belongs, and vest it in the Board of Trade, or in some branch of the Government. I leave the Committee to imagine what would be the result of such a course. The evidence taken before the

Committee on Assurance Societies shows that the result of the Parliamentary provision for the regulation of these companies has been to afford facilities for frauds which could not otherwise have been accomplished. With regard to the operation of the present law, the Committee say :—

> "That the Acts which have already been passed with a view of controlling the operations of insurance societies have been rather hurtful than beneficial for the very objects they had in view;"—and what is said of insurance societies is quite as true of others—"that an apparent compliance with the provisions of an Act of Parliament, and a certificate of complete registration, while they have proved entirely ineffectual for their professed objects, and no real security to the public, have afforded facilities, under the sanction of Parliamentary authority, embodied in regulations administered by a public department, for the formation of companies and the perpetration of frauds which could not otherwise have been accomplished."

So it appears that those provisions which, it was believed, would have worked a certain cure have been the very means by which fraud has been perpetrated.

> "And it has been further contended that it is impossible to make such regulations consistent with the free development of private enterprise, which, so far as the public is concerned, will not prove more prejudicial by lulling private prudence and vigilance, than beneficial in respect to any increased security which they can confer."

It seems, then, upon the opinion of very competent witnesses, that these Acts, so far from having been a means of preventing fraud, have only afforded facilities for its commission, because fraudulent persons have availed themselves of the sort of *prestige* which is gained among ignorant people by a presumed association with the Government, and have announced companies as "established by Act of Parliament," or as "provisionally registered," and have thus given them a colour of respectability which their own merits would not obtain. It therefore appears to me that when the Government attempt, by a system of artificial restraints, to test the worth of any commercial undertaking, they endeavour to do what they are not able to accomplish. Indeed, they really have not the means of effecting such an object. The formal restraints which they devise will be complied with by the honest trader, who requires no coercion, and will be evaded by the fraudulent, who laughs at such restraints. But not only do these provisions prove nugatory—they serve as traps to the unwary. They give credit to unsound and unsubstantial concerns, and in a great degree facilitate those very frauds which they were intended to prevent.

Having now described the Acts which we propose to repeal—for the proposition of the Government is to repeal the Joint-Stock Companies Act and the Limited Liability Act of last Session—it may save time if, before I state the details of the measure which I shall ask leave to introduce, I explain as briefly as I can the principles upon which we believe that future legislation should be based. We entirely repudiate as the basis of legislation the principle upon which the present Joint-Stock Companies Act is founded—that it is in the power of the Government to prevent the institution of fraudulent companies. We do not believe that it is in the power of the Government to supersede the vigilance of individuals, who are actuated by the strongest personal interests to detect these frauds; and, although I do not mean to say that many frauds will not still continue to occur, I believe that is a necessary incident of a large commercial society, and that it is an evil which cannot be met or cured by way of anticipation by any legal enactment whatever. I do not think it is a fair or right principle to embarrass, perhaps, a hundred honest, sound, *bonâ fide* concerns, in the vain and futile effort to correct the hundred-and-first, which may be of a contrary character. I think that, in such a case, with the view of doing a little good, you would do enormous harm, and you would set up a principle inimical to the well-being of civilised society: for, unless we deal with each other upon some presumption of confidence—unless we assume that a man is honest until he is proved to be a rogue—the disruption of human society must necessarily follow. Fraud and wickedness are not to be presumed in individuals. Why, then, when individuals are united together in society, should fraud and wickedness be presumed in those societies, which, after all, are but an aggregate of individuals, but individuals in the case of each of whom there is the presumption of innocence? We must base these laws upon the principle by which human transactions are guided, and the rule upon which men in business everywhere act is that persons are to be treated with confidence until something is proved against their character. The commercial intercourse of countries and of this great city and empire could not go on if a contrary rule were adopted. I may further observe that these restraints upon the creation or institution of commercial concerns tend very much to delay, and in such matters delay is fraught with danger. While a company is inchoate—before it is formed—the rights of parties are ill defined, and rest upon no strong or assured basis. That is, no doubt, the evil which was intended to be remedied by provisional registration, but I take it that such an evil is not to be cured by law. Rights in incipient companies are undefined, because men do not know what their rights are, and therefore cannot define them; and they, as in the case of provisional committee-men, often incur responsibilities unknowingly and are plunged into difficulties and embarrassments which they would have avoided had they been able to form their companies at once, and to proceed immediately to action. The condition of monetary affairs in which a company has been formed, perhaps, passes away, and it has to be organised in circumstances under which probably no one would have thought of establishing it; or those by whom the company has been projected are in a difficulty whether to abandon the undertaking and to return the money, or to attempt to carry it on. Every man of business must know that any delay in the formation of a company is frequently attended with such results. It is not for any fancied security, for any supposed advantage, that we ought to lay restrictions on the freedom of mankind in matters like these; and so far as we have yet gone, it would be impossible to show anything that comes near to a necessity for the imposition of such restrictions. The only ground on which you can defend such restriction is that it prevents fraud, which you have no right to assume; or that it secures stability, which it is impossible by any Government regulations whatever to secure. I shall now proceed to consider the nature of the restrictions imposed upon companies, and to show how little validity they have either in fact or in argument; and, in the first place, with respect to the paying up of a certain amount of capital. I admit that in the case of railway companies the principle of enforcing the paying up of a certain amount of capital is a good one, because it affords a protection to the public—it is in the nature of a deposit on the purchase of an estate; and the capital is ready for the purchase of property if required, and, if not, it is there to be returned to the depositors if the concern is not carried out; and it is only reasonable that men who come to Parliament, asking powers to take the property of their neighbours, should give evidence of their sincerity by paying up a portion of the amount required. But the case is quite different with regard to other concerns. Taking the Limited Liability Act as it now stands, it is required that 20 per cent of the amount subscribed shall be paid up, and that the fact of such payment having been made shall be proved by a declaration made by two of the promoters. Now, in the case of *bonâ fide* companies I can imagine nothing more embarrassing than this. It involves such companies in a great deal of difficulty; and I have had strong complaints from various quarters of the trouble and embarrassment which have been experienced in forming *bonâ fide* companies from this cause alone. This provision was not meant to hit the honest, but the fraudulent; but it is evident that fraudulent companies can easily evade it, for they have nothing more to do than to get two of their promoters to make a declaration to the effect that the amount of capital required by the Statute has been subscribed—it is, as Hamlet says, "as easy as lying,"—it is only required that the declaration shall be made, no power being given to inquire whether it really has been subscribed or not. So that while you are annoying and embarrassing *bonâ fide* concerns, you are not in the least degree placing a check upon those that are fraudulent. On the contrary, if they succeed in satisfying the Government requisitions, they obtain a spurious merit to which they are by no means entitled. By this enactment also you are taking the business of people out of their own hands. It is often a disadvantage to a concern to start with a great amount of paid-up capital. Sometimes, for example, the money may be wanted for the purchase of mines, but a long time may elapse before such a purchase can be concluded. What worse thing can you do for a company in such a case than to require that it should pay up a large portion of its capital? It is highly injurious in two ways. In the first place, it suggests to the directors a temptation to steal. They have got the money and do not know what to do with it, and in such cases it is apt to stick to people's fingers. In the second place, it very often perpetuates the existence of unsound and unwise concerns after the fallacies on which they may have been based have been found out; whereas, if it had had a small capital it would have been wound up at once: those who have the money and are, perhaps, making a good thing of it, think it would be sparing the Egyptians to return it, and thus they go on employing the capital of the shareholders, till it is entirely consumed. I shall say no more on the subject of capital being required to be paid up, as I think I have said sufficient to show that it gives no safety or security to the companies on whom it is imposed. But there is another point on which I have the misfortune to differ from some Gentlemen in this House, for whose opinions I entertain the greatest respect, to which I shall for a moment advert. There are many who would not require companies to pay up a certain amount of capital who yet think it necessary that this House should fix the amount of shares. Now the old Joint-Stock Companies Act, with all its faults, did not fix the amount of shares. Such an interference is wholly unnecessary, and would be productive of evil. I do not think it any part of the business of the Legislature to define whether shares shall be large or small. What presses strongly on my mind, and is with me one of the most powerful arguments against it, is that these small shares are much desired by the poor, and that there are many things in which they take an interest, and with regard to which it would be desirable to obtain their co-operation. There are various enterprises that they would often be inclined to connect themselves with; but if you fix a large amount for shares, this natural wish it would be impossible to realise. I have in my possession letters from persons of that class who are desirous to establish, for example, a cotton-mill by means of a company with £1 shares. I do not say whether such a scheme as that will succeed or not. I am afraid these co-operative undertakings have not been, generally speaking, prosperous. But, whether that be so or not, can we imagine a more impolitic law than that which permits associations to be formed by the rich, but denies them to the poor? While we allow those who are possessed of capital to establish companies for their mutual benefit, when contests take place between capital and wages, shall we forbid the workmen to enter upon the formation of companies for themselves, because we think it right to fix as the amount of shares a sum larger than they can possibly raise? Let them try the experiment, or they never will be satisfied; and be assured that there can be no more unjustifiable law than that which gives facilities to the rich and excludes the poor from combining in any matter of trade, or for any legitimate object that they may demand. Take as another example the truck system. We have had many Committees of the House on the truck system. What can be a more natural remedy for people who find that at the only shop to which they have access they are cheated, that they should join together their small earnings, in order to save themselves from the overcharge and the adulteration and all the oppressions to which they are subjected by setting up an opposition establishment? I shall deeply regret if it is not the policy of this House to support the measure which we are prepared to lay before it on this matter—a measure which I believe to be cast in a spirit of comprehensive liberality; or if any difficulty should be felt as to giving facilities to poor persons in the conduct of affairs of which they themselves may be expected to be the best judges. The only argument which I have heard against those small share companies is, that they will lead to gambling in shares. It is not impossible that this may to some extent be so; but if we were to refrain from legislation on all matters that might possibly lead to gambling, the consequences would be more comprehensive than at first sight might be imagined. On this principle we should begin by burning haystacks lest people should draw straws out of them, and bet upon their lengths. If we are to take away one man's rights or property for fear another should make a bad use of them, we should not, indeed, check the bad, but despoil and plunder the good, and give an unnatural extension to the principle inseparable from human society, which already imposes on the good some part of the penalty incurred by the misconduct of the bad.

I come now to another subject, the liberty of incorporation. It is usual to say that, as these companies come to the Legislature for favours and for privileges, we have a right to impose upon them what terms we choose—that we can make them submit to whatever restrictive law we like. Now, I protest against the use of the word "privilege" in such a case as this. In matters of commerce and exchange, of buying and selling, and of contract, it is impossible that under a just Government there can be any privileges. All associations ought to be equal before the law, and there can be no greater injustice than for a Government to ask for any undue exactions from any association on the one hand, or to give to any of them advantages above their fellows on the other. But there is no privilege. A partnership with many members ought to be considered in the light of an individual, and it is for the advantage of the public that the incorporation takes place. It is a sort of legal monster that cannot, without the aid of law, comply with the requisitions of the courts of justice, and it is therefore not only for its own convenience, but for that of the public, that it should be incorporated, so that it may both sue and be sued in one single name. It is a matter of procedure more than anything else—it should be encouraged wherever the mischief is likely to arise—that is, wherever such an association is likely to be party to any legal proceedings. It should be held as one single person; and for that reason we should throw no obstacle in the way of incorporation, as it is for the interest of the public as much as for that of the company itself that it should take place. It is no privilege, but a right to be conceded, a state of mischief to be corrected; and it is necessary, because such a company is so numerous that it would be difficult otherwise to proceed against it. I have already observed, that previous to the incorporation of a company, it was neither wise nor right to require any of those restraints and safeguards which had been demanded on behalf of the public. I now propose to show, that the fact of a company being established on the principle of limited liability, does not strengthen the case in favour of those restraints and safeguards. What I said of incorporations may be applied to companies with a limited liability. It is not a question of privilege; if anything, it is a right, and upon that ground we gave our assent to the Act of last Session. The principle is the freedom of contract, and the right of unlimited association—the right of people to make what contracts they please on behalf of themselves, whether those contracts may appear to the Legislature beneficial or not, as long as they do not commit fraud, or otherwise act contrary to the general policy of the law. It is easy to make anything a privilege. Any right, the exercise of which is denied, becomes a privilege, the very term privilege arising from the negation of a natural right. The process is this—it begins with prohibition, then becomes a privilege, and last of all a right. Till 1825, the law prohibited the formation of Joint-stock companies. From that time to the present it has been a privilege; but now we propose to recognise it as a right. So with limited liability; at first it was prohibited. Then came the Statute of the 1st Victoria, which gave the Board of Trade power to relax the law in certain cases; and, lastly, the Act of last Session, extended the privileges, but still imposes restrictions. Having thus gone through the first and second stages—prohibition and privilege—we propose now to take our stand upon the only firm foundation on which the law can be placed—the right of individuals to use their own property, and make such contracts as they please, to associate in whatever form they think best, and to deal with their neighbours upon such terms as may be satisfactory to both parties. The restrictions hitherto placed upon trading companies were intended to effect one of two objects—either to secure the stability of the company, or to prevent fraud. Is there anything in the nature of companies with limited liability that should make them less stable or more fraudulent than unlimited companies? I should say the contrary. Fraudulent people will never form a limited liability company. Their own liability, of course, is a mere bagatelle, unworthy of their notice. What they desire is a large credit; and to obtain that they endeavour to get as many persons as possible pledged to the utmost extent of their fortunes. It is plain that to such people an unlimited liability is a hundred times more advantageous than a limited liability. A company formed on the principle of limited liability carries on the face of it something like prudence and caution. Its shareholders seem to say, "we have entered into a partnership, but it is impossible to tell what may happen, and since the company may fail, we will not risk all we possess in the undertaking." Such is the nature and composition of a company which is supposed to offer such facilities for fraudulent practices, that it ought to be subject to restrictions which can be justified only on the ground that fraud is actually intended. Nor have we more reason to doubt the stability of a limited than that of an unlimited company. Nobody can tell *à priori* to which the preference in that respect may belong. The stability of a company depends upon two things—character and capital. But the character of a limited company may be quite as good as that of an unlimited company, and its capital may be as large. People confound unlimited with infinite, and think that the capital of an unlimited company must be large because it is all the shareholders have. There could not be a greater mistake. A limited company may have a capital of one or two millions; while an unlimited company may not be worth a thousand pounds. The capital of the latter is raised with difficulty; that of the former, owing to the terms of the subscription, will often be larger, and the temptation to borrow money less. Hence it follows that the limited may often be more stable than the unlimited company. My object at present is not to urge the adoption of limited liability. I am arguing in favour of human liberty—that people may be permitted to deal how and with whom they choose, without the officious interference of the State; and my opinion will not be shaken even though very few limited companies be established. Every man has a right to choose for himself between the two principles, and it is ill-advised legislation which steps in between him and the exercise of that right. It is right the experiment should be tried, and, in my judgment, the principle we should adopt is this,—not to throw the slightest obstacle in the way of limited companies being formed —because the effect of that would be to arrest ninety-nine good schemes in order that the bad hundredth might be prevented; but to allow them all to come into existence, and when difficulties arise to arm the courts of justice with sufficient powers to check extravagance or roguery in the management of companies, and to save them from the wreck in which they may be involved. That is the only way in which the Legislature should interfere, with the single exception—a very essential one—of giving the greatest publicity to the affairs of such companies, that everyone may know on what grounds he is dealing.

I now come to explain the provisions of the Bill which I propose to introduce. The Acts we propose to repeal are the Joint-Stock Companies Act, the Act amending the same, and the Winding-up Acts, the Limited Liability Act of last Session. The new Bill has a double principle — compulsory and permissive. The compulsory clauses provide that all partnerships consisting of more than twenty members, and established for purposes of gain or profit, shall be incorporated for the benefit of the public, and in order that any legal proceedings in which they may be engaged may not be unnecessarily embarrassed by the number of partners. By the second part of the Bill—the permissive clauses—all partnerships or associations consisting of more than six, and less than twenty members, having gain and profit for their object, and all associations not having gain or profit for their object, but consisting of upwards of six members, may avail themselves of the benefits of this Act. These last associations may adopt it or not as they please. So that the effect of what I propose is, that associations having gain or profit for their object, and consisting of more than twenty members, must adopt the provisions of the Bill; that associations not consisting of more than six members, and having gain or profit for their object, may adopt them or not; and that all other associations, whether of an educational or religious character, or for whatever purpose they may be formed, if they consist of more than six members, may have the same option. There are two classes of companies omitted from the Bill. I say so with regret, but it has been done in adherence to the principle on which the measure has been framed—to confine ourselves to the amendment of the Joint-Stock Companies Act, and to the application of limited liability to large and small partnerships in the most efficient manner, without interfering in difficult questions, such as those connected with banks. Banking companies have an Act of their own, and therefore we do not propose to include them in the present Bill; though, individually, I should have wished to apply the same law to all companies, and I hope the day will soon arrive when it will be so. The second exception, which I also regret, relates to insurance companies, which have been omitted in deference to opinions that we are bound to respect. I do not think that the provisions of the Bill will ever be applicable to companies established on the principle of mutal assurance, which are not Joint-stock companies at all; but I am convinced they might be applied with advantage to other kinds of assurance companies. We have omitted them, however, in deference to the opinion of a Select Committee of this House, which sat on the subject in 1853, and which declared in its report that the business of assurance companies differed so much from that of ordinary companies that it was desirable to repeal all the provisions of the

Joint-Stock Companies Act, so far as they related to assurance societies, and to deal with them in a separate measure. Now, supposing a company to be in the course of formation under this Bill, I will now state how it is to obtain complete registration. We abolish the present system of registration, and every company affected by the Act is to sign a document which they call in America "a certificate of registration," but which we propose to call a "memorandum of association." That document is to be signed by at least seven shareholders; it is to contain the name of the proposed company; to state the object of the company; whether it is to be limited or unlimited as regards liability; the number of shares into which the capital is to be divided; and, if the company is limited, the word "limited" is to appear. That document is to be filed with the Registrar; and upon its being filed the company is to be entitled to registration, from which it follows that it is incorporated and possesses all the privileges of a corporation, with the right of suing and being sued. The next step relates to the deed of settlement. We have prepared and appended, in the schedule of the Act, the by-laws of a company, which we call the "articles of association." We have taken them from the ordinary rules adopted in Joint-stock companies, and have applied to them the principles of the Railway Consolidation Act. When those articles appear to the persons who have signed the articles of association to be applicable to the company, they may be adopted bodily without any expense; but if it should turn out that those rules are not applicable to a particular company, the company will have the power of filing a document with their memorandum of association, either specifying the whole code which they have agreed upon, or enumerating such of the rules as they do not adopt, and giving those which they substitute for them. There is no compulsion, therefore, in the matter. We leave companies to form their constitutions as they please; but if the constitution provided by the Act be suitable to the promoters, they will have the advantage of being able to adopt it without expense. Next, as to the register of shareholders. The present mode of attempting to keep a register by means of the Public Registrar has, as hon. Gentlemen are no doubt aware, entirely failed. We propose, therefore, that the companies shall be compelled, themselves, under penalties, to keep a register of their own shareholders, which shall be accessible to the public at reasonable hours; and that that register shall be conclusive evidence as to who is a shareholder and who is not, together with the transfer of the shares to be signed by the transferee, much in the same manner as in railway companies. This will enable us to get rid of all those embarrassing questions as to what constitutes a contributor, which are frequently found to be so perplexing in winding-up cases. The clauses as to the management of the company I pass over, because the management we leave to the companies themselves. Having given them a pattern the State leaves them to manage their own affairs and has no desire to force on these little republics any particular constitution. One thing, indeed, will be required in reference to publicity, namely, that a balance sheet, which shall contain certain items, shall be filed every year with the Registrar of Companies; this, I think, may be fairly demanded from companies who will be saved so much trouble and expense; and, as we prescribe a form, we shall at least succeed in obtaining an uniform sheet, so that the shareholders will be able to compare the accounts of succeeding years, and to gather information from them, which, from the practice too extensively prevailing of rendering a differently-framed balance-sheet every year, they are now unable to collect. I now come to a new clause, which I hope may be found to be of great benefit to companies in distress. It shall be lawful for shareholders holding one-fifth part of the shares of any company to apply to the Board of Trade, at their own expense, to have the affairs of the company inspected; and the Board of Trade may, according to their discretion, appoint inspectors to investigate the affairs of the company, and to make a report, which report shall be the property of the persons who pay for it. This proceeding will not necessarily be attended with any publicity. It is borrowed in some degree from the New York code; but there is this difference, that in New York the application is made to a court of justice, and therefore involves, as a matter of course, publicity and expense; whereas we propose that the application should be to the discretion of the Board of Trade, and it will not necessarily entail either the one or the other. This is a very important provision, and it will do more, I believe, to remove the real grievances under which shareholders labour than any restrictions that could be imposed upon the formation of companies. We propose to repeal the existing Winding-up Act, which has not worked very satisfactorily, and to replace that Act by a new one. The following are the terms upon which we propose by this Bill that a company may be wound up:—A company may be wound up by the Court whenever it is unable to pay its debts, or whenever such winding-up shall be for the benefit of the shareholders. It shall be taken to be "for the benefit of the shareholders" whenever three-fourths in number of the shareholders, holding half the capital, declare so in public meeting assembled; whenever the company does not commence or suspends its business for the space of a whole year; whenever the shareholders are reduced in number to less than seven; or whenever it is declared by the Court that it is for the interest of the shareholders, and not injurious to the public, that the company should be wound up; and a company shall be taken to be "unable to pay its debts" whenever it neglects for three weeks to pay a debt with respect to which a notice has been served, or whenever execution has issued upon a judgment obtained against it. The application for winding up is to be by petition. Both parties will appear before the Court in the first instance; and the Court will be empowered to order either that the company be wound up absolutely, or that it shall be wound up unless its debts be paid within a certain time. This may appear to be a rather summary proceeding against companies; but it must be remembered that we propose to abolish the right of suing individual members of companies, and to require that suits shall be only brought against the companies themselves. In fact, we make these companies corporations, and we endow them with the attributes of corporations. The amount of debt which is fixed upon to warrant such a proceeding is 50*l*. This is an alteration of the law of considerable importance, and I think that it is justified by these considerations:—Suppose a company of large capital—it is clearly for the interest of everybody that, if it cannot pay a debt of 50*l*. it should be wound up, and I think that there can be no harm in winding up a company so summarily when we look at the analogy of the bankrupt laws. The fact of lying in prison for twenty-one days without paying a debt is an act of bankruptcy; and we propose that the non-payment of a debt for three weeks after notice shall be an act of bankruptcy in the case of a company. The principle on which the concerns of individuals are taken out of their own hands and placed in the hands of assignees is this—that when a man is unable to pay his creditors in full they have a kind of joint interest in him; the failure of their absolute rights sets up relative rights, and makes them a sort of *quasi* corporation. But in the case of a company not only the creditors, but the shareholders also become a *quasi* corporation—beside a dividend to be paid there may be also a call to be made—and the principle of the bankruptcy law would then require a double application. In the case of companies, with either limited or unlimited liability, it is desirable for the general good that a creditor should be prevented from the assertion of his private rights when the whole body of creditors have an equal interest in recovering from the company. Under the circumstances, therefore, I apprehend it would be wise to deprive parties of the power which they now possess of suing individual members of the corporation; but in order to compensate for that, we ought to give them a more summary and compulsory remedy against the companies in their corporate capacity, and to make the penalty of the non-payment of a debt to be nothing less than the extinction of the company itself. It is also proposed that a company should have the power of voluntarily winding up its affairs whenever three-fourths in number of the shareholders, assembled at any extraordinary meeting held for that purpose, and holding not less than one-half in the capital of the company, should pass a resolution for that purpose. And it is likewise proposed to give existing companies the power of bringing themselves under the operation of this Bill by means of a resolution agreed to by three-fourths of the shareholders, so that there shall be one uniform law with respect to such companies, whether formed before or subsequent to this Act.

I understand that the hon. Member for Paisley (Mr. Hastie), who was such a strenuous opponent of the Bill of last Session, has expressed a wish to know to what extent the Limited Liability Act has been made available in the commercial world. I am afraid I should find it difficult to satisfy the hon. Gentleman by any answer I may give him. Suppose I were to say that very few companies have taken the benefit of the Act, the reply of the hon. Gentleman, no doubt, would immediately be—"Yes, so I prophesied; your wretched principle has already broken down." If, on the other hand, I were to tell the hon. Gentleman that a great many parties have availed themselves of the provisions of that Act, he would, no doubt, with equal earnestness exclaim—"Here is the beginning of the end; here are the foundations laid of vast commercial ruin!" Therefore, Sir, I cannot give the hon. Gentleman any satisfaction as to the operation of that Act. But I will state to the House what has been done. The whole number of companies which have applied to be registered under the Act is not less than 142; of these eight have obtained limited liability; but the recent commercial crisis has prevented many of them from paying up their capital.

Having, Sir, now gone through the various provisions of this Bill, I would observe that, if any hon. Gentleman thinks that in this measure Her Majesty's Government has gone too far in leaving men to their own individual will and wishes, and has done in the way of Government interference too little, I hope he will remember this—that, among all the Governments that ever existed in the world, probably there has never been one which erred on the side of giving too much freedom to commerce. In the glorious reign of Louis XIV., when Racine, Corneille, Fenelon, and Bossuet flourished and adorned the age, the French Government were so grossly ignorant of the true principles of commerce that it actually prohibited the manufacture of goods, except of certain patterns—more especially of textile fabrics; and those things which were not made according to the prescribed form were nailed to the public gallows. That ought to teach us how cautious we should be in placing confidence in, or being led by, the authority of any man, apart from principle; it ought to teach us how much those matters which we have been in the habit of regarding as sure and certain are the effects only of prejudice; and it ought to make us more anxious to do honour to the principles on which all human transactions are founded. When the political economists say "*Laissez faire*," they do not mean to say, "Leave all matters to blind chance; let everything go on as it may." What they mean by *laissez faire* is, that we are not to interfere with human laws where other laws so much wiser already exist. Man, Sir, with his free will, his caprices, and his errors, is as much under the rule and government of a natural law as the planet in its orbit, or as water, which always seeks its level. Those laws, planned by Infinite sagacity, have the power of correcting and of compensating errors—one extreme invariably producing another—dearness producing cheapness and cheapness dearness; and thus the great machine of society is constantly kept oscillating to its centre. These laws are not made by a House of Commons; and before any Legislature steps in and attempts to correct them, it would be well that it should consider whether any Legislature can interfere and devise a better code than that which was framed before the first rude essays of mankind, to mould their collective will into a law. Who could have imagined it possible that a state of society resting on the most unlimited and unfettered liberty of action, where everything may be supposed to be subject to free will and arbitrary discretion—would tend more to the prosperity and happiness of man than the most matured decrees of senates and of States? These are the wonders of the science of political economy, and we should do well to profit by the lesson which that science has taught. That lesson is this—To interfere with and abridge men's liberty, and to undertake to do for them what they can do for themselves, is really lulling their vigilance to sleep, and depriving them of that safeguard which Providence intended for them, and helping fraudulent men to mislead and delude them. The right hon. Gentleman concluded by moving to resolve—

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Law of Partnership.

"That the Chairman be directed to move the House, That leave be given to bring in a Bill for the incorporation and regulation of Joint-stock Companies and other Associations."

Mr. COLLIER said, he must beg to express his thanks to the right hon. Gentleman for the extremely able and comprehensive speech which he had just delivered on a subject of the greatest commercial importance. This was one of two measures in connection with law reform. It was a measure of a right sort, and he wished there were more of them. It was founded on an intelligent and intelligible and legitimate principle; and it carried out that principle. As far as he understood the object of the first of the two Bills, it was that the man who contracted a debt should pay it and no one else. If a man sold goods to *A.*, knowing nobody but *A.*, then *A.* alone should be compelled to pay the debt. But the law, as it at present existed, said that if *B.* had furnished *A.* with means to carry on his business, *B.* might receive interest on his money at a rate, however usurious, without incurring any liability; but if, instead of receiving interest, he received any portion of the profits of *A.*, that then he (*B.*) should be liable for *A.'s* debt. Why should this be? It was impossible to distinguish between the two modes of remuneration. And was it not far better that a man should be allowed to share in the profits, whatever they might be, than to receive from the trader a certain amount of interest, whether the profits would admit of its payment or not? The second Bill related to partnerships, and its principle affected all associations known under the denomination of Joint-stock companies, such as railways, dock companies, and other enterprises, in which a large amount of capital was invested. Strange to say, these companies, instead of being looked upon as a great national good, had been regarded as public nuisances by our courts of law; and, although thy had been recognised by the Legislature, they were subjected to many severe restrictions, so that a great number of *boná fide* companies had suffered, while many fraudulent companies had not been prevented from pursuing their practices. The Bill now introduced would put all companies on the same footing, and the great principle of the Bill was that any number of persons were at liberty to associate, provided they gave notice of the terms on which their company was formed. This was a valuable principle, and he begged to renew the expression of the great satisfaction with which he had heard this comprehensive measure propounded by the right hon. Gentleman.

Mr. MALINS said, he cordially joined with the hon. and learned Member who had last addressed the Committee in the expression of satisfaction at the statements made by the right hon. Gentleman the Vice President of the Board of Trade in introducing his measures. The subjects of those Bills were of the highest importance to the commercial interests of the country. He had always felt a strong interest in these questions, and he had taken an active part in the discussions that took place in the House last Session upon the Limited Liability Bill. The object of that measure was no doubt good, but the Bill itself was so erroneously framed, that he was confident the restrictions which it imposed should be repealed at the very earliest period of the next Session of Parliament. He had always taken his stand upon the question that a man should be free to enter into any contracts he pleased; but he also felt it was the duty of the Legislature to give the greatest facility to the public to ascertain the precise nature of those contracts. He concurred with the right hon. Gentleman, with perhaps one single exception. He thought that the right hon. Gentleman had adopted the right principle, when he determined to overrule by legislative enactment the decision in the celebrated case referred to as to the liabilities of a dormant partner. He rejoiced that the time had at length arrived—and he believed by the general concurrence of all—that the principle which gave rise to that decision was no longer to prevail, and that the whole subject involved would be reduced to one rational system. A man should only be made liable for what he contracted, and should not be made responsible for that of which he could have had no knowledge. In the general principle of the first Bill of the right hon. Gentleman he fully concurred. He thought it most reasonable that every facility possible should be given for obtaining capital. He believed that they all concurred in the propriety of repealing the usury laws. Then, having removed those restrictions as to the interest of money, the measure proposed by the right hon. Gentleman was only following up the same principle, in declaring that every man should be allowed to invest his money in commerce, and that the utmost freedom as to such speculations should prevail. With regard to the Joint-Stock Companies Registration Bill, the right hon. Gentleman had explained its objects with great clearness and in great detail. He (Mr. Malins) did not propose to go into particulars upon that subject at the present moment. He would only say that he should be most happy and ready to lend the right hon. Gentleman his best assistance in carrying the general provisions of his Bill into effect. With regard to some of its details, there may be some differences of opinion. He himself thought that there were two or three points open to considerable doubt, and he could not pledge himself to the whole of them. When they went into Committee upon the Bill, and were called upon to consider its details, the right hon. Gentleman would have a much better opportunity of explaining and justifying the particular details of his measure than was afforded him at present. Then would be the proper time to suggest alterations deemed important, and of directing attention to particular points. He would mention one by way of example. The right hon. Gentleman provides, in respect to registration, that, instead of being obliged to go to Serjeants' Inn to inspect the register of shareholders, such a register shall be kept at the office of each company, so that every person dealing with it may, with the greatest facility, ascertain the names of the shareholders and the state of its affairs. In the propriety of such a provision he entirely concurred. But what he thought was open to much doubt was this point of the right hon. Gentleman's statement. He proposed that the fact of registration should be held conclusive evidence as to who the contributories were. Now that appeared to him to be a point not so well considered by the right hon. Gentleman as the other features of his Bill. Surely they might presume that there might be some mistake or even fraud committed in the registration of the company. If a name be erroneously inserted, it would hardly be just or fair to make the person liable, because a creditor had found his name in the list of shareholders. With regard to the other great question—namely, the Winding-up Act, it was important to consider its operation. The Committee were aware that that Act passed through Parliament in 1848. Well, that was an Act which probably occasioned more litigation, and a greater expenditure of money in law, than any other subject of a similar character. Under that Act great injustice had been done, because he thought that its meaning was misconceived. The great litigation, unfortunately, arose in consequence of the judgment of Lord Cottenham upon the construction of that measure—a judgment overruling the decision of the present Lord Justice Knight Bruce, then one of the Vice-Chancellors. The latter learned Judge had decided that the Act of 1848 did not apply to abortive railway companies. Lord Cottenham, however, subsequently decided that it did. This judgment of Lord Cottenham led to great litigation, which lasted for years. It rendered it necessary first to consider who were contributors to those companies. Our Chancery reports for five or six years were filled with cases involving the question as to what constituted contributories. Well, after all this litigation the Act had been found most mischievous in its operation, so far as it had been applied to those abortive railway companies. Now, the general principle of the right hon. Gentleman's Bill was most beneficial. He would take a company such as the right hon. Gentleman proposed to make his measure applicable to, namely, one in which the parties, either from insufficient capital, or from other causes, were unable to carry on their undertaking, and who under such circumstances were desirous of winding up their concern. Now, in such cases the principle of the right hon. Gentleman's Bill would work admirably. There were many imperfections in the former measure which the Bill of the right hon. Gentleman would effectually remove. It was also a wise principle to enact that when a company proposed to incorporate itself under the provisions of the Bill, that such company alone ought to be sued. It was a great misfortune, in his opinion, that the principle of limited liability had not been engrafted on the Joint Stock Registration Act of 1844. The right hon. Gentleman now said most reasonably that the company being incorporated, such company should alone be sued, and that the right of suing individual members under such circumstances should be altogether abolished. The right hon. Gentleman accompanied such a principle with a provision also exceedingly reasonable—namely, if a company be unable to meet their engagements, or should allow a judgment to remain unsatisfied, those facts should be considered as evidence that they were no longer fit to carry on business, and that the company might be wound up. The great evil of the Winding-up Act was, that it gave rise to much litigation as to what constituted a contributory. It was thought for a long time that a provisional committeeman was necessarily a contributory to a company, and, therefore, liable to their debts. After much litigation upon that point, the question was carried up to the House of Lords, where it was held that a provisional committeeman was not necessarily a contributory to the company. That decision had let loose thousands of persons who were before held liable to the debts of the numerous abortive railway companies, which had been attempted to be established in the railway mania of 1845. But the right hon. Gentleman proposed the registration of shareholders as a remedy for all this difficulty, and as he (Mr. Malins) understood the principle of his measure, if the company were found to be incompetent to perform their engagements, they might be at once wound up by the court. The court would refer the matter to the proper officer, who would have to take an account of the assets, to call in and collect those assets, to take an account of the debts, and of the capital that had been paid up. If the shares of the company were £20 each, and that £15 had been paid up, then the officer of the court would only have the power of calling for the remaining £5. The assets in the case would be distributed amongst the shareholders. This, in his opinion, would be so plain and reasonable an enactment that he would afford the right hon. Gentleman his best assistance in rendering it effectual. Those who become losers under the provisions of this Act would have no reason to complain, because they would be enabled to ascertain distinctly the nature of the contracts to which they would make themselves parties. And at the same time the measure would confer—what he and, he believed, the commercial community generally, would consider—one of the greatest boons ever bestowed upon the trading interests of the country. It would remove those absurdities which had so long shackled the commercial freedom of the country, and which, in respect to Joint-stock companies, had done such mischief and imperilled the safety of many families. He said that they ought to remove all fetters from our commerce, and all those dangers that beset society. The present state of the law was continually effecting the ruin of families, without giving a single benefit to the community. He heartily concurred in the general objects of the measures, and he would give to the right hon. Gentleman his best assistance in the endeavour to render them as effectual in their operation as possible.

Viscount GODERICH said, he begged to offer to the right hon. Gentleman the Vice-President of the Board of Trade his best thanks for the measures which he had proposed, reserving, of course, his opinion upon details until a fitter opportunity for discussing them should arrive. Last year he had regretted that the Limited Liability Act was based upon the existing Joint-Stock Companies Act. His views, however, were now entirely changed, and he no longer entertained that objection. The confining the advantages of limited liability to Joint-stock companies was the imperfection of the present law, and that imperfection the right hon. Gentleman proposed to remove. A complete reform would, in his opinion, be effected by consolidating into one Statute, as was now proposed, the laws of limited liability and Joint-stock companies, and such a measure ought not to be confounded with the tinkering legislation which led to the repeal of an Act in the very next Session after it was passed, and to its enactment in another and very different form. Last Session he (Viscount Goderich) proposed an Amendment to the Limited Liability Bill, that there should be no limit to the shares of companies; he was then opposed by the Government, but he was glad to find they had now adopted his view. Without pledging himself to the whole measure, he felt bound to give it his most cordial support, believing that, when passed, it would be a worthy monument of the comprehensive statesmanship of the right hon. Gentleman.

Mr. WHITESIDE said, he wished to ask whether the Bill would extend to all parts of the empire?

Mr. LOWE replied that it would extend to Ireland.

Mr. CARDWELL said, that knowing the difficulty, the complexity, and the extent of minute detail of the subjects which must have come under the notice of the right hon. Gentleman, he was desirous to express his great satisfaction that the measure had fallen into such able hands. If he understood rightly, his right hon. Friend would repeal several Acts of Parliament, most of which had already led to very great inconvenience and difficulty, both in the Courts of Law and in commercial transactions, and consolidate the law in a single Act, so as to give lawyers and commercial men the utmost facility of reference. The Act for the Registration of Joint-Stock Companies was passed at a time when much of the experience they now possessed had not been obtained, and it contained many provisions of superabundant prudence, which really gave no protection against the evils they now sought to remedy, but created a fictitious security in the minds of the public, by inducing them to trust to Parliament instead of exercising that caution which they alone could effectually use. His right hon. Friend would repeal all the complicated provisions with regard to provisional registration, and there would be a schedule to the Act, in which would be contained the ordinary forms according to which companies, without the least expense of fees or any legal expense, could be constituted. Those were the most valuable provisions of the measure, because these two points were secured—first, that any company could be incorporated without expense; and, secondly, that if any company adopted different rules and regulations from those in the schedule under the Act attention would be attracted and caution excited in the minds of the public, so as to lead them to inquire whether such variation was reasonable or not. He understood that his right hon. Friend incorporated the Winding-up Acts, which, though passed for a most useful purpose, had given rise to very extensive litigation, and so incorporated them as to take away the causes which had led to litigation, thereby securing to the public the benefit of those Acts without the difficulties which had caused them to be regarded with such disfavour in the Courts of Law. The Act passed last Session with regard to limited liability was also to form part of the new scheme of legislation. There was no objection pressed against the Limited Liability Bill last Session which had greater weight with the House than that it ought to be accompanied with extensive changes and consolidation of all the laws affecting Joint-stock companies. He congratulated his right hon. Friend that that objection would now be removed, and that the law with regard to limited liability would form part of a well-considered system of legislation. It would be idle to enter, at that moment, upon any controverted points in the question of limited liability; but, as he understood, the principle laid down by his right hon. Friend was this—that limited liability was not a matter of privilege or right, but a matter of contract and notice, and that no injury could be done to any person who had full notice of liability being limited. It was notorious that under recent legislation there had been a great growth of dishonest companies, which disgraced commerce and lessened the respect of the community for the law of this country; and if his right hon. Friend succeeded in amending the whole law of Joint-stock companies, which had led to such a result, he would identify his name with a work of which any man might well be proud.

MR. J. G. PHILLIMORE said, he wished to offer his feeble tribute of praise both to the principles of the measures and the remarkable speech by which they had been introduced. That speech reflected the highest credit upon the sound and enlightened views of the right hon. Gentleman. It did not, however, appear to him (Mr. J. G. Phillimore) that the right hon. Gentleman had followed out his principle to a sound conclusion. He would take the opportunity of showing him how dangerous it was to be led aside by authority in the principles of legislation. He was glad to find that the hon. and learned Gentleman opposite (Mr. Malins) had thrown off his Chancery habits, in coming forward upon the present occasion. The whole of the calamities which had been alluded to as having overtaken families were owing entirely to judicial legislation, that was allowing Judges to take a course totally unfitting their position. All the mischief had arisen from the decision given in the celebrated case of "Waugh *v.* Carver"—one indeed of the most absurd decisions ever come to by a court of law. It was too often the practice to meet any suggestion made for the improvement of the law by the observation, "How dare you oppose your opinion to a decision that has been ratified by so many eminent authorities?" He would remind the Committee that there was not one of the Judges who did not oppose Sir Samuel Romilly in his measure for the amendment of the criminal law. He thought that the Judges very frequently stepped outside of their province in their decisions upon the construction of the law. He should conclude by again expressing his satisfaction at the measures proposed.

Resolutions *agreed to.*

House resumed.

Resolutions *reported*, and Bills *ordered* to be brought in by Mr. FITZROY, Mr. LOWE, and Viscount PALMERSTON.

Adjourned at half after Eight o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, February 4, 1856.

COUNTY COURTS.

LORD BROUGHAM *presented* a petition from the Mayor, Aldermen, and Burgesses of the borough of Sheffield in council assembled, complaining of what were improperly called fees, but which he preferred designating taxes, imposed upon the suitors in the County Courts, and which the petitioners alleged greatly interfered with the administration of justice in those courts; and they prayed the aid of their Lordships for the revision and reduction of those taxes in order that justice might be fairly, equally, and cheaply administered. He should at an early day present to their Lordships a Bill for the purpose of effecting what he believed would be great improvements in the practice of those courts. There attached to the County Courts both a general and a special jurisdiction. In the case of the general jurisdiction there was a right of appeal and thus uniformity of practice was secured; but with regard to the special jurisdiction, which had reference to cases of insolvency, there was no right of appeal. It was necessary—absolutely necessary—to keep the law the same in all the sixty courts, that there should be a right of appeal; but in insolvency there was no appeal whatever; and the consequence was that in that difficult and important branch of their jurisdiction different principles were pursued in all these different courts. It was absolutely necessary, in order to maintain a uniformity in the administration of the law in these courts, that a right of appeal should be given in the case of insolvency, as well as in matters coming under the general jurisdiction of the courts.

THE LORD CHANCELLOR said, that the importance of the subject to which the noble and learned Lord had referred had already received, and would continue to receive, the attention of Her Majesty's Government. A Bill had already been prepared which would, to a considerable extent, effect the object aimed at by the noble and learned Lord in respect to a reduction of fees now received by the County Courts; but he could not at this moment bring his memory to bear as to whether the Bill would give a right of appeal in those cases of insolvency which were disposed of by the County Courts; but he begged to assure his noble and learned Friend that he would bear the matter in mind.

LORD BROUGHAM said, that without such right of appeal being given the Bill would be of very little use.

HOUSES OF PARLIAMENT—THE CLOCK AND BELLS.

THE MARQUESS OF CLANRICARDE moved for Papers and Correspondence relating to the huge piece of machinery shortly intended to be placed in the clock tower of the new Houses of Parliament. The affair was, he said, the most amusing clock case he had met with from the days of Tristram Shandy down to those of Sam Slick. It might appear to be a trivial matter, but it disclosed a system of blundering, conflicting authorities, and contradictory orders that might well astonish their Lordships, and that ought not to be passed over entirely without remark. In the year 1844 somebody appeared to have thought that the clock tower was in a sufficiently forward state to justify steps being taken for the construction of a clock for it. Accordingly, Sir Charles Barry was directed to put himself in communication with Mr. Vulliamy; and eventually Mr. Vulliamy was requested to make a set of drawings on the understanding that he was to receive 200 guineas for them; but that if he should be employed to execute the work, he was only to have half that sum. The drawings were completed in the course of a year and a half or two years; but no progress having been made in the tower by 1848, Mr. Vulliamy took steps to obtain his money. The Commissioners of Woods and Forests would only pay him 100 guineas; but in the following year Mr. Vulliamy represented to the Commissioners that as he was seventy years of age it would be unreasonable to make him wait any longer; he, therefore, requested that the other 100 guineas might be paid him, with the understanding that if after all he made the clock, 100 guineas should be deducted from the price of it. The Commissioners of Woods and Forests referred the matter to the Committee charged with the superintendence of the works, who reported that they could see no prospect of fixing a time by which the tower would be completed. Under these circumstances the money was paid to Mr. Vulliamy. In 1850 the clock was actually ordered. It would hardly be believed, but, although the Commissioners of Works had had the advice of the architect, the Astronomer Royal, and a gentleman of very great ability in such matters, Mr. E. B. Denison, the contract was so made that the clock, if it had been completed according to the specifications, could not have been put into the tower. At this juncture the contractor died; whereupon the Commissioners informed the gentleman who succeeded him in his business, that they had taken the opinion of the law officers of the Crown, and that as they found the contract was no longer binding, they intended to repudiate the existing arrangement. The gentleman who had taken the contractor's business, however, resisted, and the Commissioners were obliged to give way, at the expense of some humiliation to themselves. With respect to the bells, it seemed that the matter had been placed in the hands of Professor Airy, who had declined to act with the Chief Commissioner, because, in point of fact, the right hon. Gentleman knew nothing about bell founding. The right hon. Gentleman had attempted to relieve Professor Airy from any further trouble; but the Professor declined to give up the responsibility which had been entrusted to him. The bell-founder was, in fact, bound by his contract to furnish a bell to the satisfaction of the Astronomer Royal; and when he did that the Government were, in their turn, bound to pay him the sum agreed to.

Earl GRANVILLE said, he had no objection whatever to furnish the papers moved for by the noble Marquess; though he did not think they would be found of that amusing character described by the noble Lord. Not having himself perused them, he was not able to say anything with respect to the accuracy of the noble Lord's narrative. It certainly appeared from that statement to have been a transaction not very creditable to successive Governments; but it did so far redound to the credit of the right hon. Gentleman who at present held the office of Chief Commissioner of Works, that he had been able to bring the affair to a conclusion. The clock was finished, and would be erected as soon as the room was ready to receive it; and he hoped that they would be able to hear its chimes before the end of the year, if not before the end of the Session.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 4, 1856.

Minutes.] New Member Sworn.—For Meath, Edward MacEvoy, esq.

Public Bills.—1° Formation, &c. of Parishes; Judgments Execution, &c.: Episcopal and Capitular Estates; Local Dues on Shipping, &c.; Metropolitan Police; Burial of the Dead (Ireland); Court of Chancery (Ireland) Jurisdiction; Prisons (Ireland); Youthful Offenders (Ireland); Court of Chancery (Ireland) Procedure; Court of Chancery (Ireland) Receivers; Court of Chancery (Ireland) Appeals; Court of Chancery (Ireland) (Sales of Estates); Court of Chancery (Ireland).

THE ROAD THROUGH ST. JAMES'S PARK—QUESTION.

Mr. HUTCHINS inquired of the Government whether it was its intention to nominate a Select Committee to consider the best mode of establishing a road between Pimlico and Pall Mall; also, whether any correspondence had taken place on the subject between the Chief Commissioner of Works and the Home Office?

Sir GEORGE GREY replied, that there had been no official correspondence, with the exception of a Report which had been received from his right hon. Friend (Sir B. Hall), containing two plans for the construction of a road which would be suitable for the public convenience. Plans and estimates had been prepared with that view, but it was not intended that they should be adopted without first being submitted to a Select Committee of that House; for which Committee it was the intention of his right hon. Friend to move at an early period.

TICKET-OF-LEAVE MEN—QUESTION.

Mr. WISE said, that as a great number of offences had been committed by ticket-of-leave men, he wished to ask the right hon. Baronet the Secretary for the Home Department whether the ticket-of-leave system was to be continued? Secondly, whether any record was kept of those ticket-of-leave men who were again brought to trial? Thirdly, whether, in case of convicts elapsing into crime, the powers of the Act had been exercised and their licences revoked? and, fourthly, whether returns could be given of any reconvictions or revoked licences, as well as of the number of licences granted to convicts?

Sir GEORGE GREY said, that the question which was on the paper was the simple question whether the system would be continued. That system had been established by Act of Parliament, and had been carried out according to the provisions of the law, and it was not the intention of the Government to propose any alteration in the law at present. A record was kept of all ticket-of-leave convicts who were reconvicted, as far as the returns could be obtained from the different gaols in the country, and there was not the least objection to lay the fullest information upon that subject upon the table of the House. It was the practice to revoke the licence granted to a ticket-of-leave convict if he were subsequently convicted.

BURLINGTON HOUSE—QUESTION.

Mr. LOCKE KING inquired whether they had determined upon any definite use to which Burlington House, which was purchased by the nation in 1854, should be put?

Mr. WILSON said, that the Government had not come to any precise determination upon the subject yet; but, in the meantime, the Senate and Council of the University of London were located there instead of in rooms in Somerset House, which were required for the public service. A scheme for removing all the learned societies that had rooms in Somerset House to Burlington House was under the consideration of the Government, but he was not able to say whether there was sufficient room in Burlington House for that purpose.

THE POOR LAW—SETTLEMENT AND RATING—QUESTION.

Mr. A. PELLATT said, he wished to inquire whether it was the intention of Her Majesty's Government to reintroduce the Bill brought in last Session by the right hon. Chief Commissioner of Poor Laws; or to bring in any bill during the present Session, having for its object the enlargement of the area of settlement and rating?

Mr. BOUVERIE replied, that it was not the intention of the Government to reintroduce the Bill brought in the Session before last by his right hon. Friend the present Chancellor of the Duchy of Lancaster; but it was their intention to ask for leave to bring in a Bill founded on the Report of a Committee which sat two years ago on the subject of Irish and Scotch removals. Her Majesty's Government had no intention to introduce a Bill having for its object the enlargement of the area settlement and rating.

ASSAULTS ON WOMEN AND CHILDREN—QUESTION.

Mr. DILLWYN said, he begged to inquire of the Secretary of State for the Home Department whether the attention of Government had been directed to the insufficiency of the law as it now stood to repress violent assaults upon women and children; and whether it was their intention to propose any measure to Parliament to amend the law relating to such offences?

Sir GEORGE GREY, in reply said, that the attention of the Government had not been specially directed to the insufficiency of the existing law; but he had, of course, in common with every one else, observed the frequency of the assaults in question. Two years ago an Act had been passed for the purpose of punishing more severely, and with more certainty, persons who committed such assaults. The Act of Parliament had been very beneficial in its operation; but it had not succeeded, as he believed the Act would, in extinguishing crimes of that character. He believed that in consequence of that Act many persons had suffered punishment for those cowardly assaults who would otherwise have escaped. It was not the intention of the Government to propose any alteration in the law at present.

COUNTY COURTS—QUESTION.

Mr. H. S. KEATING said, he begged to ask the Secretary of State for the Home Department whether it was the intention of Her Majesty's Government to introduce in the present Session any measure founded upon the Report of the Commission on County Courts?

Sir GEORGE GREY said, that a measure had been prepared on that subject, which was now in the hands of the Lord Chancellor, who would introduce it in the other House.

THE QUEEN'S SPEECH—SUPPLY.

Queen's Speech *considered.*

Motion, "That a Supply be granted to Her Majesty."

Committee thereupon *To-morrow.*

LOCAL DUES ON SHIPPING, &c.

Passage of Her Majesty's Speech read—

> "The System under which Merchant Shipping is liable to pay Local Dues and Passing Tolls has been the Subject of much Complaint. Measures

will be proposed to you for affording Relief in regard to those Matters."

On the Motion of Mr. LOWE, House in Committee, to consider Local Dues on Shipping, &c.

MR. LOWE: Mr. FitzRoy, I have to ask the indulgence of the Committee while I endeavour to bring before it a complicated and important question with which I cannot boast much familiarity or long experience, but to which I have given such time and attention as I could command. When the navigation laws were repealed, it became the duty of the Government to look into the condition of our shipowners, who were then exposed to unrestricted competition with foreign shipowners, and to see that they were not prejudiced by the laws or impositions which placed them at an undue disadvantage with their rivals, and I think it is only due to the Gentlemen who have successively filled the office of President of the Board of Trade to say that in no department of the State have greater and more important reforms been effected than have been effected of late years, in the laws affecting shipping, the condition of our sailors, and the affairs connected with that subject. Since the Navigation Laws were repealed the whole law relative to shipping has been consolidated into one Act, so that every person may understand the law at once. The claim of Her Majesty's ships to salvage, which had frequently produced difficulty and ill-feeling, has been reduced and modified. The masters and mates of merchant vessels are compelled to undergo an examination before the lives of passengers and crews are entrusted to them. A system has been established at the outports by which sailors are enabled, upon coming on shore, to exchange their pay for money-orders, payable at any port in the kingdom, whereby thousands of pounds are annually saved to the families of sailors which would have been spent in the first orgies of recovered liberty. Another change which has been effected, is that by which, without expense to their survivors, the wages and effects of deceased seamen may be collected and realised; whereby many thousands of pounds annually are recovered—last year the sum was upwards of £30,000, besides effects in kind—for the widows and families of sailors that would formerly have never been received or would have been absorbed in legal expenses. A system of inquiry has also been instituted into the causes of wrecks and the misconduct of masters of ships, which has been a great check upon many reckless and dangerous practices, and an inducement to the cultivation of habits of sobriety and increased care. Then, the law in regard to the receivers of Admiralty droits and the salvage claimed by persons in possession of wrecked vessels has been placed on a more satisfactory footing, and while the rights of salvors have been attended to, they have been prevented from seizing wrecked vessels, and holding them as against the owners, rather with a view of gain to themselves—as hitherto has been too much the case—than for the purpose of rendering assistance in recovering wrecked property for the benefit of the owners. The lighthouse dues have been reduced by £105,000 a year; but, owing to an improved administration of the fund, it is now in so prosperous a state that several lighthouses are being built in Scotland and other parts. I mention these as samples of the activity of the Board of Trade since the Navigation Laws were repealed, and to show that in the present measure we are only carrying out a series of important improvements, which have been already begun, and are, indeed, far advanced.

In the year 1852, the right hon. Gentleman, the Member for Buckinghamshire (Mr. Disraeli), who was then Chancellor of the Exchequer, made a speech, in which he used these expressions—

> "It seems to us indefensible that, when the principle of unrestricted competition is established, the shipping interest of this country should be paying a tax, not for the lights supplied for their benefit (because for them they pay sufficiently), but in order that improvident grants of former Sovereigns and Parliaments should be counteracted by a peculiar tax raised from them, and in respect to which they get no return whatever. We think, also, that all that which is levied from the shipping interest under the name of 'passing tolls' is a vexation, a grievance, and a burden, to which the shipping of this country, under present circumstances, ought not to be subjected."—[3 *Hansard*, cxxiii. 841.]

These words of the right hon. Gentleman may be supposed to have had their due weight with the Aberdeen Government: the result of their consideration of the subject was, that a Royal Commission was issued to inquire into the local burdens upon shipping. The Commissioners, of whom there were three, after investigating the subject with commendable ability, zeal, and industry, made a Report in 1854, which is the foundation for the Bill that I shall ask the leave of the House to introduce.

I may as well state, at first, that from this Bill the port of London is excluded, because the affairs of the Corporation of London have come under another Commission, which has since made a Report, and the recommendations in which, arrived at after independent inquiry and consideration, are in accordance with those of the Commission on local dues and shipping.

I find, Sir, that the amount of dues levied on shipping in 1855, for all purposes of harbours, and every other purpose was, excluding London, £1,095,396, and of that amount there were applied to maritime purposes only £820,099. There thus remained a heavy balance of £275,297 raised by taxation upon shipping, which is not applied to shipping purposes. It is with the appropriation of that balance that we are concerned to-night. We will see what becomes of it, why it is annually drawn, whether it is just that it should continue to be so drawn, and how it may be more justly administered. The items which make up this amount are—firstly, passing tolls levied by certain harbours upon ships which pass such harbours, but do not enter them; secondly, town dues levied on ships by municipal corporations, which are devoted to municipal and not to shipping purposes; thirdly, charitable funds levied upon shipping; and, fourthly, special taxes raised in the harbours of Dublin and Cork by Her Majesty's Government, and devoted principally to the payment of debts due to the Consolidated Fund. These items nearly make up the sum that I have mentioned, The accounts I am about to state are those of 1852, but they have been augmented since that time; and as the increase has been computed at ten per cent, the amount at the present time is not less than £300,000, and every statement I have to make of the particular items is to be taken with a similar addition.

The first charge we have to consider is the passing tolls. The passing tolls are four in number, and are levied by the ports of Dover, Ramsgate, Bridlington, and Whitby. They amount to £32,496. The first is Dover. The passing tolls of Dover are computed to amount to £12,000. This tax is levied on parties which derive no benefit from it. The port of Dover is not available as a harbour of refuge, because it is dry at low water, and at high water it is only seven feet in depth, while for sixteen out of the twenty-four hours it is inaccessible to vessels of only 150 tons burthen. Upon this toll, together with other dues, property is charged a debt of £85,544. The Admiralty is making a large pier—in fact, a new harbour—at Dover. Now, these tolls are levied in respect of the old or inner harbour, which, by the erection of the new harbour, will be rendered of very trivial importance. The Commissioners have, therefore, recommended that the Admiralty should take Dover harbour altogether out of the hands of the local authorities, especially as it is used principally for military, or, I may say, for political purposes, and that the passing tolls should be abolished.

The next toll to which I will call the attention of the Committee is the passing toll of Ramsgate, the amount of which at the present time is about £14,000. It is levied upon all vessels laden with coal, culm, or stone, and upon other vessels above 20 tons burthen, including foreign vessels. Ramsgate affords the greatest accommodation for shipping of all these harbours, there being as much as eight feet in it at low water, although that depth is, of course, quite inadequate to constitute a really good harbour of refuge. Its entrance is narrow, it is difficult of access, it is looked upon as dangerous by mariners, and the ships which pass by derive no benefit from it. It is of use to shipping lying in the Downs, as they are able to take refuge in it in case of accident; but it has no claim whatever as a harbour of refuge upon the shipping which passes by, and nothing can be more unjust than to make that shipping pay for its maintenance. Repairs are going on there which have turned out to be more costly and troublesome than it was at first supposed they would be, and every estimate and every report which is made shows that more and more is likely to be demanded. With a view to mitigate the evil, various suggestions have been made. The general effect of this Bill is to transfer the harbour to trustees, together with certain dues upon coal now levied at Ramsgate, in order to keep up a sufficient revenue after the abolition of the passing tolls, for the maintenance of the harbour.

The next harbour to which I shall refer is that of Bridlington. A passing toll is levied upon all coal coming southward of $\frac{1}{4}d.$ per $2\frac{1}{2}$ tons of coals. The harbour has a narrow entrance, is inaccessible at low water, and is totally unfit for the purpose of a harbour of refuge. The amount levied by it at the present time is £2,835, and its debt is £28,858. The passing toll at Bridlington differs in one respect from the other passing tolls, for it will cease to exist in 1868.

The last passing toll to which I have to call the attention of the Committee is that of Whitby, to which the same remarks apply as I have made with regard to the others. The harbour is dry at low water, it is unfitted for the purposes of a harbour of refuge, and it levies a tax upon coal coming from the port of Newcastle—not, I mean, from the modern port upon which the town is situate, but from the ancient port, including the town of Sunderland. The amount of the toll is £4,111, the debt upon which is £32,720. The total debts upon the two latter tolls, including what I may call the charges in embryo, such as those for repairs of the harbours, amount to upwards of £60,000.

The next head of taxation upon shipping that I have to deal with is what are called town dues. They are dues levied upon shipping by municipal corporations and town authorities, by which I mean authorities having control over lighting, paving, health, and such matters, and applied by them, not to shipping purposes, but to their own purposes, in England, Scotland, and Ireland. Their amount in the year 1852 was £182,058, and is now probably little short of £200,000. The whole of this, except about £14,000, was applied by these bodies not to shipping purposes, but to their own purposes. It is difficult to trace the origin of these dues. The Crown had an undisputed prerogative in earlier times to create petty customs wherever it pleased, and these customs were often granted to corporations, and often to favourites of the Crown. They were the objects of bargain and sale, like any other kind of property, and many of them by this means came into the hands of municipal corporations. They were most probably originally saddled with a sort of trust for the maintenance of the harbours in respect of which they were levied; and it is still the law of Scotland—much to the credit of the jurisprudence of that country—that if a man be the proprietor of a harbour, he has an implied trust to keep such harbour in repair. But in England the rights of property have always been more durable and permanent than the duties imposed upon the holder of that property. The tendency among us, in cases in which trusts have been created upon property, is for the property to remain, but for the trusts or obligations upon it gradually to drop off. Such was the case with regard to all these harbours. They gradually came into the possession of the old self-elected corporations which were destroyed by the Municipal Reform Bill, and these corporations disposed of the revenues much as they pleased. Then came the Municipal Reform Bill, abolishing the old corporations and substituting for them bodies elected by the people; it also required all the corporate property, to be appropriated to corporation purposes; the whole of the revenue to which the corporation was entitled, whether derived from the rent of estates or from the dues levied upon shipping, or from any other sources, went into one borough fund; and the 92nd section of the Act (5 & 6 *Will.* IV., c. 76) declared that this fund should first be applied to the payment of debts, to the administration of local justice, and to the maintenance of local police, and the surplus, if any surplus remained, was to be expended for the benefit of the inhabitants of the town. Thus, by the operation of the Municipal Corporations Act, in consequence, as I apprehend, of an oversight on the part of those who prepared it, the tolls levied upon shipping became part of the borough fund, and were saddled with a trust for the benefit, not of the shipping, but of the inhabitants of the town. Before that Act was passed, the corporations were at liberty to do justice to the shipping, if they pleased, by applying the money obtained from it to its benefit; but they have since had no choice, and therefore, if I denounce as unjust the enormous gains derived by them from this source, I shall do so without the slightest intention of imputing injustice to them in applying the money to borough purposes, as in doing so they only carried out the express provisions of the Act. An example will be better than any amount of disquisition to enable the Committee to understand the working of the present system, and I will therefore take the most prominent instance with which I am acquainted—that of the great and opulent town of Liverpool. I am not so sanguine as to imagine that the hon. Gentlemen who represent that important constituency will be persuaded by anything I can say to yield their assent to the provisions of this Bill, and I will, therefore, state my case against them at once, in order that the Committee may understand the great mistake under which they are labouring. Liverpool is said to have acquired its dues by purchase from the family of Lord Sefton, about 200 years ago. The whole amount of town dues appropriated to municipal purposes in England, Scotland, and Ireland, in 1852, was 163,000*l.*, and of that amount the municipal corporation of Liverpool levied by dues upon shipping no less than £105,250. Out of this they are obliged by law to apply to maritime purposes the magnificent sum of £400 a year. They are, however, better than the law obliges them to be, for in that year they applied to those purposes no less than £3,044, the remainder being expended for the benefit of the ratepayers of the borough. The debt upon this sum amounts to £1,017,696. The municipal revenue derived from rates levied in the borough, and from property belonging to the corporation, is £103,325, and no doubt since 1852 the revenue derived from taxes upon shipping has increased 22 per cent, and now amounts to about £125,000. The value of rateable property in Liverpool is £1,400,000. Besides the enormous tax I have mentioned, the docks of Liverpool levy on the shipping £273,284, the whole of which is by no means paid for services conferred. A ship is liable to pay if it discharges or takes in any cargo in the stream. The steamer *Sarah Sands*, from America, was too heavily laden to go into Birkenhead docks, and discharged part of her cargo in two lighters. Still she was made liable to Liverpool docks for this, and paid £64. The steamer *Brazilian* took in a few packages in the stream, and paid £44 to Liverpool docks. The severity of this tax is not to be exceeded; and what makes it worse is that the Liverpool port extends from the river Dee to the river Ribble, and from the entrance of the Mersey to Runcorn. It extends also to Birkenhead; and Birkenhead and Runcorn have to contribute to the Liverpool docks and town dues. It is a complaint on the part of some that persons in South Wales, if they send coals thence to Runcorn, pay a duty of 2*d.* per ton, which is equal to the whole of the royalty demanded of the owner of the coal; and, on the part of others, that iron from Scotland is sent by Fleetwood instead of Runcorn, to avoid the duty of 3*d.* per ton. The immunity of the freemen of Liverpool from these duties is also complained of; and it is stated that a freeman was enabled to obtain a certain contract in preference to another person, because he got the goods necessary for carrying out the contract toll free. This, then, is the case of a man for whose benefit the tolls are imposed not contributing towards them, and being enabled thereby successfully to compete with his neighbour. In consequence of these duties a great deal of trade is driven out of its natural course, and finds its way to Chester, where the dues are light. Such a result is, of course, a great injury to the public. Newcastle also profits largely by these town dues, their amount there being £8,600 a year. At Hull they amount to £5,000 a year; and for the three towns of Liverpool, Newcastle, and Hull, the total of the town dues is £118,600. It is curiously remarked, too, that these three towns, which have the advantage of receiving this enormous tribute levied from other men's property, are as little favourably spoken of for the efficiency of their municipal regulations or sanitary improvements as any in the kingdom. Not only are these dues unjust in principle, and not only do they disturb commerce, but I believe that they react with considerable disadvantage on the places themselves. We must not, therefore, conclude that in this matter all is gold that glitters, nor, because Liverpool pockets some £100,000 at the expense of the shipping interest, that that town is really a gainer to that extent; for these dues deter people from coming to it, and cause a circuitous mode of transit to be had recourse to.

The next subject I have to deal with is the large amount taken from the shipping interest by the Trinity Houses and other charitable bodies, and expended in pensions and in other ways from which shipping derives no benefit. These charities are thirteen in number, and I find that they receive from shipping a sum of about £36,789. Many of these charities are mixed up to some extent with shipping purposes; and in all of them a great amount is applied to very excellent purposes, such as the maintenance of decayed seamen, almshouses, and the like. Taking the case of the Hull Trinity House as an example, the right hon. Gentleman read the following statement:—Receipts—Tolls on ships and goods, £15,001 7*s.* 4*d.*; differential dues, consolidated fund, £8,245 13*s.* 11*d.*; remaining revenues from property, &c., 5,313*l.* 6*s.*—total, £28,560 7*s.* 3*d.* Expenditure (accounted for)—Buoys, beacons, and other shipping purposes, £5,113 1*s.* 7*d.*; elder brethren and assistants, £144; almshouses, pensions, and charities, £15,983 17*s.* 7*d.*—total, £21,240 19*s.* 2*d.* Unaccounted for, £7,319 8*s.* 1*d.* Thus, as regards this charity alone, the effect of the measure will be to free the trade of Hull from a tax of £10,000 a year, and the consolidated fund from a charge of above £8,000 a year.

Another subject worthy of attention is the case of the Russian Corporation. This company was originally established by charter in the reign of Philip and Mary on the old principle of monopoly of trade. It seems to have been similar to the Levant and other trading companies, having a monopoly of trade with Russia, and power of governing the persons engaged in it. Under these powers certain tolls were established, which are still levied. This company levies in Russia, at St. Petersburgh, about £12,000 annually on British shipping. If the war with Russia has had no other good effect, it has, at all events, saved the shipping interest from the payment of that sum. Of this £12,000 the sum of £1,400 is for a Russian Customs' tax, £2,500 is for British episcopal churches in Russia, and the remaining £8,000 or upwards is applied in paying agents at St. Petersburgh and Cronstadt for communicating with the Russian Government—as if British merchants were not able to communicate with the Government themselves, or, at least, through Her Majesty's representatives—and for other agency business, which, if wanted at all, ought to be done and paid for by voluntary arrangement between the merchant and agent. Besides the foregoing, the company levy in English ports, on goods imported from Northern Russia, £2,178. By the accounts of the company it appears that a portion of their money, every farthing of which is derived from British shipping, except the interest on their savings—though, I suppose, those savings were originally derived from the same source—was expended in 1852 in the following manner:—Salaries, &c., chaplains, £1,059 9*s.* 9*d.*; ditto, agents, 500*l.*; pensions to a widow and a clergyman, £150; rent of office, £50; plate to Governor, which is an annual charge, £85; courts and committees, £226; salary, &c., secretary, £300; ditto, sergeant, £30; Custom-house expenses, £12 11*s.* 6*d.*; Sound lists, £48 6*s.* 6*d.*; printing, &c., £14 7*s.*; postage, &c., £14 5*s.*; ditto, Russia, £12 9*s.* 8*d.*; stamp duty on freedoms, £74; law expenses, £3 18*s.* 6*d.*; grant for schools at St. Petersburgh, £100; grant for organ at Moscow, £25; miscellaneous, £176 12*s.* 7*d.*; housekeeper, £12 0*s.* 10*d.*; total, £2,894 1*s.* 4*d.* There is a charge of £25 for an organ at Moscow—a praiseworthy object, no doubt, but one which does not seem to have very much to do with shipping. Then there are the annual charges—such as £1,000 a year for chaplains, and £300 for secretary. Some of the extraordinary expenses are rather peculiar. In 1838 there is a charge of £193 for an entertainment to the Russian Embassy on the occasion of the Queen's coronation; and, in 1839, there was an entertainment to the Grand Duke Alexander, the present Emperor of Russia, which cost £595. There is £14 for expenses connected with the receipt of his portrait; £210 for engraving, and £200 for framing and embellishing the portrait of the late Emperor Nicholas; last of all, there is £100 for the churchwardens at Moscow. Wherever the seaman went he seems to have been considered fair game—something was to be got out of him; and, accordingly, innumerable corporations appear to have fastened on him, and the funds which they have drawn from him they have considered themselves at liberty to apply just as they chose, without the slightest sense of responsibility to anybody.

I will take another charity—one which is connected with the City of London, but which, as it is not included in the report of the City Commissioners, will have to be dealt with in this Bill. It is the Marine Society, which in 1790 had transferred to it from the Westminster Fish-market trustees the right of levying 2*s.* on every boat-load of fish which passes the Nore. This tax was established in 1755; the collector of the tax was to have one quarter of the receipts for the trouble of collection; and about the same time an inspector was appointed to prevent forestalling and regrating. It is a society, I believe, of the most deserving character, and has for its object the apprenticing of the children of destitute seamen, and I have not the slightest wish to say anything in disparagement of it; but from 1845 to 1854 it received out of the pockets of these poor fishermen no less than £5,989. One quarter of this sum went to the secretary, and £976 to the inspector, who was appointed to prevent fore-stalling and regrating, but whose duties appear latterly to have been confined to helping the collector, and the charity only received £3,515; so that the expenses of collection amounted to 42 per cent.

I pass now to special taxes on shipping, which are collected by Her Majesty's Customs, amounting to £6,865. Of this sum the greater part is collected at the harbour of Kingstown, and about £400 is collected in the shape of entry dues at Cork. I am not quite certain now as to the circumstances under which this last sum is collected—whether they are such as to call for compensation; but I will take care to inform myself on the point. I come now to the case of the differential dues. The Committee is no doubt aware that many of these corporations and charities have been in the habit of imposing differential dues on shipping; that is, higher dues on foreign vessels than on those which are the property of British owners. In 1810 this country concluded a reciprocity treaty with Portugal, and in 1815 with the United States; but when these treaties came to be put into operation it was found that these local dues stood in the way of the execution of these treaties. An Act was accordingly passed which, treating these dues in accordance with the political economy of the time, as the property of the corporations by which they were enjoyed, took away all power of levying them in every case where these reciprocity treaties came into operation, but at the same time enabled the Treasury to give compensation. The same principle of compensation was afterwards extended likewise to all reciprocity treaties then existing, or which might afterwards be made. Under these Acts no less than £52,791 has been paid from the Consolidated Fund for compensation for differential dues during the year 1854. This compensation has increased very rapidly: in 1845 it was but £22,000; in 1846, £27,000; in 1847, £34,000; in 1848, £34,200; in 1852, £42,000; in 1853, £44,000; and, no doubt, if allowed to go on increasing, it would soon amount to £100,000. A large part of this compensation is paid to pilots. Foreign vessels have been obliged to pay higher for pilotage than British vessels, and, as the reciprocity treaties require the abolition of that privilege, a large sum has been paid as compensation for that abolition. The town of Liverpool received in 1852 £6,500 from the Consolidated Fund as compensation for the loss of these pilotage dues, over and above the compensation for the differential dues; Newcastle received £3,500 for the pilotage, and £6,000 for the differential dues, and Hull £10,500 for the dues, and £50 for pilotage, besides £8,250 paid to the Hull Trinity House.

The question now comes, how are we to deal with all these charges? And, first, as to the passing tolls. The Government has no hesitation in saying that these tolls ought in every instance to be abolished: they rest on no ground of justice or policy; on the contrary, they rest upon claims which, now that the principles of taxation are better understood, would be repudiated by every honest man. The true principle of taxation I take to be this, and it is the guide we have followed in framing this Bill—that it is only allowable for a portion of a class or a division of the country to tax itself for its own benefit, but that it has no right to tax its neighbours or the community at large. There is always a question about the incidence of these dues. Part of them undoubtedly fall on the shipping interest which immediately pays them, and part upon the consumer, but in the various fluctuations of the market it cannot be denied that a great portion of them must be paid by the shipping interest. I look upon it that the parties concerned are the public at large and the shipping interest.

As to passing tolls, the Bills provide in the first instance that they shall be totally and entirely abolished; but they leave behind them a difficulty as to dealing with the debts connected with them. At Dover, where the toll is £12,000 a year, the debt amounts to no less a sum than £85,000, which is charged upon this toll and other property. We propose that the Admiralty shall take the management of that harbour, shall receive its revenue, with the exception of these tolls, and shall be liable for its debt; so that those who advanced the money will obtain, in exchange for the security of these tolls which are to be abolished, that of the Government. At Ramsgate there is no debt, but, what is almost equivalent to it, large works, which are, I believe, necessary for the improvement of the harbour, are going on there. We propose that the cost of these works and the current expenditure of the harbour should be defrayed partly out of the income arising from which is already vested in the harbour authorities of Ramsgate, and partly out of a sum of £2,000 a year, the product of a tax upon coals, to be transferred to them from the town authorities by the operation of a subsequent portion of this Bill, and partly out of certain new dues, which it is suggested should be imposed. If these sums are not sufficient, we must have recourse to some other fund to make up the difference. At Bridlington there is a debt of £28,000, and at Whitby a debt of £32,000, which will both be paid out of the Consolidated Fund, and on the payment of which the passing tolls of these harbours will be abolished. If any one thinks that this is an extravagant sum to be paid out of the Consolidated Fund, I will refer to the fact that, in the speech I have already quoted, the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) recommended that £100,000 of the public revenue should be devoted to the purpose of extinguishing these maritime dues; and I will also remind the House that the Government will be greatly a gainer by the abolition of its payments on account of differential dues to which I have referred. That disposes of the passing tolls.

The town dues, or dues levied upon shipping, and applied to the purposes of municipal corporations, also appear to me to be susceptible of very simple treatment. I grant that there is a legal right to these dues, because it has been given by Act of Parliament; but I cannot conceive upon what principle, *ex æquo et bono*, a corporation can be justified in raising, by taxing the shipping which comes into its harbour, sums applied for the benefit, not of shipping, but of the ratepayers of the town. I have shown how injurious such a practice is to the places where it obtains; and I need only add that the shipowner is clearly as much entitled to justice as the ratepayer; and that, as in the case of the ratepayer, all sums raised by rates levied upon him are applied to purposes in which he has an interest, so the shipowner has a right to claim that all sums raised by taxes on shipping shall be devoted to purposes in which shipping is interested. I will put the case no higher, and it seems to me that, put so, it is impossible to answer it. Of course we shall hear of vested interests; but over and over again this House has decided—and I think it will not go back from that decision—that in this matter there is the widest possible distinction between corporations or public bodies and private individuals. Mr. Hallam, a high authority on such points, says, in the first volume of his *Constitutional History of England*, that Parliament, although bound to respect the legal interest of private persons, is not withheld by any such rule with regard to corporations when it can be shown that the abolition of such interests is for the public benefit, or that their retention would be unjust or impolitic. I therefore conclude that we shall do no wrong whatever by relieving the shipping interest from the payment of the enormous sum of £182,000—probably now more than £200,000—a year, wrung from them by various corporations of England, Scotland, and Ireland, and applied to matters in which it has no interest, and from which it derives no benefit whatever. The matter is not, however, so simple as it might appear. The funds raised by these dues are charged with debts, and the question arises, what is to be done with the debts? Her Majesty's Commissioners unhesitatingly recommend that where these debts had been contracted for town purposes in which the shipping had no interest, they should be transferred to the borough fund. To the justice of that recommendation I cannot wholly subscribe. It seems to me that the corporations, having contracted debts on the faith of the responsibility of these two funds—the borough fund, and that raised by the dues on shipping, which, under the Municipal Corporation Act, in fact, formed part of the borough fund—did no more than they legally might and were bound to do for the interest of the boroughs; and it would be a great hardship to rip up transactions which were perfectly legal, and to make corporations liable for the whole of debts which they would probably never have contracted had they known that the revenue which they derived from taxing ships was to cease. The principle we propose to adopt is this: As to the creditor there will be no change. He will still have his remedy against both the borough fund and that derived from the dues on ships; but, as between these funds, we propose to divide the debt in proportion to their respective amounts. We propose to take this sum: as the borough fund, or the fund arising from the taxes on town property, is to the fund arising from the taxation on shipping, so shall be the portion of the debt borne by the borough fund to that borne by the shipping dues fund. The figures are these. The debts chargeable on town dues in common with other town revenues in England, Scotland, and Ireland, are £2,576,378; the town dues on shipping, £182,058; the remaining town revenues are £416,010; the sum, therefore, is—as £416,010 is to £182,058, so will be the portion of £2,576,378 which shall be borne by the borough fund to that which shall be borne by the shipping dues fund. The result of this will be that the portion to be borne by the shipping fund will be £784,272, and that by other town revenues £1,792,102. Thus it will appear that, if all corporations were equally indebted, and all the debts and all the dues could be accumulated into two funds, the debts might be paid off in three years and a-half. Of course, as the debts are unequal, this cannot be done. Of the amount of town dues on shipping, £182,058, we calculate that £14,000 must be applied to shipping purposes, and the remainder, £168,058, will be at the disposal of the Bill. Now for the manner in which we propose to carry out our objects. We propose that these town dues, hitherto collected by the municipal authorities, shall henceforth be collected by the Commissioners of Customs, and carried to an account with the Paymaster General; and that in the case of leases of these tolls the rent shall be paid over to the same account, saving any encumbrances which there may be upon the leases. To facilitate the discharge of the debts, it is proposed that every town authority shall be called upon to furnish to the Board of Trade an account of its revenue for three years up to the passing of this Act, showing how much came from shipping dues, and how much from other sources; upon the receipt of which account the Board of Trade is to ascertain the amount of debt to be borne by each species of revenue in the manner already mentioned. Creditors may use their right to go against either fund; but if one fund pays more than its fair proportion of the debt, it shall be reimbursed by the other. We also provide for the formation of a sinking fund to pay off the debts. It is evident that the sooner a partnership of liability of this sort is dissolved the better, and, to accomplish this dissolution, we provide a sinking fund to pay off the debts, and we also propose to facilitate arrangements for borrowing money and other purposes. As regards such of these dues as may not be required for the purposes of the sinking fund, or for the payment of interest, it is proposed that there shall be reserved to the Queen a power of abolishing or retaining them, as she may think fit, by an Order in Council, the object being that the harbours may be in no danger of "starving," so to speak, through the sudden withdrawal of the funds on which they have been accustomed to depend for support; or by other deficiencies of revenue. In the interest of the creditor also, who might otherwise be left without his remedy, it is desirable that a power should be reserved of raising the dues anew in case it should be found necessary to do so.

The next subject to be dealt with is that of charities. With respect to charities, it is intended to apply to them the same rule of treatment to which municipal corporations are to be subjected, with this difference, however, that in dealing with charities we shall be relieved from the disturbing element of debt. We propose to take the collection of the charitable revenues out of the hands to which it is at present confided, and to intrust it to those of the Customs' authorities. We propose to take power to appropriate as much of these funds as may be required for strictly maritime purposes, to pay all pensions already vested for life, and to abolish the remainder, or to apply them as may be found necessary to shipping purposes. Some of these charitable corporations have under their control certain lighthouses not properly within the jurisdiction of harbour authorities, and it is proposed to transfer the management of all such lighthouses to the Trinity House of Deptford Strond, and the other general lighthouse boards, so as to make the system of administration of the coast lights of the United Kingdom as complete and uniform as possible.

As it is very possible that the course proposed to be taken under this Bill may be assailed and resisted by arguments founded on the old plea of vested rights, there is a precedent which, as I think, satisfactorily disposes of all such pretences, and to that precedent I would especially direct the attention of the House. In 1853 my right hon. Friend, then the President of the Board of Trade (Mr. Cardwell), made an application to the Trinity House to discontinue the practice of levying dues for charitable purposes. The Trinity House very naturally took up the cause of the charities, and offered every possible opposition to the proposal of the Government. A memorial was presented by them to the Queen in Council, which was referred by Her Majesty to the Board of Trade for their consideration. The Board accordingly made a Report to the Crown, from which I will take the liberty of reading a few passages, which place the question in a very clear light, and vindicate a principle which was not only sound in theory, but beneficial in practice, for it was subsequently acted upon, and caused a saving to the shipping interest of this country of no less a sum than £105,000 a year, and was also of great service in promoting the erection of lighthouses:—

> "The Trinity House Corporation, in their representation, call attention to the case of Royal grants of lighthouses and light dues to individuals, and to the recognition, by Acts of Parliament, of these lighthouses and light dues as the private property of the individuals to whom they were so granted; and they contend that the claims of the Corporation are at least as deserving of favourable consideration as those of individuals. They further allege that the light dues belonging to the Corporation have been from time to time invested in the erection or the purchase of lighthouses; and they submit that the lighthouses and light dues belong to them for the purposes of the Corporation, and are in the strictest sense their property for those purposes; and they allege that to allow to the shipowners the use of this property without any charge beyond the expense of maintaining the lights would be, as affecting the Corporation's charities, an alienation of property devoted to the benefit of decayed masters and seamen of the merchant service and their families, and a gift of that property to the shipowners; and they insist that such a measure would be neither just nor expedient."

To this summary of arguments, urged by the Trinity House, the Board of Trade replied thus:—

> "The Lords of the Committee do not call in question the title of the Corporation of the Trinity House to the property so alleged to be vested in them; but there is, as their Lordships submit, this distinction between the case of the Corporation and that of the individuals referred to—that the property so vested in the Corporation has been held and is held by them, so far at least as relates to the light dues in question, in trust for public purposes, and liable, therefore, to be dealt with upon considerations of public policy. Their Lordships cannot admit that there is any violation of the principle of property in the reduction of a tax levied for public purposes where no vested interests have been acquired in the proceeds of the tax; and where the tax in question is one levied upon a particular class of your Majesty's subjects, without that class deriving any adequate advantage in return (and any excess of light dues beyond the amount necessary to maintain the lights is a tax of this character), the reduction of such a tax not only involves no violation of the principle of property, but is in the highest degree just and expedient. Their Lordships cannot recognise any vested rights in the expectants of the bounty dealt out to poor mariners and their families, at the pleasure of the Corporation, from the surplus revenues of the lights; since it is of the essence of a vested interest that the individuals to whom the privilege is secured are ascertained and known to the law; and while their Lordships would religiously abstain from interfering in the slightest degree with the pensions or other benefits already conferred upon any person whatsoever, they can acknowledge no injustice in resolving, upon grounds of public policy, to confer upon no new persons a right to which at present no individual can advance any claim or title."

That, I take it, is the common sense of the matter. The principle is a sound, just, and sensible one, and it has this further recommendation, that it is not simply theoretical, for it has been already acted upon, and by means of it most important benefits have been secured to the shipping interests. As for the Russia Company, the tax which that Corporation has been in the habit of levying on English shipping will be completely done away with by this Bill. The war has already suspended the operations of the Russia Company, and I hope that with that peace, the early approach of which we are now awaiting, will not revive the right of the Company to tax Her Majesty's subjects trading with Russia for the maintenance either of a chaplain at Moscow, plate to the governor, or for any such like pious and righteous purposes. No doubt these objects, viewed in the abstract, are highly laudable, and nothing can exceed the credit that is due to those who apply to such purposes money of their own, or money which they are authorised so to dispose; but it is very little to the honour of any man that he should misappropriate funds not belonging to him, and be generous at the expense of other people. So much for charities.

Special customs we propose to put an end to.

The last question that arises is that of differential dues. These may be divided into two classes—those held by corporations and local bodies, who render no services to shipping in return for them, and those held either by bodies or persons who do render such services, or by private persons into whose possession they have passed either by purchase or inheritance. The former class amount to about £23,545, and this we mean to abolish altogether. If these bodies have, as we think, no right to tax shipping, they have no right to compensation for the tax. A river may not mount higher than its source. But, putting aside this argument, it may have been just and expedient to respect the right of public bodies to tax foreign at a higher rate than British ships as long as the principle of protection was allowed to govern our legislation; but when that principle was discarded in favour of the free-trade system, and when the country gave its sanction to the doctrine that our legislation should be framed without reference to other nations, but simply with a view to what might be most conducive to our own interests, this claim of public bodies to tax foreign ships at a higher rate than British ceased to have the slightest foundation in justice; and those who may be interested in its maintenance, so far from having any reasonable ground of complaint because of the course now about to be taken should think themselves very lucky for having been so long permitted to enjoy a privilege that rested on so fragile a foundation. When Parliament proposed to repeal the Navigation Laws it did not wait to see whether or not other countries would pursue a similar policy, and so in like manner we should not hesitate, upon public grounds, and without pausing till other nations followed our example, to abolish these differential duties on shipping. Such is the avowed and declared policy of this country; and these subordinate corporations are bound to follow in its policy the supreme corporation of the State; at least, if they have refrained from adopting such a course, they have no rightful claim to compensation for what is diametrically opposed to the settled principles and maxims of imperial legislation. I apprehend that if this question were to be argued now, we should undoubtedly refuse compensation for the removal of the existing unequal taxes upon foreigners; and we are thus entitled to apply this rule to the payment due for the next year, and so to remit these imposts for the future. We, therefore, propose that the £23,000 which is paid from the Consolidated Fund to municipal corporations and other public bodies should be at once abolished. The remaining 29,245*l.* is due either to individuals in reward of services rendered (as in cases of pilots, who are entitled to higher compensation for the higher fees they would have charged on the principle of differential duties against foreigners), or to persons whose property has come down to them by regular and notorious descent. These persons are entitled to compensation, but not out of the Consolidated Fund —the charge upon which in both these instances we think ought altogether to cease. In the latter case, however, we are of opinion that powers should be granted enabling the parties to raise their rates so as to indemnify themselves for the loss they will sustain; our assumption being that the individual is entitled to compensation, while the corporation is not. By this transaction we shall relieve the Consolidated Fund from the payment of £52,000 a year—a contribution which, if our shipping went on increasing at its present ratio, would, no doubt, soon have to be doubled. The result of this will be, taking the account between the Consolidated Fund and this Bill, that that fund will gain by getting rid of this annual burden of £52,000, which would increase with the increase of our trade; and it will lose £60,000 in all by paying off the debts upon the Whitby and Bridlington tolls. It will also lose that portion of the Special Customs' Taxes which is paid into the Exchequer.

I omitted to mention another abuse which we propose wholly to extinguish—namely, the exemption of freemen from charges that are imposed upon other persons—such an immunity being indefensible, on the double ground that it is invidious in its nature, and that it gives to those who enjoy it an unfair advantage in the keen competition of trade over their less favoured fellow-citizens.

In order to facilitate the readjustment of the taxation in harbours which will have been disturbed by this very sweeping change, it will be necessary to introduce another measure, the object of which will be similar to that of the Borough Harbours (Scotland) Bill, which gives to local bodies the power of raising their charges to enable them to meet their exigencies, subject, however, to a control which guards the shipping interest from excessive exactions. If the present Bill should meet with the approbation of the House, the other measure will also be shortly submitted for its consideration.

The result, then, of the whole change which we now propose to effect will be this —that we shall immediately benefit the shipping interest to the amount of £40,000 or upwards. This will be the effect of the remission of the small taxes at Dublin and Cork, and the abolition of passing tolls; and ultimately there would be a further reduction of duties to the amount (as nearly as we can calculate) of £200,000. The whole of this relief of course will not be immediate; but a considerable portion of it may be remitted at once; and the rest must be withheld in order to discharge the debt for which shipping will be liable. That, Sir, is the plan of the Government; and I apologise to the Committee for detaining it so long with a very dry statement, involving much minute detail; but I am convinced that the more they consider the subject the more strongly they will feel its importance. It is a question of the shipping interest and the public against a few local bodies, who (I will not say have clung to, but) have had forced upon them by the interference of the Legislature powers and rights which cannot be defended on the grounds of equity and justice. I trust that this House will do that justice to the shipping interest of this country which I am sure it desires to do, and will give another proof of its determination to enforce the doctrines of free trade to their legitimate consequences, as well as to affirm once more that great principle without which no man's property can be safe—namely, that it is not in the power of any one class to impose taxes except for the benefit of the class that is taxed. The right hon. Gentleman concluded by moving to *resolve*—

> "That the Chairman be directed to move the House, that leave be given to bring in a Bill for the Abolition of Passing Tolls and the Regulation of Local Dues on Shipping."

MR. HEADLAM: Sir, I, for one, am not going to enter into the lengthened details which have been brought before us by the right hon. Gentleman; except to say that I hope there may be ample time given, between the first and second readings of the Bill, to enable the numerous corporate bodies, whose interests it so largely affects, to give it their full consideration. There are, however, some principles enunciated this night by the right hon. Gentleman against which I must at once most explicitly enter my protest. So far as he has recognised the justice of relieving the shipping interest from the payment of vexatious charges, I most entirely concur. There is no man in this House—whether with reference to private or to public considerations—who is more desirous than I am to give the shipping interest every benefit it is in the power of the House to confer, and to take off from it every burden under which it labours. I was one of the Members for shipping ports who consented to the repeal of the Navigation Laws, but I then thought, and think still, that, as during the existence of those laws certain charges upon the shipping interest had grown up, it was but just and equitable that, on the abolition of the Navigation Laws, those charges should be abolished. I shall, then, support the measure of the right hon. Gentleman, so far as I can consistently do so, with due regard to the claims of others and the higher consideration of justice and the rights of property. I say, therefore, distinctly, that so far as this measure seeks to deal differently with the property of corporations from the property of individuals, I shall give it all the opposition in my power. The proposal to take away the property of municipal corporations is utterly without precedent, and opposed to every principle of justice. There is no doubt that the municipal corporations of this country hold their property upon a clear and unmistakable trust, for the benefit of the people of the towns over whom they rule. It is so expressed in the Municipal Reform Act, and the result is, that the property of a corporation is really the property of the poor people who reside in that town. It may be desirable to take away private property, but when you do so, you have always proceeded on the principle of compensation; but the moment you do so, without giving compensation, you proceed on the principle of confiscation; and the same rule applies in the case of corporate property. Now, Sir, I have that faith in the justice of the House that I feel confident it never will sanction any such principle. I do not wish to extend the debate further, but I must repeat that it is my intention to give the measure my most determined opposition, so far as it proposes to deal differently with the property of the poor from the property of the rich —to confiscate the property of municipal corporations, and to respect that of private individuals.

MR. HORSFALL said, he would reserve any observations that he might wish to make on the general question raised by the measure of the right hon. Gentleman the Vice President of the Board of Trade, until the Bill was in the hands of the House, and had been considered by those interested in it; but felt that one remark which the right hon. Gentleman had made, when alluding to the amount of the dues levied at Liverpool, Hull, Newcastle, and other places, required some notice. The right hon. Gentleman stated that the sanitary condition and the municipal regulations of these towns were notoriously bad. Now, he (Mr. Horsfall) must entirely contradict that statement; for there was no town in the kingdom, the sanitary condition and municipal government of which were superior to those of Liverpool. What, however, had the sanitary condition of Liverpool to do with a question of passing tolls on shipping? The expenses connected with the sanitary regulations of Liverpool were defrayed by a separate rate levied upon the inhabitants. The Government had sent out one of the officers of the Liverpool Sanitary Board to correct the deficiencies of their hospitals in the Crimea; and if the sanitary condition of that town was so unsatisfactory, as had been represented, he could not but express his surprise that the Government should have selected an agent from a place where the sanitary arrangements were represented to be so defective. The right hon. Gentleman had stated that the dues to which his Bill referred were most oppressive, and had concluded his speech by pretending to show that these dues had operated most injuriously upon the prosperity of Liverpool. But the fact was, that notwithstanding the alleged oppressiveness of those dues, no town in the kingdom had, of late years, been more prosperous than that very town which he had the honour to represent, and which the right hon. Gentleman had cited as an example of their injurious effects. If that were so, what became of the allegation that the dues were oppressive? He would not now endeavour to answer the question asked by the right hon. Gentleman — upon what authority these dues were levied? The various corporations who claimed such dues levied them under a title which, in his opinion, could not be disputed; and he thought that, before proceeding to legislate on this subject, the preliminary question, whether these corporations had or had not a legal right to such dues, ought to be decided by a court of law. If it should be proved that they had a legal title to these dues, it would be inconsistent with the national character for justice to deprive them of such a right without affording them ample compensation; but if, on the other hand, the courts of law decided that no legal title existed, it would be very easy for the House to deal with the subject. He hoped that, previously to the second reading of the Bill, full time would be afforded for the consideration of its provisions by those whose interests it would so materially affect.

Mr. RICE said, he simply rose to protest against the assumption of the right hon. Gentleman who introduced the Bill, that all the dues in question levied by corporations were originally granted for shipping purposes. The fact was quite the contrary; and that they had been levied for a variety of purposes. He had been glad to hear what had fallen from the right hon. Gentleman with reference to the port of Dover, which he hoped would soon be entitled to the appellation of a harbour. He expressed his hope that ample time would be afforded to parties interested in this subject for carefully considering the effect of the measure.

Mr. GIBSON said, he was not inclined to dispute the statements of his hon. Friend opposite with regard to the sanitary condition of Liverpool, and he was glad to hear that the expenditure for sanitary purposes in that town was met by a special rate. He considered that all the municipal expenses ought to be supported by rates imposed on the inhabitants, and not by dues levied upon shipping and upon commerce. He felt assured from communications he had received from his constituents, that they would learn with great satisfaction that the Government had resolved to deal with this important question, and that they would no longer allow Manchester and the surrounding districts to be taxed in order to contribute to the municipal expenses of the borough of Liverpool. Without giving any opinion as to the particular details of the measure, he would be most ready to support the principles laid down by the right hon. Gentleman the Vice President of the Board of Trade.

Mr. LIDDELL said, he must take the earliest opportunity of endorsing in the fullest manner an opinion of his hon. and learned Friend the Member for Newcastle (Mr. Headlam). He wished to know why a different course of legislation was to be adopted in the case of private and corporate property? There was one opinion in the speech of the right hon. Gentleman (Mr. Lowe), which met with his most cordial assent—namely, that there was but little liberality in dealing with the property of others; and upon that very ground he (Mr. Liddell) saw reason to differ from many portions of the right hon. Gentleman's speech. As regarded the measure, he would reserve to himself the right of opposing it, either in its principle or its details, at a future stage.

Mr. LINDSAY: I, Sir, give the right hon. Gentleman the Vice President of the Board of Trade my warmest and best thanks for the measure which he proposes to introduce; and I think that he is going on exceedingly just grounds and dealing with exceeding generosity—with too much generosity—with the corporations, who have for too long a time been allowed to levy taxes upon shipping and commerce for purposes quite alien to those interests. I shall at another time be able to answer any arguments which may be adduced with a view of showing that these corporations had any right to tax the shipping interests for municipal purposes.

Mr. WATSON: To that part of the Bill of the right hon. Gentleman which does away with passing tolls, I shall give my support; but there is another portion of it which will require very grave consideration—I mean that which deals with the property of corporations. There are various places where these shipping dues belong to the corporations of Newcastle, Liverpool, and other towns; and it becomes a serious question on what ground is the right to these dues founded. I believe it will be found that they have existed from time immemorial—as long, in some instances, as the corporations themselves, and for reasons which are perfectly obvious. The right to them is founded on immemorial custom; and therefore I trust that sufficient time will be given to enable parties to fully and carefully consider this measure. A great question will arise, whether or not there are any legal grounds on the part of the corporations for claiming these dues. It may be very well for the hon. Member who has just spoken to say that the right hon. Gentleman who wishes to introduce the Bill has dealt very lightly with the rights belonging to corporations; but I trust the House will never be found to take away either their property or the property of individuals, because they both stand on the same footing. Having said these few words, and reserving to myself the fullest liberty of dealing with that second question when it comes before the House, I will add nothing further, except to express a hope that the right hon. Gentleman will give ample time to the various corporations in the country who are interested to offer their opinions on the subject

Mr. LOWE: I do not think I cast, and I certainly never meant to cast, any imputation upon the sanitary condition of Liverpool. The observation I intended to make was, that Liverpool was not placed exactly in that ornate state in which one might have expected it to be, looking to the circumstance that rates to the amount of 105,000*l.* were levied upon shipping and the commercial interests, and applied to the benefit of the inhabitants; but, perhaps, it would have been quite as well if I had said nothing about that matter. The hon. Member for Dovor (Mr. Rich) has assumed that I represented that these dues were originally for shipping purposes. What I said was exactly the reverse. I will now state, in order to clear the way for future discussion, that the Crown granted these dues as a matter of prerogative, without necessarily fixing any duty upon those who received them. In Scotland a duty was attached to them, but not in England; and I believe that, before the Municipal Act, the old corporations received these tolls, and applied them as they pleased, without any regard whatever to shipping purposes. Then, as to the vested interests of corporations, hon. Gentlemen have said, with much solemnity, that that is a great question, and that it must be seriously discussed hereafter. Why, it is not a new question. It has been discussed a hundred times in this House. How do the corporations get these rights? Why, they get them under the Municipal Reform Act, which took from self-elected bodies, which had no community of feeling with the towns in which they lived, their property, and gave it to bodies elected by the ratepayers. Therefore that Act, which is said to be the very strongest ground on which they claim these dues, affords the very strongest instance that it is the practice of the Legislature to deal in the freest possible manner with the property of corporations.

Resolution *agreed to*: House resumed.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. FitzRoy, Mr. Lowe, and Viscount Palmerston.

METROPOLITAN POLICE BILL.

Sir GEORGE GREY said, he rose to move for leave to bring in a Bill to amend the law relating to the metropolitan police. The object of the Bill was to place the undivided control and responsibility of managing the police in the metropolis in the hands of one Commissioner, instead of its being exercised by two with co-ordinate authority, as has hitherto been the case. The original Act establishing the metropolitan police was the 10 *Geo.* IV., c. 44, under which power was given to appoint two persons, who were justices of the peace in any of the counties comprised in the metropolitan police district, to act as Commissioners of Police, subject to the authority of the Secretary of State in certain particulars. When the Bill was originally proposed by the late Sir Robert Peel, he stated that it had been his intention to propose the appointment of three Commissioners, who should form a Board, and, of course, there would be a majority of two in case of any division or disagreement, but two only were appointed. He (Sir G. Grey) felt bound to say that, owing to the judicious selection of the first Commissioners, and the harmony which prevailed between them during seventeen years, no inconvenience had arisen from any difference of opinion between the two first Commissioners; but subsequent experience had shown that the divided responsibility was not conducive to the efficiency of the force. One step in the direction of the Bill he now proposed to introduce was taken by the Act of the 2 & 3 *Vict.*, c. 47, amending the Metropolitan Police Act, a clause of which authorised one Commissioner to do all the things which were authorised by that Act to be done by the two Commissioners of Police, and as it incorporated the former Act it was considered that this provision extended to the duties imposed by that Act. The construction he should put upon it was that which he believed to be clearly the intention of Parliament — namely, that one Commissioner could do anything which the two were authorised to do, either by the original or the amended Act; but a question had been raised whether the terms of the last Act really gave power to one Commissioner to act independently and without the co-operation of the other in certain acts required to be done under the original Act. But in any case it was evidently the intention of Parliament that two Commissioners should be appointed, and he had therefore not felt it right to sanction any permanent arrangement by which the duties assigned to two Commissioners should be discharged by one without the sanction of Parliament; but as a vacancy had occurred by the death of Captain Hay, which had not been filled up, he took the earliest opportunity of bringing the subject under the consideration of the House with the proposal which was embodied in the present Bill. That proposal was to place the metropolitan police of London on the same footing as the Irish constabulary with respect to management and government. Under the Irish Constabulary Act, an officer, called the Inspector General, was appointed, togewith two assistant inspectors-general; each of them was in the commission of the peace, and capable, on the occurrence of a vacancy, when called upon to do so by the warrant of the Lord Lieutenant, of exercising alone the powers of the Inspector General, but ordinarily acting, only in subordination to the chief Commissioner or Inspector General, who had the undivided responsibility of the arrangements. What he (Sir G. Grey) proposed to do, was to repeal that part of the Act which required the appointment of two Commissioners, and to provide that one only should be appointed; and he intended to couple with this the power to appoint two Assistant Commissioners, who should also be justices of the peace, in the counties comprised in the metropolitan police district, each of whom, according to the precedent of the Irish Constabulary Act, might, in the absence of the other Commissioner, or during a vacancy, be empowered by the warrant of the Secretary of State to perform the duties of the chief Commissioner. At present there was no provision for a temporary arrangement in the event of a vacancy occurring, from which serious inconvenience might result; but by the proposed measure this advantage would follow—while the undivided responsibility and management of the Board would rest upon one person acting under the authority of Parliament and the Executive Government, he would be assisted by gentlemen not of the class and rank of ordinary superintendents and inspectors of police, but intervening between the chief Commissioner and the superintendent and inspectors, and exercising a superintendence over the latter in the districts which were assigned to them. He thought that by these means greater assistance would be given to the chief Commissioner than by a colleague of co-equal authority, while, at the same time, all chance of the evils arising from a difference of opinion would be prevented. The arrangement he proposed would, therefore, be conducive to the efficiency of the police, and, would also provide for the appointment by the Secretary of State, with the authority of Parliament, of officers competent to take the charge and direction of any large body of police called together upon any emergency, in accordance with the recommendation made by the Commissioners who were appointed to inquire into the disturbances in Hyde Park. He quite concurred with their suggestion, that on all such occasions there should be present some officer who was superior in rank to an inspector or superintendent. Under the Lodging

Houses Inspection Act, the Hackney Carriage Act, and several other Acts, special duties were created, the execution of which the Secretary of State had power to confide to one of the two Commissioners. If Parliament sanctioned his proposal he would extend to the Secretary of State the power of selecting either the chief Commissioner, or one of the assistant Commissioners, for these additional duties. With regard to the salaries of these new officers, he proposed to give the chief Commissioner £1,500 a year—which was the salary received by the Inspector General of the Irish Constabulary—and to the assistant Commissioners £800 each; and, by this arrangement, there would be a diminution of £100 upon the existing charge, which was about £3,200. He trusted the House would have no objection to the introduction of the Bill, or to its being proceeded with on an early day.

Leave given.

Bill *ordered* to be brought in by Sir GEORGE GREY and Mr. MASSEY.

Bill read 1°.

ANSWER TO THE ADDRESS.

VISCOUNT DRUMLANRIG appeared at the bar, and read the following gracious acknowledgment on the part of Her Majesty to the Address of Thursday night—

"Your loyal and dutiful Address has afforded Me much satisfaction.

"I am confident that I shall receive your cordial support in all measures which may appear to Me to be necessary to maintain the honour and dignity of the Empire, and to promote the permanent interests and welfare of My People."

EPISCOPAL AND CAPITULAR ESTATES BILL.

THE MARQUESS OF BLANDFORD said, he would, with the permission of the House, place upon the table a Bill for the better management of Episcopal and Capitular Property. The Bill was very nearly the same as that of last Session, but he would reserve all explanations in reference to it until the second reading, if now permitted to introduce the measure.

MR. HADFIELD said, he thought the subject was altogether too vast a one to be dealt with by a private Member. Besides, the Bill of the noble Marquess contained no provisions which might enable the Government to relieve the country from church rates. It was a mere attempt to nibble at the end of a great question. He considered that the subject was one with which no independent Member ought to meddle without the sanction of the Government.

VISCOUNT PALMERSTON said, that in consequence of the promise which he gave to the noble Marquess last Session, he could not fairly object to the reintroduction of the Bill. It was right, moreover, that the noble Marquess should have an opportunity of explaining his views more fully than he had hitherto done. But on the part of the Government, he could not give any pledge that they would deem it their duty to support the Bill in its future stages.

MR. W. WILLIAMS said, he very much objected to the introduction of Bills which had no chance of being passed. It consumed the time of the House unnecessarily, and increased the large sum which the country had to pay for printing.

THE MARQUESS OF BLANDFORD said, he was not prepared to admit that the Bill would be rejected. It related to a subject of which the public would not fail to recognise the importance, and he was convinced the House would give it their most careful and favourable consideration.

Leave given.

Bill *ordered* to be brought in by the Marquess of BLANDFORD and Mr. GEORGE BUTT.

Bill read 1°.

JUDGMENTS EXECUTION, &c., BILL.

MR. CRAUFURD said, he begged to ask for leave to introduce a Bill enabling execution to issue in any part of the United Kingdom under judgments or decrees obtained in certain Courts of England, Scotland, and Ireland. The House had already affirmed the principle of the measure; but the law officers of the Crown had expressed disapproval of the form in which it stood last year, he had, therefore, struck out all reference to Courts of Chancery and the Incumbered Estates Courts. He had also provided that the certificate required by the Act should issue only on a rule of Court or Judge's order.

MR. NAPIER said, the Bill of last year was thought very objectionable in Ireland. It was considered by a Select Committee of that House, who tried in vain to amend it, and on their recommendation it was rejected in the House by a large majority. He would not oppose its reintroduction, but would vote against the second reading.

SIR FITZROY KELLY said, he desired to know whether the hon. and learned Solicitor General had turned his attention to the Bill, and also whether the power of enforcing judgments was to be made reciprocal in the three kingdoms?

THE SOLICITOR GENERAL said, the details of the Bill of last Session appeared to him objectionable; but the object was a good one, and he thought could be accomplished without infringing the distinctive principles of the jurisprudence of England and Scotland. He was not prepared to express any opinion upon the details of the measure now sought to be introduced, but he thought the end so desirable that he would be loth to put any obstacle in the way of attaining the great object of amalgamating the jurisdiction, and facilitating the execution of a judgment passed in one country and desired to be enforced in another.

MR. CRAUFURD, in reply to Sir F. KELLY, said, that he intended the power of enforcing judgments to be reciprocal.

Leave given.

Bill *ordered* to be brought in by Mr. CRAUFURD and Mr. DUNLOP.

Bill read 1°.

CHANCERY COURTS (IRELAND) BILLS.

MR. WHITESIDE said, he rose to move for leave to introduce a series of Bills for the improvement or alteration of the Court of Chancery in Ireland. The hon. and learned Solicitor General for Ireland had given notice of his intention to introduce a measure with apparently a similar object to that which he (Mr. Whiteside) himself had in view. He should be only too happy to leave the matter in the hands of the hon. and learned Gentleman if he thought that the Bill of the Solicitor General would effect all those alterations and amendments in the practice of that Court which he thought should be effected; but inasmuch as he believed that the hon. and learned Gentleman had only accepted some of his (Mr. Whiteside's) views, he trusted he would be pardoned in endeavouring to press his own measure forward. He submitted that there ought to be established a Court of Appeal from the Court of Chancery, the want of which had long been felt in Ireland. The difficulty which stood in the way of this object was the construction of the new Court, and the expense attending its maintenance. The plan he suggested was the appointment of ex-Chancellor Blackburne, and that of the Judge of the Ecclesiastical or Prerogative Court of Ireland, as the two Judges out of the three necessary to constitute such Court. More able men, or men more competent to discharge the duties of the proposed Court could not be selected in Ireland. A most excellent Court of Appeal, and one entailing but a small expense upon the country, could thus be established. He believed, however, that he might state that his plan, if carried into operation, would cost the country £40,000 a year less than that which was about to be enunciated by the hon. and learned Solicitor General for Ireland. The hon. and learned Gentleman then asked leave to introduce the following Bills, namely—Bill to make provision for the more speedy and effectual despatch of business in the High Court of Chancery in Ireland. Bill to amend the practice and course of proceeding in the High Court of Chancery in Ireland. Bill to alter the law and practice of the High Court of Chancery in Ireland in relation to the appointment of Receivers, and the management of Estates under the control of the said Court. Bill for securing the titles of Purchasers of Estates sold under the Court of Chancery in Ireland. Bill to facilitate and diminish the expense of Appeals from the Court of Chancery in Ireland.

MR. W. WILLIAMS said, he objected to the introduction of Bills which, if carried out, must necessarily entail a great increase of expense upon the country. He thought it was useless for the hon. and learned Gentleman to persevere with such measures at a period when it was utterly hopeless to carry them through Parliament.

Leave given to introduce the said Bills, which were then severally read a first time.

COURT OF CHANCERY (IRELAND) (INCUMBERED ESTATES COURT ABOLITION) BILL.

MR. J. D. FITZGERALD said, he would now move for leave to introduce a Bill to abolish the Incumbered Estates Court (Ireland); enlarge the jurisdiction of the Court of Chancery (Ireland), increase its power, and reform its procedure. One of the objections made to the Bill by the hon. Member for Enniskillen was, that it would cost the country about £40,000 per annum more than the measure which that hon. Member had just introduced. He would now proceed to state to the House a result which would relieve them of anxiety upon that point. Having recently had an opportunity of settling all the details of the measure he had in hand, he was prepared to state the substantial result of it in point of expense. He proposed to abolish the Incumbered Estates Court, which at present cost the country £15,529 16*s.* 10*d.* per annum, and he proposed also to dispense with four of the Masters in Chancery and other officers of that Court in Ireland, which would result in an abolition of salary to the extent of £14,900 a year. He did not say that this latter sum would be immediately saved to the country, because there would be compensations, the amount of which he was not able to calculate exactly, not knowing how many of the old officers might be appointed to situations under the new Act. On the other side of the account, the officers to be appointed under the Bill would receive in salaries £16,760 a year, and, as nearly as he could estimate, the life compensations would amount to £13,383 a year. The annual expense which would be put an end to, therefore, was £30,429 16*s.* 10*d.*, while the new situations, together with the life compensations, would only be £30,143 a year. So far, then, from his measure costing the country £40,000 a year more than that proposed by the hon. and learned Member for Enniskillen (Mr. Whiteside), he might confidently state that it would cost the country nothing, and that so soon as the life compensations ceased there would be a permanent saving of nearly £14,000 a year. The Bill now to be introduced was founded on the Report of the Commissioners appointed to inquire into the Incumbered Estates Court, which was laid on the table of the House in June last. He had printed this Bill last Session and circulated it widely, with a view to elicit suggestions for its improvement—and there had been no objections made which he had not attended to. The House must be aware that, in the year 1849, Sir John Romilly introduced the Incumbered Estates Court Bill. It was the law under which the Incumbered Estates Court was founded in Ireland, and he must say of that measure that it had proved entirely successful, and well calculated to meet the pressing emergencies of the period. It was regarded at the time of its introduction with considerable alarm; and the right hon. and learned Gentleman opposite (Mr. Napier), in a speech which he made upon the occasion, objected to its provisions, and shadowed out another course, which he would presently advert to. Now, the very first part of the Bill which he was now asking permission to introduce has for its object the abolition of the Incumbered Estates Court. But, whilst he proposed to abolish a Court which had done more good than any of modern times, he did not intend to destroy its jurisdiction, but transfer it to one of the regular Courts of the country. The Incumbered Estates Court has been in operation six years up to the last day of December, 1855, and the estates sold under its authority amounted in value to £17,331,668 4*s.* 9*d.*, and of this, the Court had already distributed £14,080,034 4*s.* 9*d.*, leaving a balance of about £3,000,000 to be distributed. At the present time, the Court has made orders for selling estates, the rentals of which amounted to £400,000 per annum. Those figures would show the enormous amount of work which had been done by the Incumbered Estates Court, to the great benefit of the country, although no doubt it had, in some cases, caused injury to individuals; the injury to individuals, however, had not been to anything like the extent which had been predicted, while its benefits had exceeded the expectations of all. The necessity for the original measure was truly stated by Sir Robert Peel, in 1849, when he said—

> "Although the ordinary courts of law are admirably suited for the conduct of ordinary proceedings and for the administration of justice between man and man without extraordinary courts, yet I must say, when great social difficulties have to be contended with, my belief is that you should step beyond the limits of those ordinary courts of justice, and establish some special tribunal unfettered by reference to technical rules for the purpose of solving these difficulties."

The tendency of the operations of the Court had been to introduce capital into Ireland. ["No, no!"] He was aware that but one-sixth of the purchasers had been English or Scotch, but it had developed a great amount of Irish capital —capital which we did not know existed. Purchases in the Court of more than £14,000,000 had been made with Irish capital, which this measure had developed. The Act, which was passed in July, 1849, was to continue in force for five years, and to the end of the next ensuing Session of Parliament, but with powers to receive petitions for sales only for three years. Those powers had, however, been renewed by successive Acts, and at present the

Court could continue its operations until August, 1857, but its powers of receiving petitions, or of commencing new proceedings, would expire in July next. In 1852, the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier), then Attorney General for Ireland, who had originally opposed the Bill, was of opinion that the best course was to renew the Act until the Court of Chancery had been reformed and rendered available for the transfer of the business of the Incumbered Estates Court to its jurisdiction. The Court of Chancery in Ireland had not yet been fully reformed. In 1854 a Commission was issued under Lord Aberdeen's Government to inquire into and report upon the Incumbered Estates Court. The Commissioners were the Lord Chancellor of Ireland, Sir John Romilly, the Solicitor General for England; the then Attorney General for Ireland, the Chief Justice of the Common Pleas in Ireland, the hon. and learned Member for Belfast (Mr. Cairns), Mr. Commissioner Longfield, and himself (Mr. Fitzgerald). The Commissioners prosecuted their inquiries with great diligence, and in six months presented their report, having cost the country only some £400. They sought for evidence in all quarters, and obtained the views of persons acquainted with the subject, the result of which showed a singular concurrence of opinion as to the course which should be adopted. The Master of the Rolls in Ireland, whose opinion was entitled to great consideration, had certainly raised an objection that, by giving a Parliamentary title to all estates sold by the Court—a title to be good against any former owner of the estate, there was a possibility that the Court might sell in one man's name property which belonged to another. But the answer to that objection was to be found in the operation of the Act itself. During the six years of the existence of the Court, and in sales of estates to the amount of £17,000,000, only one instance of error had been alleged, and in that case the dispute was not one of title but of boundary, and was so insignificant in value, that neither of the parties took the trouble to investigate their rights. The Commissioners fully approved the principle, that the existing power of selling incumbered estates should be continued. Such was considered to be the value of a Parliamentary title, written on a piece of parchment not larger than an ordinary sheet of letter paper, that gentlemen, having estates perfectly unincumbered and wishing to sell them, created incumbrances for the purpose, and then came into Court, and had their estates sold for them. The Commissioners stated that they saw no reason why proprietors of unincumbered estates should be placed in a worse position than those whose estates were incumbered, and they proposed to extend the powers now exercised by the Incumbered Estates Court, so as to allow any one, having an estate to sell, to sell it with a Parliamentary title, and in a summary and inexpensive manner. After examining with great care into the question, to what Court should such extended powers be entrusted, the Commissioners expressed their opinion that the Incumbered Estates Court ought not to be continued, and that its powers should cease upon a certain day, and that its jurisdiction should be transferred to the Court of Chancery in Ireland, together with the causes then undisposed of. It would be advisable to consider for a moment the state of the Court of Chancery in Ireland. Let not the House be carried away with alarm at the name "Chancery," or suppose that the Court of Chancery in Ireland presented the same aspect as the English Court did before its recent reform. In this instance, as in almost every other, they had gone before this country. They had had their County Courts for eighty years. Since the reign of Anne, their conveyances had been registered. They had begun their reforms in their Court of Chancery early, and while Lord St. Leonards was Chancellor of Ireland very great reforms were carried out. In 1850 they took away from their Court of Chancery much of its great expense and so simplified its procedure, that at the present time in the Court of Chancery in Ireland cases are decided as speedily and with less expense than by a court of law. The operation of the Incumbered Estates Court has relieved the Court of Chancery from the pressure which was upon it. From returns which were made in 1853, one result of the operation of the Incumbered Estates Court appeared to be, that about 800 old suits concerning real estates were brought into the Incumbered Estates Court, and ended by a sale. One of these cases had commenced in 1771; in another, which was a somewhat noted one, the final decree was made in 1802 by Lord Redesdale. The suit had been commenced in 1781, and it had gone on to the year 1852, when it was determined by the Incumbered Estates Court taking the estates and selling them. But this would not be sufficient to enable them to come to the conclusion, that the jurisdiction might be well exercised by the Court of Chancery as it at present stood; they must inquire whether it would not be advisable to abolish the system of Masters in Chancery. Lord St. Leonards' Act passed in 1852, abolishing Masters in Chancery in England, had worked well, and if such an Act was necessary in England, how much more so in Ireland, if you give the Court of Chancery here the power of selling estates? According to the present system of references from the Chancellor to the Masters, great delay, expense, prolixity and confusion, were the result. The Commissioners examined carefully into this, and came to the determination that it was necessary that the Masters should be abolished, and there being five Masters, it was resolved that four should be relieved from their duties, and that two Vice Chancellors should be appointed, who, with the two other Chancery Judges, the Chancellor and Master of the Rolls, would be sufficient to work out the new system. Now, it would be necessary for each of the new Judges to have some assistance. The Commissioners recommended that each Judge should have two chief clerks and two junior clerks, but that they should not perform the office of Masters of the Court, and that it should be understood that the Judges of the Court should do by themselves all the work that properly appertained to them, or that it should be done immediately under their own eyes. By such means all references, reports, exceptions and other tedious, complicated, and extensive proceedings would be at once swept away. He trusted that in the provisions of the Bill which he should now place before the House, that more stringent means would be adopted for the prevention of abuses, than had previously found their way into any other measure on the subject that was ever laid before the House. The procedure in the Incumbered Estates Court was as simple as could well be conceived, and divested of every technicality. The suitor was called upon to use the plainest and most untechnical language—terms as would be intelligible to the Judge and to his opponent. But above and beyond all, the Incumbered Estates Court was distinguished by economy in its fees and office charges, although it must be admitted that there were sometimes large expenses in valuations, surveying, and similar departments. When he spoke of economy, therefore, he wished to be understood to be speaking of the procedure of the Court. The Commissioners recommended that this simplicity of procedure should be continued. The Commissioners then proceeded to deal with the question of an Appellate Court, and recommended that such a Court should be formed. At present, the only appeal against the decisions of the Incumbered Estates Court was to the Judicial Committee of Privy Council. Their decisions were satisfactory, and if the attendance of the members of the Judicial Committee could be more certainly relied on, it could be perhaps a satisfactory tribunal; but it was irresponsible, uncertain in its formation, the members constantly changing, and therefore uneven in its decisions. It was necessary to consider whether some new Appellate Court could not be created. At present there was no appeal from the Court of Chancery in Ireland except to the House of Lords, and in many instances where the property was small, the expenses were so great as to deter parties from an appeal to the House of Lords. The Commissioners had given this subject great consideration, and came to the conclusion that an appellate tribunal ought to be constituted, and that, from every decision of the Master of the Rolls and the Vice Chancellors, the suitor should have the right of appealing to a Court of Appeal, consisting of the Lord Chancellor and one additional Judge. The Commissioners thought that two Judges were a better number for an appellate tribunal than three. They stated—

> "A Court of Appeal, consisting of two Judges, has this advantage—that in every case there will be at least two opinions in support of the decision; if the Court of Appeal be divided in opinion, the order of the Judge below will stand unreversed. We recommend that the second Judge of the Court of Appeal should be nominated by Her Majesty, and should be selected, in the first instance, from the ex-Chancellors of Ireland; or, if there be no ex-Chancellor eligible or willing to accept the office, that such additional Judge should be selected from among the common law Judges for the time being; or, in case it should be considered necessary to have a permanent Judge for this purpose alone, that a Lord Justice be specially appointed by Her Majesty."

At present there were three ex-Chancellors of Ireland—Mr. Blackburne, Lord St. Leonards, and Lord Campbell—so that Mr. Blackburne was the only ex-Chancellor available for the Appeal Court which he proposed to establish. It was impossible to make a better selection than Mr. Blackburne, and the Commissioners recommended that, in the first instance, the Judge to sit with the Lord Chancellor in appeal cases should be an ex-Chancellor, if it were possible to secure the services of such a Judge. If not, they recommended that the appellate Judge should be a common law Judge. To gentlemen who were acquainted only with the legal matters of this country that proposition might appear somewhat startling; but according to the system which prevailed in Ireland the case was entirely different. According to the Irish system, gentlemen at the bar did not confine themselves to one branch; they practised equally at the Equity Courts, and in the Courts of Common Law, and at the present moment some of the men who had most eminently distinguished themselves at the Chancery bar were now common law Judges. He might mention the Chief Justice of the Common Pleas in Ireland, the Chief Baron, Mr. Justice Moore, Mr. Justice Ball, and Baron Greene and others, if it were necessary to do so. It was thought that if a common law Judge could spare time to devote himself to such duties the system would work well, and would be in every respect an economical proceeding. He admitted that in adopting such a course it would be merely as an experiment, for it would be impossible to tell, as yet, what would be the amount of appeal business, and whether a common law Judge would have sufficient time at his command to attend to it in addition to his other duties. If it should prove that the work of the common law courts was too heavy to enable a judge to take upon himself other duties, then the Commissioners recommended that, instead of a common law Judge, a Lord Justice should be appointed to sit with the Chancellor. In England, two Lords Justices sat as a Court of Appeal, and he believed that system had worked well. The Commissioners then recommended that the jurisdiction of the Incumbered Estates Court should be vested in the Court of Chancery, and that the Court should consist of the Lord Chancellor, the Master of the Rolls, and two Vice Chancellors. They recommended, also, a system of cheapness and simplicity in its procedure, and, in order to work out this, they proposed certain measures, to which he would presently advert. This Report of the Commissioners having been laid upon the table last June, he (Mr. J. D. Fitzgerald) had taken considerable pains in embodying all its provisions in one Bill, and with a view to simplicity and facility of reference—to enable hon. Members and others interested to put their finger at once upon any point upon which they required specific information—he had adopted an excellent precedent, which he found in the Merchant Shipping Act passed some Sessions ago. Accordingly he had divided his Bill into nine parts, and to secure uniformity of procedure he had, in framing the Bill, adopted, as far as possible, not only the provisions of English Acts of Parliament, but sometimes the very language itself. The Bill proposed to deal, first, with the appointment of Vice Chancellors; secondly, with the abolition of Masters; and, thirdly, with the constitution of the Court of Appeal. It specified that there should be appointed two Vice Chancellors, with a stipend of £3,500 a year each. He might state, in reference to this subject, that the salaries of the puisne Judges in Ireland was £3,600 a year, with some additional allowance for the circuits. He thought the Vice Chancellors should be put upon an equality with the puisne Judges, but not in a superior position. The Vice Chancellors and the Master of the Rolls were to be assisted by officers called chief clerks. There would be six chief clerks, two for each Judge, and each clerk would receive £1,000 a year. There would be an increase under certain circumstances, but it would be provided that the amount would never exceed £1,250 a year. The salary of the chief clerk of a Vice Chancellor in England was £1,200 a year; but the qualifications which suited the office of a Vice Chancellor's clerk in this country would not suit the office of a clerk of a Vice Chancellor in Ireland. Great difficulties would be thrown not only on the Vice Chancellor, but also on the clerk, in carrying on the sales of land, which was a duty not imposed upon the Vice Chancellors, or upon their clerks in England. The salaries of the junior clerks were fixed at £350 a year each, a sum, he conceived, established on a sufficiently low scale. Then, as to the Court of Appeal. It was proposed that the Judge of the Appellate Court should either be an ex-Chancellor or a puisne Judge of the common law courts, and that his salary should not exceed £1,500 a year. But in the ultimate contingency of the Government having to appoint Lords Justices, supposing an ex-Chancellor should refuse to take the office, or it should be found incompatible with the duty of a common law Judge for him to do so, then it was proposed that the salary of a Lord Justice should be £4,000 a year. The step from the office of Vice Chancellor to that of Lord Justice would not only be an advancement in rank, but also an advancement to a position carrying with it additional duties of a very responsible character. It was, therefore, thought right that, as a superior Judge, his salary ought to be on a higher scale. Having dealt with these matters, he would now direct attention to what was proposed to be the procedure and practice of the Court. In framing his Bill, he had been actuated solely with the view of achieving, as far as possible, simplicity and economy. He did not think it right to provide for procedure by minute legislation, but to make it imperative upon the Courts themselves to form a code of rules by which their proceedings should be regulated. From experience in such matters he knew that great inconvenience sometimes resulted from legislating upon minor details. But, above all, he had been anxious to provide that, from the commencement to the termination of a suit, the same Judge should have charge of it, and that everything should be done under his own eye, so that the public time might not be wasted by the transference of business from one officer of the Court to another. He now came to what he considered the most difficult part of his scheme—one that required a great deal of care and attention—namely, the sale, partition, and exchange of real estates; and with a view to render his Bill as complete as possible, he had provided that in any purchase in the Court of Chancery the conveyance should be perfect and indefeasible. He might say that, although he took the somewhat unusual course of printing his Bill last Session, when there was no design of carrying it out; and although he had had it most extensively circulated in quarters from which useful hints might be expected, he had not received a single suggestion for any alteration or amendment of this portion of the Bill. The next part of the measure which he wished to call attention to was one which had not been recommended by the Committee. It had reference to the sale of settled estates. The House would remember that last Session a Bill, entitled a Bill for the Leasing and Sale of Settled Estates, came down from the House of Lords in reference to the Court of Chancery in England, which was referred to a Select Committee, of which he (Mr. Fitzgerald) was one. The Committee had reported on it, but so late, that it had not passed into law. It was a valuable Bill, but he thought that in many respects it was not applicable to Ireland, and that it would be better to take several of the clauses and so modify them, as to make them accordant with the condition of affairs in that country. He had taken care, too, to give the Court power to make an indefeasible sale, but with such safeguards, as to inflict no injury upon any party, whereas it would prove a great security to purchasers, and a boon to the public generally. In some settled estates, it might be for the advantage of all parties that they should be sold; but at present the difficulties in the way of such a step were insuperable. But under the new law parties might go into the Court of Chancery, and it would behove that Court to see that the proceeds of that estate should be disposed of according to its original design. The Bill then provided for the abolition of the Incumbered Estates Court, and for the transference of the business to the Court of Chancery. The powers of the Court would be enlarged, and its practice simplified. The remaining portion of the Bill referred to the gradual reduction of stamps and fees in the Court of Chancery. Upon inquiry into the existing practice of that Court, it was found that one of the greatest evils that presented itself was, that at every stage of the business the suitor was impeded by fees he had to pay before he could take any fresh step. That was found to be not only grievous, and to be an impediment to the administration of justice, but it interfered with the safety of the public in another way—that of withholding due publicity. At present, a person could not find out whether a suit was pending in the Court of Chancery without paying in the first place a fee for search. If a copy of any document was wanted, considerable fees had to be paid—in fact, every stage of the proceedings was beset with difficulties of that kind. The Commissioners of the Incumbered Estates Court attached the highest possible importance to publicity, and it would be provided by the present Bill, that every man in the community, without paying a shilling to any one, should be enabled to proceed to the offices of the Court and inspect petitions, affidavits, and documents, as he pleased. One result of this would be, that when a man saw an estate for sale on which he supposed he had a claim, he might go and inspect all the documents bearing upon it, and if he found that he had made a mistake there would be an end of the matter. By such means an enormous amount of expenditure and inconvenience would be saved. In order to give the same facilities to the suitor under the new jurisdiction, it was proposed to reduce those fees which impeded the administration of justice, or which interfered with the rights and privileges of the suitor, and to abolish some altogether. To do that without injury to the public revenue appeared at first sight difficult, but it was calculated at present on a low average the money distributed by the sale of estates under this new code would be about £2,000,000 a year—indeed, it appeared that the average sales of the Incumbered Estates Court had exceeded £4,000,000 annually. The Bill proposed that a very moderate poundage should be deducted out of the purchases of estates sold, and it did not appear unreasonable that if parties came into those Courts, and accepted the benefits of a Parliamentary title, they should consent to be taxed to a small extent in return for so great a boon. It was proposed that the newly-constituted court should be authorised to make a deduction of not more than 2 per cent upon such sales. At the same time he thought that 2 per cent would yield a great deal more than would be sufficient for the purpose. It was contemplated by the Bill that the Court should form a scale of deductions which should apply to all cases that might come before it; for instance, upon an estate producing £50,000 2 per cent would be too much. Probably 2*d.* or 3*d.* in the pound would be sufficient. Again, on an estate of £1,000 2 per cent or £20 would not press with undue severity; upon the Court itself, therefore, would be imposed the duty of framing a scale of poundage, but in no case to exceed 2 per cent, and he hoped that in such a way the burden would not be severely felt. In the Court of Chancery in Ireland, suitors were called upon to pay 2½ per cent in the form of "ushers' poundage," for which they demand no benefit, and a great part of which, it was his belief, went into the pocket of a noble Earl. The produce of sales under this Bill would not be subject to ushers' poundage. He had made an inquiry as to how much was produced last year by stamps upon proceedings in the Court of Chancery in Ireland, and he thought the amount was under £18,000, so that if they could make up by the deductions upon purchases he had recommended £20,000 or £25,000 a year, they would soon be in a position to reduce stamps and fees considerably. In addition to these parts of the Bill there were some miscellaneous provisions which he need not trouble the House with at present. He might say with the utmost confidence, that there had not been laid upon the table of that House for many years—a Bill bolder in its character or nature, or one which promised to work reforms more beneficial to the public at large. He hoped that, under the operation of this Bill, the Court of Chancery in Ireland would be a pattern to all others for the facility of its practice and procedure, and it would be the means, through its enlarged powers, of enabling every owner, if he pleased, to sell his estate and give an indefeasible title. He was perfectly aware that in the earlier stages of its existence the Incumbered Estates Court pressed hardly upon some persons, and especially on the owners of incumbrances; but they were times of peculiar difficulty. Those times had passed, circumstances were altered, and he believed that the public would not be satisfied unless the continuance of the powers of that Court, in their main principles, was provided for. He stated further, most confidently, that neither the members of the legal profession nor the public at large would be satisfied unless a larger jurisdiction were granted, which would enable every owner to sell his estate with a Parliamentary title, it being at the same time compulsory upon none. There was a Commission now sitting upon the subject of registration of titles. The difficulties in the way of that Commission were very great, if not insuperable; but if the Commissioners could agree upon a measure accomplishing that object, this Bill would not impede and would greatly facilitate their operations, and a procedure would be in existence ready to carry out the recommendations of that Commission, whatever those recommendations might be. He begged leave to place this Bill upon the table, and he most sincerely hoped that his predictions as to its great benefits would prove to be well founded.

MR. WHITESIDE said, he thought that the law of political retribution had been singularly exemplified that night.

Three years ago he had asked for leave to introduce a Bill to engraft the principles of the Incumbered Estates Court into the system of the Court of Chancery. When Parliament had adopted that principle, it appeared to him that it could not be good for the Incumbered Estates Court, if it were not also good for the Court of Chancery. He unluckily had not on that occasion asked to create any new court, or for any new salaries; but, although he was right in his views, he was in the minority, and was defeated. All that he had attempted to do by his Bill was, to confer on the Court of Chancery the power to give, in the case of estates sold by it, a Parliamentary title to purchasers. He, at that time, said that the Incumbered Estates Court would be choked up, and he was contradicted. He then predicted that in a year or two they would hear the law officers stating so; and he suggested that it might be as well to sell as many estates as they could in the two Courts. It must appear to the House extraordinary how this Incumbered Estates Court should now be so choked up by business as was described by the Commissioners, after it had been characterised by the rapid sales which it had, in the first instance, made. The cause of the success of that Court at first, and of its subsequent failure, deserved the attention of every hon. Gentleman. The hon. and learned Solicitor General for Ireland had referred to a valuable Return, which stated that cause. At first the Court had to deal with 800 or 900 chancery suits, in which all necessary inquiries had been made, the rights and liabilities of the various parties had been ascertained, and nothing remained but to sell the property and distribute the money. Every one exclaimed, "See how they are knocking down estates;" and so they did knock them down with the rapidity of lightning, but with very ruinous consequences to the owners and puisne creditors. A large quantity of land had been flung into the market, and estates had been sold for ten years' purchase, which, at the present time, were bringing twenty and twenty-five years' purchase. The general wonder had been how the Incumbered Estates Court proceeded so fast; but the Commissioners had been allowed to make use of decrees and reports of the Court of Chancery—the Court that had ascertained the rights of the creditors. So long as they had those estates to deal with they got on with great rapidity; but the case was different when the Incumbered Estates Court became a court of law and a court of equity, as well as a court of sale and conveyance. And one of the clauses in the Act, to which he was astonished that any English Gentleman should ever have consented, provided that there should be no appeal from the Commissioners sitting in a dark house in Henrietta Street, unless they could be convinced at the time they gave a decision that they were mistaken in doing so—unless they could be persuaded that they were wrong at the time they said they were right. The influence of public opinion was at last felt, an appeal was granted, and 40 per cent of the decisions of the Commissioners were then overruled by the Judicial Committee of Privy Council. And such it must ever be. In saying this, however, he did not mean to imply a reproach on those Gentlemen, for he was only astonished that they had done so well. "But," said the Solicitor General for Ireland, "there was great publicity in their proceedings, and the tribunal was a cheap one." Let the House see what the attorneys got by this "cheap tribunal." The Court was supported by means of an annual Vote, consequently there were no fees and no stamps; yet up to the date of the blue-book before him the attorneys got amongst them £254,770 1*s.* 6*d.*; the surveyors, £27,534 0*s.* 3*d.*; the valuators, £14,026; and the newspapers for advertisements, the trifling sum of £77,598 6*s.* 10*d.* And he now distinctly asserted that it was more expensive to sell a small property in that Court than by private contract elsewhere. They had heard much of the economy of the proposed measure; but he would advise that the contemplated reform should be looked sharp after in that respect. It was important for the House to see what they were about. The sixteenth recommendation of the Commissioners was, that the stamps and fees on all proceedings in Chancery should be abolished, and the Solicitor General for Ireland had truly observed that he found it difficult to ascertain what the exact revenues of the Court of Chancery now were; indeed it would be difficult for anybody to discover it, who did not look into the matter very minutely. Within the last few days his (Mr. Whiteside's) noble and learned Friend Lord St. Leonards had informed him that he encountered the same difficulty when he was Lord Chancellor of Ireland; but he went to work, and the paper he addressed to Mr. Goulburn in 1844 set forth the entire income of the Court. Now the moment a reform was attempted, it was invariably the case that a long list of claims for compensation was presented to the reformer. Thus, with regard to the Six Clerks in England, it was a painful fact that the abolition of their office cost the country not less than £60,000 a year. Well, the Six Clerks were abolished in Ireland, but the funds went into the pockets of the solicitors, who got upwards of £14,000 a year out of one of those funds, and in the end, the fund to maintain the Court became, in a measure, bankrupt, and the Consolidated Fund had to make up the balance. The stamps and fees of the Court of Chancery in Ireland amounted to nearly £26,000, and by this measure of the hon. and learned Solicitor General for Ireland they were asked to abolish them. It behoved the House, then, seriously to reflect upon this proposition before they approached the consideration of a measure which affected, as this did, property to the extent of millions in value. The Incumbered Estates' Commissioners recommended in their Report that stamps and fees upon all proceedings in Chancery should be abolished. Now, he subscribed to the fairness of that recommendation in the abstract, but, as a practical man, he wanted to know, if these stamps and fees were abolished in the Irish Court of Chancery, how they could be maintained in England? If they were abolished in the superior Courts, how could they retain them in the inferior Courts? Look at the return from the County Courts in England, and see what had been levied upon the poor persons who resorted to those tribunals, in the shape of fees, and so forth. He had had the curiosity to inquire into the matter, and found that from the year 1847 to 1854 there had been levied in Judges' fees £364,600, and in clerks' fees £357,700. Was the Treasury or the Chancellor of the Exchequer conscious of what would follow from the extension of the principle to those Courts? Follow it out to its legitimate conclusion—let all fees and stamps be abolished—and the Treasury must be prepared to make the trifling advance of something more than £1,000,000 yearly. His (Mr. Whiteside's) plan was to have a moderate stamp, for the purpose of covering the fair expense of the Court, and he disclaimed now and for ever any idea of asking for Ireland a boon which was not also granted to suitors in England. He believed it to be a thing no longer to be insisted upon, and he was quite ready to abandon it for ever. Therefore, he did not wish to see the principle carried out in reference to the Irish Court of Chancery, unless they were prepared to extend it honestly to all the tribunals of the empire. The right hon. Gentleman was not then present in the House who once gave a hint to his right hon. and learned Friend (Mr. Napier), that whenever a new Bill came from across the water, he always looked into it attentively with the expectation of finding a job. He (Mr. Whiteside) was not trying to discover a job, but wished to direct the attention of the House to a financial consideration of material importance. The Commissioners, at their meeting on the 31st March, passed the following Resolution:—

> "That the transfer of the powers of the Incumbered Estates Court to the Court of Chancery can only be recommended by the Commissioners on a reasonable expectation that the present officers and staff of the Incumbered Estates Court shall, so far as may be reasonable or necessary, be transferred to the Court of Chancery."

The upshot was this. When Parliament established the Incumbered Estates Court, a distinct warning was given to all persons who were employed in it that they would have no claim for compensation, but would be well paid in salaries for their services. From time to time, as the business of the Court grew in amount, the salaries were increased; and the effect of the Resolution passed by the Commissioners went to quarter the whole staff of thirty individuals upon the country for the rest of their natural lives. At the next meeting of the Commissioners, however, the question was raised whether the Resolution should be maintained or not? It was decided in the negative, and thereupon the Resolution was struck out. But, to his utter astonishment, the substance of the same Resolution, in words not quite so strong, was afterwards substituted for it. Now, what was the meaning of this measure? It said as plainly as possible, "Push out the Masters and their staff; and as the officers of the Incumbered Estates Court have no claim for compensation, compensate for life the patent officers of the Court of Chancery, and carry on the work with the Incumbered Estates Court staff"—by men who, in fact, were not acquainted with the practice of the Court of Chancery—"let them oust the old officers of the Court of Chancery, and become themselves permanent fixtures for their natural lives." The Solicitor General for Ireland had asked them to create two Vice Chancellors, and four other good fat offices in the shape of clerkships; but he also called upon them to abolish four officers, from one of whom he had received a minute account of the labour those gentlemen had to perform. When the Chancery Regulation Act of Sir John Romilly was passed, those four officers became, under the title of Masters, Vice Chancellors in reality, and did all the work of the Court. Master Litton, one of the gentlemen to whom he referred, stated, in relation to the general scope of his (Mr. Whiteside's) Bills, that he was of opinion that, taking them together, they formed a code of equity jurisdiction and equity practice which, if carried out by competent men, would present a vast improvement on the existing plan; that the giving to one set of men jurisdiction to do all that was necessary to effectuate the rights of suitors from beginning to end, and power to adjudicate on those rights, was a vast improvement on the present divided jurisdiction, which rendered it necessary for different Judges to entertain the same case. That was the principle upon which the Bill he (Mr. Whiteside) asked permission to introduce was founded. Mr. Litton also stated, that with the staff the Bill provided—two of whom were already in existence, the one thirty-eight and the other forty years of age—all the business could be transacted that would be cast upon them by the Bills; and he added, emphatically, that since the passing of Sir John Romilly's Act, nine-tenths of the equity business of the country had been done by the Masters in Chancery, and that of the whole number of cases he had decided, there was but one upon which an appeal had been made, and that, with reference to that case, the question still remained open who was right. Well, Master Brooke and Master Murphy, being competent Vice Chancellors, without the rank and without the pay, whilst they did the work, his short proposition was, that if they were competent to do the work, and to do it so well, as the Solicitor General for Ireland had himself stated, they should continue to do it still. Moreover, was the House prepared to adopt the proposal of the hon. and learned Gentleman to throw the entire arrear of business existing in the Incumbered Estates Court upon the Court of Chancery? Now what did the House suppose was that arrear? It was positively alarming, for there were not less than 1360 cases altogether untouched! Now, the papers of the Court of Chancery were kept in as beautiful order as the books in the library of that House; the papers in the Incumbered Estates Court were, on the contrary, a heap of confusion. It was certainly a strange way of facilitating the disposal of those arrears to throw them into the Court of Chancery, which was hard pressed to keep clear with its own proper business. He was informed that it would be impossible for the Court of Chancery to dispose of such an enormous mass of additional business, unless something was done to arrange the records of the Incumbered Estates Court, which were now in such a terrible state of confusion that, as the Solicitor General for Ireland had wisely said, the best thing that could be done with them would be to burn them. The argument of the Commissioners was, that the Masters, whose offices were to be abolished, would be occupied in winding up the Chancery arrears; but they had no arrears. He had been told by one of them that a summons could be issued on Monday for a hearing on Wednesday, so that the effect would be that these Masters would get their retiring pensions after about one week's work. But the business in the Incumbered Estates Court was so great that three Commissioners, with a staff of thirty clerks, had got matters into such a state that they were completely blocked up, and yet it was now coolly proposed to give this over to two Vice Chancellors, who were expected to dispose of it in addition to the regular business of their own Courts. He earnestly appealed to the House to save the gentlemen of whom they had heard so high a character from this infliction, and to let them do their own proper work. There was one point in relation to which it was necessary that he should correct the hon. and learned Solicitor General for Ireland; it was this—the real author of the Incumbered Estates Court was Lord St. Leonards, who, having been consulted by the late Sir Robert Peel on the matter, suggested the establishment of a tribunal of this nature. He was afterwards asked to preside over it by that great statesman, but this the noble and learned Lord declined to do. What was the recommendation of the great authority to whom he alluded? It was this. There were a number of incumbered estates, and a large body of proprietors who could not pay off the incumbrances; the existing Courts had a right to work off the sale of estates, but they were slow in their operations; all that Parliament did, therefore, in forming the Incumbered Estates Court was to facilitate the sale of incumbered estates, and to give an indefeasible title when sold. But what was it the Solicitor General for Ireland now proposed to do? Why, to turn the Court of Chancery into a great conveyancing engine—in other words, to put all Ireland into Chancery. There was not an acre of ground in any county, nor a house in any city, in Ireland, that might not go into Chancery; and let the House of Commons consider what the consequences of this new provision would be. First of all, he (Mr. Whiteside) should move to extend it to England; for whenever any new principle respecting property in either country was broached hereafter, he should insist upon its being extended to both countries. Why should he do that? There was a rental of £5,000,000 in Ireland belonging to English proprietors, and held under the same title deeds, wills, and settlements, as their rentals in England; yet it was now gravely proposed to sell and dispose of the estates in one fashion in Ireland and in a totally different one in England. He (Mr. Whiteside) strongly objected to that, and in doing so felt that he was proving himself, not only a good Irishman, but a good Englishman also. The two new Vice Chancellors, therefore, were not only to do all the work which five Masters had with difficulty been able to get through—to dispose of business which had proved too much for three Commissioners and thirty clerks—but to transact all the private conveyancing of the country into the bargain. He had expected the hon. and learned Gentleman would have produced evidence with regard to what the private conveyancing of Ireland amounted to. Why not, for this purpose, have examined the clerks in the Registry Office and the leading members of the profession in Ireland? He himself, on inquiry at the Registry Office, had learned that the number of conveyances registered last year alone was either 9,000 or 9,200—he believed the latter. But, at the same time, he did not mean to say, that the whole of that number would be brought before the Vice Chancellors. Take half the number only, and then imagine two Vice Chancellors, with all the business of the Court of Chancery, and the arrears of the Incumbered Estates Court, undertaking in addition thereto the private conveyancing of Ireland! He did not wonder at the hon. and learned Gentleman observing that it was a "bold proposal." For was it not contrary to the very nature and existence of a judicial tribunal, whose duty it was to decide on the rights of property? It must be remembered likewise, that this, too, was to be done at the expense of the State, for there were to be no stamps in the Court. What would the Secretary of the Treasury say to that? If this proposal became law, any man might come into the Court and say to the Vice Chancellor—"I 've got an estate to sell; sell it for me; here are my deeds, convey them for me without any expense to me." Such a state of things, if sanctioned, could not but result in ruin and misery to thousands. The Solicitor General for Ireland had referred to a Bill before the other House of Parliament respecting the leases and sales of settled estates, and also to a measure which it was proposed to introduce for the registration of title in England. That measure might be a very useful one, but he wished to be informed whether it was intended to permanently adopt a principle of law for Ireland directly opposed to that which obtained in England? If such a course were proposed, he could only protest against it as being unwise, inexpedient, and unstatesmanlike. The Master of the Rolls in Ireland had himself expressed the opinion, that to make the Court of Chancery the agent for conducting the conveyancing business of Ireland, would be to make the title of every landholder in that country depend upon the opinion of barristers of about fifteen years' standing. If this principle were recognised at all, why should it not be extended? Why should not a general dealer come to the Court and say, "My affairs are in great disorder and confusion; pray set them right for me"? With regard to the Incumbered Estates Court Commission—and he must say that he was beginning to lose all confidence in Commissions—he felt great doubt as to its authority in laying down a code for the Court of Chancery as regarded this subject, and not only that, but in fixing the salary of the officers, whom it would be necessary to appoint, for those matters formed no part of the inquiry which they were directed to make. It had been stated that persons incumbered their estates for the sole purpose of disposing of them in the Incumbered Estates Court, but he could not find that any case of that kind had been brought before the Commission.

One witness, Mr. Smith, a barrister, had stated that such a thing might be done, but was it, he would ask, likely, that any Irish gentleman would mortgage his estate simply for the pleasure of selling it in the Incumbered Estates Court? He (Mr. Whiteside) objected also to the legislative power which the hon. and learned Gentleman proposed to give the Lord Chancellor in Ireland, as fraught with the most serious evils. Whatever the Lord Chancellor, the Solicitor General, and other authorities of the law in England thought proper to propound for this part of the United Kingdom, he would be willing to adopt for Ireland; but he protested against subjecting Ireland to an experiment of this nature, for, as the Master of the Rolls had justly said, there was no reason now for different laws for the two countries. He was glad the measure of the hon. and learned Gentleman recognised the principle of a Court of Appeal, but he thought the Chancellor's decision might be re-heard. He should like to see that Court of Appeal in the Court of Chancery itself, and for this purpose he should constitute ex-Chancellor Blackburne, whose present retiring pension of £4,000 a year should go in part payment of a salary of £5,000 a year, and the Judge of the Prerogative Court, with the same amount of salary as a Court of Appeal. Thus, the cost to the country would be very small, at the same time that the benefits would be great. He was pleased to find that the measure had been introduced so early in the Session. What was good in it he hoped would be accepted; but he warned the House how they threw the whole of the conveyancing business of the kingdom into the Court of Chancery, and empowered it to regulate the private affairs of the subject.

MR. CAIRNS said, he thought that there had been few questions brought before the House more important than the present one. It was important, not only because it proposed amendments in the Court of Chancery in Ireland analogous to those which had taken place in England, but because it also proposed to deal with the transfer of real property. He did not know if any Member of the House, being largely interested in landed property, had taken the trouble to consider how much its value was deteriorated by the expenses incident to its transfer. Some had suggested that there was no reason why land should not be transferred as simply as stock, as a saving would thereby be made of about 10 per cent. However that might be, he (Mr. Cairns) thought the measure proposed a wise experiment, and would not only benefit Ireland, but tend to the improvement of the law as it regarded real property in this country. He had been asked by persons in Ireland why, if a man had incumbered his estate he could, by placing it in the Incumbered Estates Court, have the benefit of a sale by the Court with a Parliamentary title, while, if he had not incumbered it, he must go to the expense of having it valued and paying the auctioneer, and putting it up to sale himself, and thus lose, it might be, from £100 to £1,000? He never had been able to answer that question. The Commissioners had considered it, and had seen no reason why the principle which had been adopted with regard to incumbered estates should not be extended to unincumbered ones. The hon. and learned Member for Enniskillen (Mr. Whiteside) had said that the Commission had gone beyond its authority in inquiring into the practice of the Court of Chancery, but the very words of the Commission itself contradicted that assertion. The Commission had said, that unless the Court of Chancery was reformed, it would not recommend the transfer of the jurisdiction of the Incumbered Estates Court to the Court of Chancery; but that, if it were reformed, they would recommend its transfer with extended jurisdiction; and it was therefore necessary to state the reformation which they considered necessary for that purpose. The hon. and learned Gentleman had also said that they were going to transfer the conveyancing of the whole of the landed property in Ireland to the Court of Chancery. But no unincumbered estate could be brought into Court except by the will of the owner, who would not adopt that mode of selling his estates, unless he felt it to be to his interest to do so. The hon. and learned Member had further stated that inquiries ought also to have been made as to the number of deeds in the Registry Office; but such an inquiry would have been useless, for the number of deeds upon a sale that were registered did not exceed, he believed, a tithe of the whole number of registered deeds. But if the number were even one-half at the present time, that was one of the evils which was sought to be remedied; and he believed that where 4,000 were registered now, if the proposed alterations were carried out, for the future there would be only one-tenth of the number. It was no new principle for the State to take upon itself the management of the transfer of property. It already did it with regard to incumbered estates, and in every foreign country where the civil law prevailed, transfers of property were regulated by judicial proceedings. In the next place the hon. and learned Member said that the Master of the Rolls in Ireland had expressed his opinion that it was not wise nor judicious to introduce such an experiment into the law of Ireland. For the opinion of the Master of Rolls in Ireland no one had a more sincere respect than himself (Mr. Cairns). He had looked at his evidence, and found that he (the Master of the Rolls) said that, according to the 4th section of a particular Bill then before Parliament, the security of every landowner would depend upon the legal knowledge of the barrister, or the integrity of the solicitor who prepared the abstract of title. The Bill, a section of which was so referred to, was one entitled "A Bill for Securing the Titles of Purchasers of Estates sold under the Court of Chancery in Ireland," which was introduced into that House during the last Session of Parliament by his hon. and learned Friend (Mr. Whiteside). The opinion of the Master of the Rolls was, therefore, as much opposed to the Bill of his hon. and learned Friend as to the Report of the Commissioners, and had therefore, he thought, better not be quoted. His hon. and learned Friend said we ought not to legislate for Ireland other than we should be prepared to legislate for England, and in that he entirely concurred with his hon. and learned Friend. But when his hon. and learned Friend said there ought to be no exceptional legislation for Ireland, and condemned this measure on that ground, he went a little too far, for his hon. and learned Friend had himself, during the present Session, short as it was, brought in a Bill for securing the titles to purchasers of estates sold under the Court of Chancery in Ireland, knowing well that no such Bill would be brought in for England, or was needed, and therefore it was so far exceptional, and must be so. He believed this experiment of the Solicitor General for Ireland would succeed, and he hoped to see it applied to England. Upon the question of fees he owned he differed from the Government in the plan which his hon. and learned Friend had sketched. It was proposed to levy a poundage, not exceeding 2 per cent, in order to pay the expenditure of the establishment. Great injustice would be done in many cases if this scheme were adhered to. As for instance, where a trustee had erroneously or wrongfully dealt with an estate, was the owner of the estate to be mulcted by a poundage of 2 per cent out of his own property? There were two principles as to fees upon which they might proceed—either to make the unsuccessful party pay, or to make the State pay. One-half of the cases which came before the Court of Chancery did not end in a sale. For instance, cases regarding the construction of wills, and many other cases to which it would be most unjust to apply the provisions of this measure. He hoped that the House would be slow to adopt any such system, and that when they went into Committee on the Bill his hon. and learned Friend the Solicitor General for Ireland would submit some more satisfactory scheme for providing for the expenses. As to Masters in Chancery, he must say he thought it desirable entirely to abolish the office of Masters in Ireland, as they had been abolished in England; and, unless they had been abolished in the latter country, the present law would never have worked. The same rule, according to his hon. and learned Friend's own showing, ought to be applied to Ireland. But, said his hon. and learned Friend the Member for Enniskillen, the arrears in the Incumbered Estates Court under the present system are frightful, and the Court of Chancery, if they are sent there, will be unable to get through them. Now, this question had been fully considered by the Commission, and Dr. Longfield and Mr. Brewster had given their opinions that two Vice Chancellors and the Master of the Rolls, with their staff, would be quite competent to clear away all the arrears of the Incumbered Estates Court. Before sitting down, he would beg to point out a mistake which had been committed by the hon. and learned Gentleman the Member for Enniskillen as to the English Master of the Rolls not having given more than one day's attendance upon the Commission. On the contrary, he asserted that Sir John Romilly had given the whole subject his best attention, and carefully weighed every sentence in the Report, devoting many laborious hours of his vacation to the work of the Commission.

MR. MALINS said, he regretted that he could not share the agreeable anticipations of the hon. and learned Gentleman the Solicitor General for Ireland with respect to the probable effects of his measure. He (Mr. Malins) had had a great deal to do with titles, and was certainly struck with the boldness of the proposition then before the House—that the Court of Chancery should become a vast conveyancing machine for all Ireland and for England also; for he agreed, that if adopted in one part of the kingdom, it must be extended to the other. He was anxious to simplify titles, but could not believe that that desirable object was to be attained by converting, as this Bill would not fail to do, the Court of Chancery, both in this country and in Ireland, into one vast conveyancing office. The Bill, so far as it related to this subject, he considered was unnecessary, and he had not the least doubt that it would prove impracticable and end in complete disappointment. It was a mistake to suppose that it was identical in principle with the Bills which the hon. and learned Member for Enniskillen (Mr. Whiteside) laid upon the table last Session; for those measures were designed to apply exclusively to incumbered estates, the management of which it was their object to transfer from the Incumbered Estates Court to the Court of Chancery. It was not to be denied that in the former Court there were abuses which urgently demanded reform. Its proceedings were circuitous and dilatory to a degree unknown to Chancery, and he was informed that it was no uncommon thing for several months to elapse before the simplest order relating to purchase money was carried into effect. Say what they might, this contrasted very unfavourably with modern Chancery practice in England, where it was well known that orders were now expeditiously enforced, and where an application to the chief clerks of the Judges for an appointment would be sure to be acted on in a few days. Now, selling estates was only a small part of the business of the Court of Chancery — though, of course, where there was an administration trust, and the Court had to distribute the produce of real estate, it was of course necessary to sell it; and so also under the improved practice introduced by the Acts of 1852, it was now, with great advantage to the public, enabled to sell an estate at the suit of mortgage. In this respect much benefit had resulted from the alteration of the practice in 1852. The difficulties of titles, of which so much had been heard, was greatly exaggerated. Anybody would imagine, to hear all that was said upon the subject, that there never was a clear title to land in England, whereas in the great majority of cases, either under a decree of the Court, or a sale by private contract, the sale could be completed in a few months. It had been suggested that the title of land should be as simple as the title to stock, but hon. Gentlemen did not reflect that the peculiarity in connection with stock was, that the Bank of England were not bound to take notice of trusts. Land, however, was very different, and unless wives, children, younger brothers, and so on, upon whom land might have been settled, were to be defrauded in all directions, the transfer could not be made so easy as the transfer of stock. But, suppose there were a sale, the proceeds had to be retained until all questions in dispute had been settled, and it was not that which was now proposed to be remedied. Of a list of 501 causes set down for hearing in the Court of Chancery in England for the sittings commencing next Thursday, there was hardly a cause in any of the four Chancery Courts, except, perhaps, that of Vice Chancellor Wood, where the pressure of business had been extreme, that had been in the list more than two or three months. He had heard with surprise, that it was the intention of the Government to clog the two Vice Chancellors who are to be appointed under this Bill with the arrears of business of the Incumbered Estates Court. The hon. and learned Member for Belfast (Mr. Cairns) appeared to suppose that the hon. and learned Member for Enniskillen by his Bill proposed to retain the Masters in the Irish Court, but he (Mr. Malins) did not so understand it. With regard to the abolition of the Masters of the English Court of Chancery, without meaning anything disrespectful towards the individuals, he considered that by their abolition the Court of Chancery in England had been saved, the system having been worn out. This was certainly a very essential part of the hon. and learned Gentleman's Bill, but while he suggested the abolition of their offices, he at the same time proposed, although it appeared the present Masters were men of ability and in the prime of life, that instead of being promoted to be Vice Chancellors, for which it is stated they are fully competent, they should be pensioned off on full pay. He did not pretend to give an opinion as to their competency or incompetency to undertake and satisfactorily perform the duties of Vice Chancellors, but the general opinion was in their favour, and if they were competent to discharge the duties, he considered it was a sound principle to act on, that of promoting men in the prime of life to perform certain duties, rather than pension them off and engage and pay others to discharge those duties. Allusion had been made to the abolition of the Six Clerks of the English Court of Chancery, but he thought that what the Legislature did in respect to that was anything but a creditable proceeding. By that proceeding the Six Clerks retired with pensions of from £6,000 to £7,000 each per annum, with a reversionary pension to their widows, whilst the Vice Chancellors, who really did the business of the Court of Chancery, had only £5,000 a year each. By a recent alteration relative to the Masters, the country was called on to pay £30,000 per annum, whilst other persons had been appointed to discharge duties which they were fully competent to perform. It therefore made it imperative on hon. Members to watch well the proceedings of the Government, and prevent such things from being repeated. Whatever they did with reference to these Courts, he begged to remind the House that the officers of the Incumbered Estates Court accepted office with the distinct understanding that they would not be paid compensation. He was one of those who was at all times willing to pay every man liberally, who proved himself capable of satisfactorily discharging his duties, and was averse to casting him off unprovided for, therefore he would say, that in establishing new Courts in Ireland —and he concurred in the appointment of two Vice Chancellors for Ireland—retain all the officers of the Courts whom they found capable of performing their duties, and at the same time reasonably compensate those whom they thought it prudent to dispense with; above all things avoid pensioning off men in the prime of life upon their full salaries, for the time had arrived when it was the duty of that House to take care that better bargains than that should be made with parties whose offices were to be abolished. He would give this Bill his best attention, and when the proper time arrived would, in concurrence with his hon. and learned Friend the Member for Enniskillen, enter fully into its details. He urged the Government, in the event of their creating two Vice Chancellors, to avoid clogging them with arrears of business. If they established new Courts, let them begin clear; but if they clogged them with the arrears of the Incumbered Estates Court, they would have a repetition of those evils that had already arisen in the Irish Court of Chancery; and instead of being a blessing to Ireland, they would inflict the greatest amount of injustice and injury to that country in attempting that which was impracticable.

MR. GEORGE said, he felt bound to defend the Master of the Rolls in Ireland with reference to the evidence given by that learned Gentleman on the necessity of an Incumbered Estates Bill for that country, which he considered called for by the exceptionable state of the country, but which should, as soon as possible, within a limited period, be abolished. He objected to the extraordinary powers proposed to be given by this Bill to the Lord Chancellor of Ireland, to dispense with the Masters of these Courts, and allow them in the prime of life to retire on their full salaries, whilst the clerks and examiners were left at the mercy of the Treasury. He considered the system of allowing men, who were both young and capable of discharging the duties of their office, to be compensated for the remainder of their lives for doing nothing, had gone too far both in England and Ireland, and that it was high time a stop should be put to it. At the present time numbers of gentlemen, in the full vigour of life, and possessing abilities to discharge their duties, were to be seen walking the streets of Dublin with nothing to do, and the country saddled with their retiring allowances, and also those of the new appointments. The Incumbered Estates Court was one suitable to an extraordinary state of things and time, and it was announced at the period of its creation that the staff appointments would only be temporary, but it appeared they were looked upon, like those of the Court of Chancery, as freeholds for life, or during good behaviour. He thought it a monstrous system of legislation that allowed any Government or judicial authority to say to an official, without good cause being first shown to the contrary, "Go about your business—your services are not suited to our purposes, but the country shall still pay you your salary;" and to others, not competent, "We appoint you to a new office, and the country must pay you." He trusted that when the Bill came before the House those clauses would be carefully examined, and no such wrong as that complained of be permitted either to the present holders of offices or the country. It was the duty of those who had to look after the finances of the country to see that the expenses of the establishments of the country be not doubled in this manner, but that men capable and willing to continue in the discharge of their duties should be allowed to do so.

MR. V. SCULLY said, that the opinions of the Master of the Rolls in Ireland upon the subject of the easy sale and transfer of land were, in point of liberality, in advance of the recommendation of the Royal Commissioners, and that that learned Judge thought that there ought to be no more difficulty about the sale of an estate, whether incumbered or unincumbered, than about the sale of Government stock. The Commissioners had, however, fallen in with the view of a distinguished member of the Commission, the Right Hon. Francis Blackburne; for it was well known that that right hon. and learned gentleman had, when Lord Chancellor of Ireland, prepared a Bill to transfer the business of the Incumbered Estates Court to the Court of Chancery, and he (Mr. Scully) was not sure that the Bill that night introduced by the hon. and learned Gentleman the Member for Ennis (Mr. J. D. Fitz-Gerald) was not the identical one prepared by Lord Chancellor Blackburne. That hon. and learned Gentleman had insisted on the necessity of identity of legislation for the two countries; but no man in that House had ever gone so far as he (Mr. Scully) had gone in insisting on that point, for he recollected that he had, on one occasion, said that he preferred that Ireland should share in bad legislation with England rather than have the exclusiveness of good legislation—and for this reason: he knew that if Ireland was to-day in the enjoyment of good laws she had no security that they would not be repealed to-morrow. And that if, on the other hand, she suffered under bad legislation in common with England, there was every security that it would be very soon remedied. It was now well known that the Incumbered Estates Court had been established on the plan laid down by Lord St. Leonards, although such had not been the case when it was first introduced into the House, and when it was so fiercely assailed by Vice Chancellor Stuart and the other friends and adherents of his Lordship. The proposition before them was, he thought, a step in advance of the original measure, as it would give to the proprietor of an incumbered estate the same advantages which the proprietor of an incumbered property at present enjoyed. He did not concur in that part of the Bill which allowed the jurisdiction with regard to land to be mixed up with the jurisdiction of the Court of Chancery. He had always advocated a separate tribunal for dealing with land, and he did not see why such a tribunal could not be made a branch of the Court of Chancery under this Bill. The benefits, however, which would be conferred by the Bill were much superior to any injury that would be occasioned by the arrangement to which he objected, and he therefore would cordially give his assent to the introduction of the measure.

Leave given. Bill *ordered* to be brought in by Mr. SOLICITOR GENERAL for Ireland, Mr. ATTORNEY GENERAL for Ireland, and Mr. HORSMAN.

Bill read 1°.

DRAFTS ON BANKERS.

MR. PELLATT moved for leave to bring in a Bill relating to drafts on bankers. He stated that recent legal proceedings had rendered the legality of crossing cheques extremely doubtful, and the object of the Bill he proposed to introduce was to render it imperative upon the banker not to pay a cheque when it was crossed, notwithstanding it was payable to bearer. Without some system of that sort a vast amount of inconvenience would result both to bankers and merchants, and a Bill of this kind settling the question would be felt as a great boon by all classes.

MR. WILSON said, he should not oppose the introduction of the Bill, but wished it to be quite understood that the Government were in no way committed to the principle which the hon. Member laid down. A banker's cheque was a document which, by a special Act of Parliament, was exempted from the stamp duty on special grounds—those grounds being, that it should be payable to order, and should be drawn within a certain distance of the place where it was payable. Now, any other document ordering the payment of money must necessarily be a stamped instrument. The object of the hon. Member appeared to be, to attempt, by some contrivance, to convert a cheque on a banker payable to bearer, and, therefore, exempt from a stamp, into a document payable to order, and thus to have the security of the endorsement. Those things were inconsistent with each other. He should, however, be very glad to see the Bill of the hon. Gentleman. He quite admitted the importance of the subject, and if any plan could be suggested for giving security to bankers, without infringing upon the law, the Government would be very glad to adopt it.

Leave given.

Bill *ordered* to be brought in by Mr. PELLATT, Mr. WILKINSON, and Mr. HADFIELD.

The House adjourned at a quarter before Eleven o'clock.

HOUSE OF LORDS,

Tuesday, February 5, 1856.

MINUTES.] PUBLIC BILLS.—1^a Trial of Offences. 2^a Leases and Sales of Settled Estates.

LEASES AND SALES OF SETTLED ESTATES BILL.

THE LORD CHANCELLOR, in moving the second reading of this Bill, said it would not be necessary to detain their Lordships with more than a very few observations, for the measure was nearly identical with one that had obtained their sanction in the year previous. When, however, that Bill went down to the other House some alterations were made in it, and the consequence was that the Bill did not pass into a law. Now, as he (the Lord Chancellor) thought the measure was better without those alterations than with them, he had simply re-introduced the Bill in the shape in which it had left their Lordships' hands. The first and principal of the alterations made by the other House was the insertion of a provision by which the Court of Chancery was precluded from the power to grant leases wherever application had already been made to either House of Parliament, and had been refused. The objection to that alteration lay in the difficulty of defining in what an application to either House of Parliament should consist. It was well known that the clause was intended to apply to a particular case, namely, to certain lands in the neighbourhood of Hampstead; but he would remind their Lordships that by the Bill, the Court of Chancery would be restrained from acting in opposition to the presumed intention of the parties; and the same reasons which had induced Parliament to reject the private Bill referred to, would prevent also the Court of Chancery from interfering. He had consequently brought forward the Bill in its original shape, leaving the Parliament to deal with it as they pleased.

LORD CAMPBELL thought the House should take care not to give the Court of Chancery power to do that which they had refused to do themselves. By the Bill they would, in point of fact, entrust the Lord Chancellor with legislative powers; but they ought surely not to permit the noble and learned Lord to reverse the decisions of Parliament itself. With respect to Sir Thomas Marion Wilson's will, the Judges, to whom it had two or three times been referred, had decided that the enclosure of Hampstead Heath would be contrary to the provisions of that document.

LORD BROUGHAM said, he approved of the Bill, and also of the motives which had dictated the clause in question; but he thought that the clause itself was most inartificially drawn.

LORD COLCHESTER said, that the Gentlemen who had applied for the private Bill which had been referred to had never had the least wish to enclose any part of Hampstead Heath whatever. The Bill referred to entirely different property, and would not deprive the public of any enjoyment they derived from that favourite place of resort.

THE EARL OF DERBY regretted that any mention of a private Bill should have been introduced into a discussion upon a general question like the present; but he must confess that he did not think it unreasonable to say that, when questions of this kind relating to settled estates had been adjudicated upon by Parliament, the Court of Chancery should not have the power of reversing that decision. If this were the object of the clause introduced by the House of Commons, he did not think it an unreasonable one, and he looked upon it as one to which their Lordships might fairly and properly assent. He thought it would be entirely unreasonable, however, if, when a question of this sort had been simply under the consideration of Parliament, and had not been adjudicated upon by them, it was held that the Court of Chancery could exercise no power with respect to it.

THE LORD CHANCELLOR again urged the difficulty of defining what should constitute an application to Parliament. A party might apply for a Bill with regard to certain fields, and that might be refused. But if he afterwards applied to the Court of Chancery with respect to other fields adjoining, would that be considered a matter which had been adjudicated upon? He would, however, yield to the wish of their Lordships, whether they desired a clause to be inserted in the Bill in compliance with the decision of the other House, or whether they would send the Bill down as it was, and afterwards agree to any clause that might be inserted by the Commons themselves. He considered the measure to be of far too great importance to be risked upon a point like that which had been raised.

Bill read 2ª, and *committed* to a Committee of the whole House on *Friday* next.

SETTLEMENT AND REMOVAL OF PAUPERS.

LORD BERNERS inquired if it was the intention of Her Majesty's Government to bring in any measure for the abolition of law of settlement and removal of the poor in England, Scotland, and Ireland, or to make any alteration in the system of local taxation? The law of settlement had been frequently under consideration, and had been universally admitted to be oppressive to the poor. The subject was referred to in the Speech from the Throne in 1854; and in 1852 the President of the Poor Law Board stated, that the result of his experience was, that the law was detrimental to the poor, however it might be advantageous to the rich. The subject had since been referred to a Select Committee, which Committee had reported upon it. He believed that it was the intention of Government to introduce some alteration in the law of removal; but it would be a simpler plan to found a Bill upon the report of the Committee. With regard to local taxation, it was admitted on all hands that the system could not be defended upon any principle. The Select Committee had endeavoured to amend it by reducing the period of residence from five to three years. If each board maintained its legitimate poor, the evils would be mitigated; but the efforts made to obtain a particular distribution of the poor made the taxation still more unequal. He begged, at the same time, to inquire why, contrary to all precedent, the Treasury had refused to repay the counties their expenses in criminal prosecutions?

LORD STANLEY OF ALDERLEY said, that it was not the intention of Government to introduce any general measure either on the subject of the law of settlement or the removal of paupers, but it was intended to bring in a Bill, founded on the recommendation of the Committee, to regulate the removal of Irish and Scotch paupers. With regard to the refusal of the Treasury to pay the county expenses in cases of prosecution, the refusal was simply to repay the expenses of the apprehension of the prisoner, and not of the prosecution. Such refusal was justified by the constant practice of the Treasury.

LORD BERNERS said, that these expenses had been invariably allowed up to 1842.

After a few words from the Marquess of SALISBURY,

LORD STANLEY OF ALDERLEY said, that the difficulty arose from the establishment of a rural police in some counties and not in others. In the first case, the expenses of apprehension involved little addition to the ordinary expenses.

TRIAL OF OFFENCES BILL.

THE LORD CHANCELLOR said, he had to present a Bill of an important character, which it was desirable should be sanctioned with as little delay as possible, to enable the Court of Queen's Bench to order certain offences to be tried at the Central Criminal Court. When a person was charged in the country with any serious offence which was likely to prejudice him in the eyes of the neighbourhood, it was competent for the Court of Queen's Bench to remove the proceedings into that Court. The case would then be tried in ordinary course in the Court of Queen's Bench by a trial at bar—a process which was not only attended with considerable expense, but occupied a great amount of time, and was not a convenient mode of trial for felony. It was therefore desirable that, at the discretion of the Court, such cases should be sent for trial to a more convenient tribunal, the Central Criminal Court. It was doubtful, under the existing state of the law, whether the Court of Queen's Bench had the power to send such a case to the Central Criminal Court, which was certainly the most competent tribunal for the trial of criminal offences. There were old authorities which seemed to imply that the Queen's Bench had that power, but many distinguished modern authorities entertained no doubt that it had not. Under these circumstances, and as it would be highly impolitic in a question of this nature, which might involve life or death, to leave any doubt upon the subject, he proposed the present Bill, and he would only add that it had the entire sanction of the Lord Chief Justice and the other Judges of the Court.

THE EARL OF DERBY inquired whether the Bill was proposed as an enacting or as a declaratory measure?

THE LORD CHANCELLOR said, that it had been prepared simply as an enacting Bill.

Bill read 1ª.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 5, 1856.

MINUTES.] PUBLIC BILLS.—1° Courts of Common Law (Ireland); Police (Counties and Boroughs); Juries (Ireland); House of Commons' Offices; Church-Rates Abolition, &c.

OPENING OF MUSEUMS, &c., ON SUNDAY —QUESTION.

MR. KINNAIRD said, he wished to inquire of the hon. Member for the county of Cork, whether he would have any objection to postpone the notice of Motion, which he had given for Tuesday next, in reference to the opening of the Crystal Palace, the British Museum, &c., to the public on Sundays, in order that those interested in opposing it might be allowed a little longer time for the manifestation of their feelings on the subject by petitions?

MR. VINCENT SCULLY said, he attached very little importance to petitions, knowing the manner in which they were got up. He had received a letter upon this subject, stating that there were upwards of 20,000 teachers of schools, having the care of about 2,000,000 children, and it was their intention, if the Motion were postponed, to make use of them as a machinery for petitioning. If that were done, it ought to be brought under the consideration of the House, as it was monstrous that the opinion of men of mature age should be thus outweighed by the signatures of children. If, therefore, it rested on that ground alone, he should not think it necessary to postpone his Motion; but inasmuch as another hon. Gentleman had given notice of a similar character, if that hon. Member would bring forward his Motion on the earliest available day he (Mr. V. Scully) would postpone his for the present; and he now gave notice, that should the Motion to which he had alluded be rejected, he should move that the same principle be applied to the rich and the poor, and that it was expedient to introduce a Bill closing the club houses on Sundays.

At a later period of the evening,

SIR JOSHUA WALMSLEY gave notice that he should, upon an early day, move a Resolution to the effect—

> "That in the opinion of this House it will promote the moral, intellectual, and social improvement of the working classes of the community, if collections of national interest were thrown open to public inspection after the hours of Divine service on Sundays."

MORTALITY IN THE CRIMEAN ARMY—QUESTION.

SIR DE LACY EVANS: Sir, I gave the noble Lord at the head of the Government notice yesterday that I would ask him a question this evening with respect to the mortality in the army of the Crimea. I will put the question now, in order to save the necessity of obtaining an order of the House. It has reference to a passage at page 35 in the Report of the Commissioners respecting supplies to the army in the Crimea, and it is, whether any information that may have been obtained by the Commissioners through the returns from the medical officers, or otherwise, will be laid upon the table of this House, as it is important to ascertain the cause of so frightful a mortality as 35 per cent, which cannot be done without knowing the particular diseases and the cause of death. If the noble Lord will lay those papers on the table of the House, I hope it may be done without delay, so that we may have the advantage of them in any discussion which may take place upon the subject.

VISCOUNT PALMERSTON: I am much obliged to my hon. and gallant Friend for having given me notice of this question. The fact is, that the Commissioners had no instructions whatever to collect the statistical information to which he has referred. Colonel Tulloch, one of the Commissioners, who is a great man for statistics, did collect this information, but it did not form any part of the Report. It was transmitted separately, and as a confidential communication, to the War Department, and by them communicated to the Medical Department of the army for their guidance, in order that such casualties might for the future be avoided; but it does not appear to me that it would be advisable to have that information laid before the public. It will be acted upon by the Medical Department, and I trust the

House will be satisfied by knowing that the statistical information thus collected will receive due attention in the proper quarters.

OUR RELATIONS WITH THE UNITED STATES—QUESTION.

Mr. COBDEN said, he wished to inquire whether it was the intention of the noble Lord at the head of the Government to lay upon the table of the House any correspondence which had taken place with reference to the state of our relations with the United States of America? The correspondence with regard to Central America had been laid before the American Senate by the President, on the occasion of making his annual Message, and it was, therefore, to be supposed that it was complete; but he (Mr. Cobden) was not aware whether the correspondence with respect to the enlistment of American subjects for the British service was complete or not. He wished to know the intentions of the Government on the subject.

Viscount PALMERSTON: I apprehend that in neither case can the correspondence be said to be completed. When it is completed, of course it will be laid before the House, in order that it may be in possession of the full and entire facts.

COMMUNICATION BETWEEN ENGLAND AND IRELAND—QUESTION.

Mr. VINCENT SCULLY said, he begged to ask the Secretary to the Treasury whether there had been any contract or correspondence with the Treasury, or any Treasury Minute, with the view to improve the postal and passenger communication between England and Ireland, under the Act of last Session authorising arrangements for that purpose; and whether there was any objection to produce such documents?

Mr. WILSON said, the House would probably recollect that towards the end of the last Session a private Bill had been passed to enable the Chester and Holyhead Steam Packet Company and the North Western and Chester and Holyhead Railway Companies to be incorporated, and to make one service from London to Dublin. That Bill was not, however, to take effect until a satisfactory arrangement had been come to with the Post Office in respect to the conveyance of Her Majesty's mails. The measure had been considered during the recess, and in the month of October last it was arranged that for the future there should be one day mail and one night mail, instead of the two existing night mails, between London and Dublin, and that the service should be performed in eleven hours at the least, so that the mails and passengers arriving from London in Dublin, and from Dublin in London, could be forwarded, without delay, to the provinces. What had been done was this—the memorial to the Government had been referred to the Irish Government and to the Dublin Chamber of Commerce, in order to ascertain whether the proposed changes would suit the convenience of the trade and passenger traffic of Ireland. A deputation from the Dublin Chamber of Commerce waited upon the Government in London last week, and all the particulars had been arranged so far as the Government and the Dublin Chamber of Commerce were concerned. The Government were now ready to accept tenders for the carrying of the mail in conformity with the plan arranged with the Dublin Chamber of Commerce.

Mr. VINCENT SCULLY said, he would move for a copy of the Treasury Minute on the subject.

BANK CHARTER ACT—QUESTION.

Mr. GLYN said, he begged to inquire of the Chancellor of the Exchequer whether any steps had been taken for giving statutory notice, under the provisions of the Act 7 & 8 *Vict.*, c. 32, to the Governor and Company of the Bank of England, preparatory to the revision of their charter; and whether it was the intention of Government to institute any inquiry before a Committee of that House, or otherwise, into the working and effect of the said Act?

The CHANCELLOR of the EXCHEQUER said, in reply, that the exclusive privileges of the Bank of England were given to it by the Act of 1844, and by other Acts, subject to redemption upon two conditions. One of these was, that a notice of not less than twelve months should be given to the Bank at some time subsequent to the month of August, 1855; and the other was, that the sum of £11,150,000, representing the debt due by the nation to the Bank, with some arrears of interest, amounting to about £100,000, together with all Exchequer bills and other Government securities which the Bank might then hold, should be repaid by Parliament. Those were the two conditions which must be fulfilled in order to extinguish the exclusive privileges of the Bank of England. It was also provided that a Vote or Resolution of the House of Commons, signified under the hand of the Speaker in writing, and delivered at the Bank of England, should be deemed a good and sufficient notice. It was not the intention of Her Majesty's Government for the present to take any steps for putting an end to the exclusive privileges of the Bank of England. With respect to the second question, if there should appear to be a general wish on the part of that House that there should be at present, or early in the Session, a Parliamentary inquiry into the position of the Bank of England, and into the operation of the existing Bank Act, Her Majesty's Government would not feel themselves justified in opposing such general wish. At the same time, it was their decided opinion, that in the present state of the country, in the peculiar relations of the Bank of England and of the currency, which were created by a state of war, and by the necessity of making large remittances of bullion to foreign countries, and the extraordinary and exceptional state of things so created, the present would not be a favourable moment for an examination of the affairs of the Bank. It was, therefore, the opinion of Her Majesty's Government that the present period of the Session was unsuited to a Parliamentary inquiry, and it was not their intention to propose to the House any Motion for the appointment of such a Committee.

WAR WITH RUSSIA—THE ARMISTICE QUESTION.

COLONEL DUNNE said, he wished to ask the First Lord of the Treasury whether it was true—as stated in a French paper—that an armistice had been agreed on between the Allied Powers and Russia; and, further, whether such armistice extended to operations by sea, or to those carried on in Asia?

VISCOUNT PALMERSTON: Sir, one of the arrangements at Vienna was, that after all the preliminaries should be negotiated and signed, an armistice should be arranged between the parties. The preliminaries have not yet been signed, although a protocol has been signed. The preliminaries are to be discussed and signed by the Plenipotentiaries when they meet at Paris, and it will not be until such preliminaries have been signed that the question of an armistice can be taken into consideration.

SIR DE LACY EVANS said, he wished to know whether the armistice that had been alluded to would prevent Russia from transporting troops or stores by sea?

VISCOUNT PALMERSTON: Armistices are of various kinds, and involve such conditions as the particular case on which they have been concluded require. I stated just now that though it had been agreed that an armistice should follow the signing of the preliminary treaty, as the question of armistice had not yet arisen, it is impossible for me to say what its nature will be.

VOTE OF THANKS TO MR. W. LEY.

VISCOUNT PALMERSTON: Sir, I rise to propose to the House that which I am sure hon. Members will feel to be not less gratifying to themselves than due to the gentleman to whom I am about to refer. We have just lost the services of an officer of this House, who has fulfilled his duties to this House during the long period of forty-two years,—I mean Mr. William Ley. Mr. Ley belongs to a family well known to this House for the services they have performed. Mr. Ley's uncle was at the table of this House for the space of twenty-five years. viz. from the year 1795 to 1820. His brother was forty-nine years in the service of this House. Mr. William Ley himself has performed similar services for the period, as I have just mentioned, of forty-two years; and he retires from infirmity and age which, in his opinion, no longer qualify him for the performance of his duty. The youngest Member of this House cannot have gone through a single Session without knowing how much Members of this House depend for their information and guidance in the discharge of their duties upon the assistance they derive from the clerks at the table. I am sure that all who are present will agree with me when I state that we have received from those gentlemen the most useful suggestions and the most accurate information. With regard to Mr. William Ley, every one will acknowledge that, throughout the long course of time during which he sat at that table, no one ever put a question to him without receiving a full and complete answer from his varied store of Parliamentary knowledge, or without obtaining from him the most courteous assistance, without any regard to his personal trouble or to the interruption of any occupation in which he happened at the time to be engaged. I am sure the House would feel that there was something wanting on their part if they permitted an officer who had so long and so faithfully performed the duties of his office to retire without marking, by a Resolution, their sense of the services he had rendered to the House, and through the House, to the country. I, therefore, trust, Sir, that the House will unanimously agree to the Motion I am about to place in your hands, and which is—

> "That this House entertains a just and high sense of the distinguished and exemplary manner in which William Ley, Esq., late Clerk-Assistant of this House, uniformly discharged the duties of his situation during his long attendance at the Table of this House."

Mr. DISRAELI: Sir, I rise, on the part of the Gentlemen sitting upon this side of the House, to express the great respect they have for Mr. William Ley and the sense they entertain of his character and services, as Clerk Assistant of this House, and their hope that, in his retirement, he will enjoy that leisure which he has so worthily earned.

Resolution *agreed to, nemine contradicente.*

PUBLIC INCOME AND EXPENDITURE.

Mr. W. WILLIAMS said, he rose in pursuance of notice to move for an account of the gross public income and expenditure of the United Kingdom in each quarter of the year 1855. During many years, it had been the practice to lay on the table of the House the net amount of the public revenue only after deducting the cost of collection and some other items. The subject had been brought before the House over and over again, and Motions made for the purposes of bringing the gross revenue into the accounts as well as the net revenue. At last the right hon. gentleman the Member for the University of Oxford (Mr. Gladstone), who, during his tenure of office as Chancellor of the Exchequer, manifested the strongest desire to improve the system of public accounts, brought in a Bill, which he passed through Parliament, requiring that the gross amount of revenue should be brought into the Exchequer. The right hon. Gentleman, when in office, also promised him that the gross amount of public revenue should be furnished to the House in the Quarterly Returns. When the right hon. Gentleman left office, his hon. Friend the Secretary of the Treasury (Mr. Wilson), who subscribed to the propriety of furnishing the House with the gross amount, promised that he would give it, but he had never done so. Last year, however, in consequence of a request from him, a quarterly Return had been furnished, but it was the most confused account he had ever seen, especially with regard to the expenditure of the Crown lands. The Return, however, proved that the gross annual amount of revenue derived from the Crown lands in 1854 was £383,700, while the amount brought into the revenue was only £272,000, thus showing that £111,700 was expended in that department, without any authority and without any knowledge on the part of that House. Had the right hon. Gentleman the Member for the University of Oxford been in office, he was sure he would have accounted for every farthing of the expenditure of the Crown lands by Votes of that House. What right had any one to expend £111,700 a year of the Crown lands, which were as much public property as the income tax. In exchange of the Crown estates, the Crown received an income of £385,000 from the Civil List, and if they had been well managed they would produce nearly the amount of that Civil List; but in consequence of irresponsible squandering they had not produced one-half the amount, and if he said one-third he believed he should be nearer to the truth. He found, also, that the revenues of the Duchy of Lancashire amounted in 1854 to £42,000. Only £18,000 of that sum was paid to Her Majesty, leaving £24,000 to be squandered away in expenditure, which amounted to about 60 per cent for management. In the same year the receipts from the Duchy of Cornwall, which was the estate of the Prince of Wales, and ought to be looked after as public property, were £63,000, and only £39,000 were paid in, leaving a balance for expenditure and squandering of £24,000, which amounted to about 40 per cent for the management of that property. The amount paid to the trustees was laid out in the funds as property belonging to the Prince, which he would enjoy when he came of age, and the larger the amount of that property, the less would, of course, be required for his Civil List. The House, therefore, had a great interest in seeing that this property was correctly managed. Upwards of £16,000 were paid out of the public taxes for the Duchy of Cornwall, in consideration of a certain tax on tin which had been paid by the producers of that metal having been given up. These were considerations which made it imperative on the House to require such accounts as he now called for; and £111,700 ought not to be expended out of the Crown estates without any knowledge or sanction on the part of Parliament. He dared to say that he should be told by the Chancellor of the Exchequer that these items were to be found somewhere or other in some book. He did not deny that, or that the money was expended, for he did not suppose it was pocketed; but his complaint was that any part of the money should be expended without the sanction of the House of Commons. The measure of the right hon. Member for the University of Oxford, showing the cost of collection of the revenue, was a most important financial measure; yet it was nullified and rendered nugatory because the gentlemen of the Treasury were afraid of the country knowing how much was taken from it.

Motion made, and Question proposed—

"That there be laid before this House, an Account of the gross Public Income and Expenditure of the United Kingdom in each quarter of the year 1855; stating the cost of collection in each of the Revenue Departments, including the Woods, Forests, and Land Revenues of the Crown (made out in the same form as the Account of the net Income and Expenditure in the quarterly Returns presented to this House)."

Mr. WILSON said, he would not follow the hon. Gentleman through his numerous topics, but would confine himself to the subject to which the Motion referred. The hon. Gentleman was quite right in saying that the measure introduced by the right hon. Member for the University of Oxford, two years ago, was a measure of the very greatest importance, but its importance was not of that kind referred to by the hon. Gentleman, because the whole of the information respecting the collection of the revenue of each department had been for some time past stated in the finance accounts for the year. The great object of the Bill of the right hon. Member for the University of Oxford was to bring that expenditure annually under the review of the House in detail, in order that the House might know of what items it was composed, and impose such check as it might deem necessary. This had been done for the last two years, and he should in the present year lay similar estimates on the table. In its passage through the House of Lords the Bill was denuded of one of its important elements, for the supervision of the superannuations of the Customs was struck out of the schedule, and if the hon. Member would move for the rectification of that defect he would receive ample support from the Government. He might remark that when, in the course of last year, the hon. Gentleman (Mr. Williams) asked for an account in the gross, and not in the way he had asked for it now, the account was immediately furnished by the Treasury. He (Mr. Wilson) held in his hand an account for each of the quarters of the last year, and in the annual accounts, which would be published on the 30th April in the newspapers, every quarter's account would show the gross and net account of each branch of the revenue. He, therefore, hoped the hon. Gentleman would not press his Motion now, because he must see that his views were being carried out. He believed he might safely say, in point of truth, that the whole advantage which the hon. Member expected to derive from the Bill introduced two years ago had been derived—that was, that Parliament had the Estimates regularly brought before it, and had an opportunity of discussing each item, and rejecting any it might think improper. With regard to the Woods and Forests, he was not able to answer the hon. Gentleman's observations without notice. That department was considered to be exceptional, inasmuch as the Government only held that branch of the revenue in trust for the Crown, and it had never been dealt with in the same manner as other branches.

Sir HENRY WILLOUGHBY said, he observed that in the Department of the Woods and Forests there was a heavy expenditure of about £100,000 a year without any control whatever, and the accounts of the country could not be considered complete unless the same Estimates were framed with regard to the Woods and Forests as in respect to every other financial branch of the country.

The CHANCELLOR of the EXCHEQUER said, that the two questions raised by the hon. Member for Lambeth (Mr. W. Williams) and the hon. Baronet the Member for Evesham (Sir H. Willoughby) were of a totally different nature—one relating to the mode of keeping the public accounts, the other to the check which Parliament ought to exercise over the public expenditure. With regard to the first question, as his hon. Friend the Secretary to the Treasury had already correctly stated to the House, the whole amount of the revenue received, including the expenses of collection, had, for many years past, been annually laid before the House. As the collection of the revenue was thought to be part of the prerogative of the Crown, the Executive did not feel bound to propose an annual Vote to cover the charges thereby incurred; but the practice was to deduct them from the gross revenue, and to pay the net amount only into the Exchequer. Two years ago, however, the right hon. Gentleman the Member for the University of Oxford introduced a measure by which it was provided that the expenses of collecting a certain portion of the revenue, including the Customs, the Post-office charges, and the Inland Revenue, were to be voted annually by the House of Commons, and the gross revenue derived from those sources was to be paid into the Exchequer; but this principle, however sound in the case of departments in which all the officers were paid by regularly fixed salaries, could not be made applicable to the revenue of the Crown lands, the expenses in the management of which varied of course very much, and could not be calculated beforehand with any certainty. The right hon. Gentleman, therefore, did not extend the provisions of his measure to that department. He would not fail to consider the question suggested by the hon. Baronet the Member for Evesham, but at present he felt bound to say, that he did not think it probable that he should be able to submit any measure on the subject to the House this Session.

Mr. W. WILLIAMS said, he thought there was no more difficulty in framing an estimate of the cost of the Woods and Forests than there was with regard to any other branch of the revenue. However, under the circumstances, he begged leave to withdraw his Motion.

Motion, by leave, *withdrawn.*

POLICE (COUNTIES AND BOROUGHS) BILL.

Sir GEORGE GREY: I rise, Sir, to move for leave to bring in a Bill to render more efficient the police in counties and boroughs in England and Wales. In the course of the last Session I stated, in answer to a question addressed to me by one of the hon. Members for South Devonshire, that, although it was not the intention of the Government to propose any measure that year for the purpose of establishing a general system of police throughout the country, yet that my attention would be directed to the subject during the recess, with the view to the introduction of some measure during this Session on the subject. At a later period the hon. Member for East Kent (Mr. Deedes) withdrew a Parish Constables Bill which had passed a second reading, after a similar intimation from me. In fulfilment of that pledge I now propose to ask leave from the House to lay upon the table a Bill which is the result of the best consideration and attention I have been able to give to the subject. This Bill is not prepared with a view to establish one uniform system of police throughout the country under one central head, similar to that recommended by the Commission of 1839, which, though it might theoretically be the best system, would not, I am afraid, meet with much support in the country, from its interfering so largely with the different local authorities in counties and boroughs, in whose hands the management of the police is now vested. My object is to provide as efficient a police force, both for counties and boroughs, as is possible under the existing system of local management. I do not propose now to take up the time of the House by entering into statistics to prove the necessity of a police force, or to show the results which have followed in those counties and boroughs where such a force has been established. All those facts have been collected by the Committee who sat in 1853, and may be found in their Report. That Committee agreed to a string of Resolutions, some unanimously, and others by a large majority, which I think are deserving of the attention of the House. They resolved that the failure of the existing Rural Police Act to provide a general constabulary force for the prevention of crime and security of property is owing to the permissive character of those enactments, and they reported their opinion of the advantages, moral, social, and economical, in those districts, which had adopted a rural police; and in another Resolution they stated that, while admitting the usefulness of superintending constables, appointed under the 5 & 6 *Vict.*, they regarded them as quite inadequate to fulfil the duties of a police force. They recommended the consolidation of smaller boroughs for police purposes, and the assimilation of the police in large boroughs to the county police; and in the seventh Resolution they express their opinion that some aid should be afforded by the Government towards defraying the cost of an improved and extended system of police, without essentially interfering with its local management. They concluded their Report by recommending the early introduction of a Bill for providing a more efficient police force throughout Great Britain. I will now shortly state to the House what is the law at the present moment with regard to the police of counties and boroughs. And, first, as to counties. As a result of the Commission of 1839, two Bills were passed—the 2 *Vict.*, c. 93, and the 3 & 4 *Vict.*, c. 88—founded on the evidence collected by that Commission, and partly on its recommendations, though in some respects it fell far short of them, by which it was made optional with the justices of any county to adopt a county constabulary or not. It is left to the justices to determine how many constables are to be appointed, subject, however, to a proviso that the number shall not exceed one in every 1,000 of the inhabitants. The Secretary of State by it has power to make rules for their government pay, clothing, and accoutrements. A chief constable is appointed by the justices, subject to the approval of the Secretary of State, and each chief constable has the power of appointing and dismissing ordinary constables. The result has been that a county police force has been established in twenty-four counties and in the Isle of Ely; and under a particular clause, which enables portions of counties to avail themselves of the Act, a similar force has been established in certain districts of seven other counties. There are twenty counties, including two Ridings of Yorkshire, which have not adopted the Act. There is a great variation in the proportion which the police bears to the population in different counties—the highest proportion is, I believe, one in 1,128 in the county of Southampton, the lowest is one in 5,333 in the county of Cumberland. I come now to the state of the law with regard to boroughs, and in the case of these the law makes that imperative which is optional in counties. By the Municipal Act, 5 & 6 *Wm.* IV., c. 76, the town-councils of corporate boroughs are required to appoint watch committees, and these watch committees are required to appoint a sufficient number of fit constables to keep the peace by day and night within the borough, and to protect the persons and property of the inhabitants. In many of the larger boroughs, such as Liverpool and Birmingham, a most efficient police force has been established and maintained; but in other cases the result, I am sorry to say, has been very different, and that notwithstanding that the attention of the authorities has been repeatedly called to the inadequacy of the force, when, owing to disturbances in the borough or the immediate neighbourhood, they have applied for troops to perform a duty which ought primarily to be discharged by the police. I will mention a few boroughs in which the police force is inadequate to the wants of the place. In Stockport, with a population of 54,000 persons, there were, until a short time ago, only fifteen constables. In consequence of a circular which I addressed to the authorities of various boroughs that number has been increased to twenty-four. In Wigan there are eleven constables to a population of 32,000; in Ashton-under-Line, seventeen constables to a population of about 30,000. It is impossible to say that these are efficient police forces. There is no direct means of enforcing the performance of the duty imposed upon the councils of boroughs; and, while obeying the letter of the Act, the corporations have, in some instances, altogether disregarded its spirit. There is, besides, a large class of boroughs in which, from the smallness of their population, it is impossible that a really efficient police force can be maintained. There are no less than sixty-four boroughs, each having a population of less than 5,000, which are within the provisions of the Municipal Corporations Act, and have a jurisdiction independent of the county in which they are situated. While the powers of borough constables appointed under that Act extend to the county, county constables have no corresponding power within the limits of boroughs. In the 3 & 4 *Vict.*, c. 88, which was the second Constabulary Act, there was a provision that for police purposes boroughs might, by voluntary agreement, be united with the county; and of this provision thirteen boroughs, having a population of about 62,000 persons, have availed themselves. Such being the law, and such having been its results, I will now state to the House the plan which I shall submit to it for the improvement of the police, both in counties and boroughs. It is impossible to deny that, after the experience of the present Constabulary Acts, which have been in force sixteen years, twenty counties still remaining without a constabulary, and after the testimony which has been borne to the beneficial results of their operation wherever they have been adopted, the time has come when the existing option ought to be abolished, and there ought to be imposed upon justices of the peace an obligation to adopt the provisions of these Acts within their respective counties. The first provision of the Bill, therefore, will be to substitute for the present option that compulsory obligation. I do not, however, propose to interfere with any of the provisions of the existing Acts with regard to fixing the number of constables, the appointment of chief constable, or the control which the magistrates exercise over the county constabulary. Acting, however, upon the fifth Resolution of the Committee of 1853, I propose to give power to the Queen in Council—to compel magistrates, in certain cases where it is expedient, to divide counties for police purposes into districts. The Resolution of the Committee was as follows—

Resolved—

> "That where the population of separate districts within the same county differs in amount and in the character of its employments, and consequently in its requirements for a police force, an equitable adjustment of the police rate to meet those cases should be provided for by enactment, and that such an arrangement would tend to remove the objections now partially entertained against the adoption of the Rural Police Act."

I next propose to give to county constables the same authority within boroughs situated in the county for which they act as the constables of boroughs now exercise within the counties in which the boroughs are situated, and likewise to extend their authority, like that of existing borough constables, to a certain portion of the adjoining counties. With regard to boroughs, I do not wish to take the management of the police out of the hands of the watch committees; but I propose to give to the Secretary of State the same power of making rules for the government, pay, and clothing of borough constables, as he now possesses with respect to those of the county. Gentlemen who represent or reside in counties in which the county police is established well know that a series of regulations was, soon after the passing of the Bills to which I have referred, prepared by the Government for the adoption of the justices. Those regulations are, I believe, generally acquiesced in as promoting the efficiency of the county constabulary force, and I think it would be desirable to give to the Secretary of State power to make similar regulations in regard to the police forces of boroughs. County constables are at present disqualified from voting at or taking part in county elections; and that disqualification I propose to extend to borough constables. [An hon. Member: Parliamentary elections?] As the Bill stands, it refers only to Parliamentary elections. I propose to require both county and borough constables to perform all duties required of them by justices in quarter sessions, or watch committees of boroughs, or by regulations made by the Secretary of State. A good deal of evidence was given before the Committee of 1853, and may be found in the Appendix to the Report of that Committee, showing that a considerable saving may be effected by imposing upon the police the performance of certain functions which do not interfere with their primary duties as police-constables, and which may be most efficiently performed by them. Another provision of the Bill will give to the Crown power to appoint inspectors to inquire periodically into the state and efficiency of county and borough police, such inspectors to report to the Secretary of State, and their Reports to be subsequently laid before Parliament. I now come to the seventh Resolution of the Committee, which recommends that some assistance should be given by the Government to the establishment of a system of police throughout the country. That Resolution is in these terms—

Resolved—

> "That, taking into consideration the aid afforded—hitherto partially and gratuitously—by the rural police for the protection of the revenue, the valuable services it has rendered for the maintenance of order, and in promoting the observance of the laws, in reducing the cost of prosecutions, and the effectual protection it gives to life and property of every description, by which the holders of a large amount of property not contributing to the police rate are greatly benefited, it is the opinion of your Committee that it is a matter worthy the consideration of the House whether some aid should not be afforded by the Government towards defraying the cost of an improved and extended system of police, without essentially interfering with the local management of that force."

The Commission of 1839 also recommended that, in the event of their system being adopted, one-fourth of the expense should be defrayed from the Consolidated Fund, while the other three-fourths should be derived from county rates and other local sources. In addition to the arguments urged by the Committee in favour of this suggestion, circumstances have since occurred which give to it additional weight and authority. I allude to the important alteration that was made in the same year by the abolition, in the majority of criminal cases, of the punishment of transportation, and the substitution of a system of penal servitude, by which a large number of offenders formerly sent abroad, and who never returned to this country, are retained here, either on the expiration of their sentences, or with revocable licences entitling the persons holding them to regain their liberty after they had served an allotted period of their sentence. Under the former system a very large expenditure was incurred by this country in Australia under the heads of police and gaols. Since the abolition of transportation that charge has been in process of diminution, and it is to be hoped will eventually disappear. A portion of it, however, has been transferred to this country, and there is, therefore, the greater reason why a portion of the cost of maintaining the police should be borne by the general revenue of the nation. I do not propose to fix any particular sum to be paid out of the public Revenue on account of the police establishment in every county and borough; but what I propose is in effect this—that upon a certificate of the Secretary of State, founded on the report of the inspectors, attesting the efficiency in numbers and discipline during the preceding year of the police of any county or borough, it shall be competent for the Treasury to pay out of moneys to be provided by Parliament a sum not exceeding one-fourth of the expense incurred for the pay and clothing of such police. The money thus granted will not constitute a fixed charge upon the Consolidated Fund, but will be voted annually, so that it will be every year in the power of Parliament to satisfy itself that the Government has exercised the authority confided to it in a judicious and impartial manner. If this discretionary power be given to the Government it will relieve me from the necessity of doing what at one time I had thought might be necessary—namely, to propose that, with a view to prevent the spirit of the law being evaded, while the letter was complied with, there should be reserved the power of compelling the county and borough authorities by an Order in Council to increase the number of police to an efficient standard. On mature consideration, however, I felt that serious objections might be urged against the adoption of such a course. I have no doubt that those in whose hands is vested the management of the police would be disposed to treat the Order in Council with all becoming respect; but still there might be an inclination to dispute the grounds on which that Order had been issued, and it might be no easy matter to compel a reluctant body of magistrates to do what might be necessary in order to place the police establishment upon a satisfactory footing. On the whole, I therefore thought it better not to ask Parliament to place any such power in the hands of the Government; and another reason which has influenced me is, that if it were granted it would be necessary to establish a maximum of sufficiency universal in its application—a matter of extreme difficulty, since what would be a sufficient maximum for one part of the country might be altogether inadequate to the requirements of another district differently circumstanced, while the maximum fixed in the Act might probably be taken as the general standard, though a very insufficient one. A discretionary power in the Treasury to issue a grant will stimulate magistrates and watch committees to keep up their police in a state of efficiency. The next topic to which I would advert is the recommendation of the Commissioners with respect to the consolidation of small boroughs. It cannot be denied that in the case of many small boroughs the object we have in view would be materially promoted by such a proceeding; but, on the other hand, there are serious practical difficulties in the way of a compulsory consolidation, and we have thought it better, at least for the present, not to insist on such a measure. We do not, therefore, intend to propose the compulsory consolidation of boroughs, but it is to be understood that the sixty-four boroughs to which I have already alluded as not having populations amounting to 5,000, will not be included in the arrangement for defraying a portion of the expense from the Treasury. As it is obvious that in places so circumstanced there can be no efficient police, without consolidation, I propose that there shall be no assistance from the Treasury to any borough whose population did not at the last census exceed 5,000, and which is not so consolidated. Thus there will be no inducement to the small boroughs to keep aloof from the surrounding community, but rather the strongest inducement to become consolidated with the county. With a view, however, to facilitate consolidation and to prevent a borough being excluded from its benefits by the refusal of a county, the Bill provides that upon the representation of the town council of any borough, of whatever population, that they have applied to the magistrates of the county for consolidation, and that either through indisposition on the part of the justices, or because of some dispute as to the terms, their application was not granted, the Queen shall have power to define by an Order in Council the terms on which the consolidation shall be effected, so that no borough shall have to complain that it was excluded from the benefits of the Act against its own will. The question of cost now remains, and, without attempting to estimate accurately the whole expense of the project, I should be disposed to say that £200,000 would more than cover the burden on the public revenue. Owing to the peculiar nature of the laws respecting the police in Scotland, it has not been found practicable to extend the Bill to that part of the United Kingdom, but a special measure is in preparation by my right hon. and learned Friend the Lord Advocate, and the estimated cost for both countries will, probably, not exceed £220,000 or £230,000. The Bill which I now ask the permission of the House to introduce may not meet the views of those who desire a strictly uniform system of police; but I had no ambition to frame a Bill which, however perfect in theory, had little chance of being adopted by Parliament. My object was rather to prepare a measure which, while it respects the present system of local management and corporate control, will tend to increase in a most material degree the efficiency of the county and borough police throughout the country.

Sir JOHN PAKINGTON: I have heard, Sir, with very great pleasure, the statement of the right hon. Baronet the Home Secretary relative to one of the most important subjects connected with his department; and I must also express my satisfaction that Her Majesty's Government have at length determined to meet the general wish entertained by this House and the country that this question should no longer be left in the uncertain state in which it has stood for many years, but should be definitively dealt with by the Legislature. It is gratifying, likewise, to find that the Government have wisely resolved to comply with the recommendation made by the Commission which sat as long ago as the year 1839, and of which you, Sir, were a distinguished Member—namely, that the cost of maintaining an efficient police should be at least partially borne by the general revenues of the country; and my only apprehension is, that the impression produced on the public mind by this measure will be that the terms which it offers can hardly operate as a sufficient inducement to counties and boroughs to introduce in their respective districts the new arrangements. For myself, I could have wished that the Government had shown a disposition to contribute more liberally towards the expenses of the country police, and then the system of inspectorship which the right hon. Gentleman very judiciously proposes, coupled with the power of withdrawing the pecuniary assistance of the State in cases where the reports as to the efficiency of the force were unfavourable, would have been likely to prove more satisfactory. I will not now, however, express too decided an opinion on these points; I merely throw out this suggestion for the right hon. Gentleman's future consideration. The next, and, perhaps, the most important feature of his plan is the provision rendering it compulsory on all counties to establish a rural police, a proposal to which I give my unqualified adhesion, as I believe that anything short of it must necessarily fail to meet the requirements of the case; and I concur with the right hon. Baronet in thinking it very improbable that any county will hereafter have reason to regret the constraint that this Bill will impose upon it. As to the county with which I am connected—Worcester—I can speak with confidence in this matter. In the year 1839 it became my duty, as soon as the Rural Police Act passed, to propose its adoption in that county. The proposal was assented to, and, although some dissatisfaction was felt for a time on account of its expense, yet since then the general feeling of the county has been that of contentment on the subject; and last autumn, indeed, the number of the police in Worcestershire was considerably increased. The right hon. Baronet also touched upon one of the most difficult parts of the question in alluding to the sentiments of the boroughs regarding their non-amalgamation with the counties. It is well known that one of the chief and almost the only obstacle encountered in those counties which have adopted the rural police has sprung from an unwise and unworthy jealousy between boroughs and counties on the question of police. The right hon. Gentleman certainly proposes a remedy for this evil, which is a good one as far as it goes—namely, that as the borough police have now power to act within the counties, so the police of each county shall have power to act within the boroughs. But I wish that he had gone further, and proposed, with regard to the small boroughs—taking, if he pleases, his limit of 5,000 inhabitants—to make it compulsory on them to amalgamate their force with that of the counties. In my own county two small boroughs have availed themselves of the power of effecting this junction, and the result has been most beneficial, the boroughs never having had cause to repent the step which they took. I may have misunderstood the right hon. Gentleman, but there seems to me to be this defect in his scheme—that, while he renders it compulsory on the counties to introduce the Police Act, he does not, apparently to me, define the extent to which the compulsion is to go. I quite agree with him that it would be unwise to attempt to assimilate the police force in every county to one common standard, so as to produce a uniform amount of force throughout the entire country; but it strikes me that, following out his own principle, it would be prudent to prescribe some minimum, as compared with the population, below which they should not be allowed to descend; otherwise I am afraid he will find, as he has told us to-night is already the case in certain boroughs, that some of the counties adopting his measure will have it in their power, while complying with the letter, to evade the spirit and intention of the law. I will not detain the House with any further comments on this Bill, which will be shortly before us; but I must express my hope that this question, which is wholly removed from the sphere of party politics, will be calmly and impartially considered on all sides. The general outlines of the measure seem to me to be founded on sound and safe principles; and, so far as my humble influence goes, I shall be most ready to lend my assistance to the Government in carrying it through this House.

Mr. HAMILTON-NISBET said, he thought the measure was conceived in a spirit of moderation, which ought to bespeak for it the fair consideration of every county member. The enforcement of a minimum number of police for each county, as suggested by his right hon. Friend who spoke last, would be very undesirable. The large county which he represented (Lincolnshire) was already sufficiently provided, or nearly so, with a constabulary force, without the introduction of any compulsory measure to increase it. He would give the Bill his support, because, although coercive in some of its provisions, it made the State liable for a portion of the expense that would attend its adoption. A few years ago an inquiry was instituted as to what addition would be necessary to the county rates in order to raise the rural police of Lincolnshire to the standard of two of the adjoining counties; and it was found that they would require to be doubled. Now, he understood the right hon. Gentleman (Sir G. Grey) to propose that the amount of the State's contribution towards the expense of the county police should be fixed at the discretion of the Secretary of State.

Sir GEORGE GREY: The right hon. Gentleman makes a mistake. Practically, the contribution of the State will not exceed one-fourth of the entire expense; but whenever the inspector reports that the police of any county are deficient in number or in discipline, and the Secretary of State thinks he would not be justified in granting the certificate upon the presentation of which alone the amount can be issued by the Treasury, no portion whatever of the cost of maintaining the police of that particular county shall be defrayed from the general revenue of the country.

Mr. HAMILTON-NISBET said, he understood, then, that the county the police of which was reported to be efficient would receive one-fourth of the expense and no more. [Sir G. Grey assented.] In that case he could only say that he was entirely in favour of the inspection proposed to be instituted by the Bill; but he had hoped that the proportion of the cost to be paid from the Consolidated Fund would be more liberal. The inhabitants of the county he represented were desirous that an efficient police force should be established, and he, therefore, would be ready to give the Bill his most careful consideration.

Mr. DEEDES said that, in the first place he felt bound to thank the right hon. Baronet the Home Secretary for having thus redeemed the pledge he had given. He (Mr. Deedes) had, on former occasions, submitted to the House measures on this subject, and in doing so he had been actuated simply by a desire to improve the existing police system. He felt bound, therefore, to thank the right hon. Gentleman for the Bill he had proposed, the general provisions of which seemed to him to have been well considered. He thought, however, in common with other Gentlemen who had spoken on the subject, that the right hon. Baronet had made a mistake in limiting the terms upon which public money might be applied to the purposes contemplated by this measure, and he believed that if the sum granted by the Treasury were to depend upon the reports of the inspectors there would be constant disagreements between the officers who discharged such duties and those who had the immediate direction of the police in counties and boroughs. He did not quite agree with the right hon. Gentleman that in those counties in which the present Rural Police Act had been adopted there had been a proportionate diminution of crime; but if occurrences which had recently happened rendered it necessary that a more efficient police force should be established, and if that was the general feeling of the country, he (Mr. Deedes) would readily afford any assistance in his power towards framing as good a measure as could be devised for carrying out such an object; but at the same time he must say he did not think that a necessity existed for the application of the same principle to every part of the country.

Mr. RICE said, he had listened with great satisfaction to the statement of the right hon. Baronet, and he had also been much gratified to find that the principle of the Bill—which he hoped would receive the sanction of the House—seemed to be generally approved. He understood that the certificate for a grant was only to be given in cases in which the inspectors and the Government were satisfied that an efficient police had been established; he believed, however, that condition would be complied with by every county in England.

Mr. BUCK said, he hoped that full opportunity would be afforded for maturely considering the various provisions of the Bill.

Lord LOVAINE said, he believed that a measure of this kind was imperatively called for by the state of the country, but he thought some of the provisions of the Bill would require very close and careful consideration. It had been shown before a Committee of which he was a member, that in some boroughs the watching and lighting committees, who had the control of the police force, had not acted with justice and impartiality, and, as he understood the Bill, it did not propose to interfere with the powers of such committees. It had been stated that in one town in England there were 600 beerhouses; that a majority of the persons who were members of the lighting and watching committee were holders of such property; and that in consequence of their influence over the police it was impossible to rely on the proper discharge of the duties of the force. As he understood this Bill, it would not impose any check upon such proceedings. He thought, therefore, that that state of things should not be permitted to continue. He saw with great satisfaction the determination of the Government to deal with the general question, and he begged to express a hope that the present measure would receive the careful consideration of the House.

Mr. ROBERT PALMER said, he had heard with considerable satisfaction the statement of the right hon. Gentleman who introduced the Bill. He had been opposed to the adoption of the Rural Police Act in the county he represented, chiefly on account of the expense inevitably attending such an arrangement, and which he did not think would be compensated by equivalent advantages. That feeling was shared by the great body of the ratepayers, for at the last Midsummer sessions it was determined to adopt the Rural Police Act, and at a subsequent period a memorial was presented to the Court of Quarter Sessions, signed, he believed, by one-half the number of ratepayers in the county, representing nearly one-half of its rateable property, begging the magistrates to reconsider the question, and not to throw upon the ratepayers a burden which they conceived to be unnecessary. It was, however, determined, by a very considerable majority, after much discussion, that the provisions of the Act should be adopted. He was glad to find that this Bill proposed to throw some portion of the expense of the police force upon the Consolidated Fund, though he thought that proportion was scarcely large enough. Possibly before the Bill went into Committee, the right hon. Gentleman might come to the conclusion that a larger proportion of the expenditure might fairly be borne by the Consolidated Fund. He (Mr. Palmer) had always been of opinion that if it was proper to establish a police force in a county, the establishment of such a force ought to be a Government measure, and the country ought to be responsible for its support. It was quite as much the duty of the Government to prevent crime as to punish it. The Government had, as he thought with great propriety, transferred to the Consolidated Fund the charge of prosecutions, and a portion of the cost of the maintenance of prisoners. One great argument for the establishment of a rural police force was, that it would tend to prevent crime. If that were the result, it was to be hoped that a considerable amount now paid for the punishment of crime would be saved, and the country at large would not be a loser if the charge for the police was thrown upon the Consolidated Fund. If he understood the right hon. Gentleman, it was intended that counties should be compulsorily divided into districts. [Sir G. Grey: Not in all cases.] He might state that in the county which he represented (Berkshire), one great objection to the establishment of a police force was, that it would be hard to charge the western part of the county, which was much less populous and further from the metropolis, and had therefore less crime than other portions of it, with the support of police, which would be chiefly required not by themselves but by others. He would not now enter into the details of the measure before them, but would simply express his general satisfaction at the statement which had been made by the right hon. Gentleman.

Mr. HENRY STRACEY said, he believed that the state of the country demanded such a Bill as the present, and that in a short time it would be much more acceptable than it now was. From our late experience the natural presumption was, that on the return of our troops from the East they would be subjected to a system of centralisation. In such circumstances the troops would not be available as they formerly were as a police force, and we ought, therefore, to have all the advantages of a uniform and general police. He trusted the expenses would not be given by the Government with a niggardly hand. If the police force could be removed wherever it might be required, it was perfectly just that the public, which received the benefit, should contribute to the expense; and he hoped, therefore, that certainly not less than the amount referred to by the right hon. Gentleman, namely, one-fourth, would be given.

Mr. PALK said, he was also very much obliged to the right hon. Baronet for his Bill. Such a measure had long been wanted, and would, he thought, deservedly claim the calm consideration of every one connected with county matters. There was, however, one portion of it which he did not quite understand. The right hon. Baronet had spoken of municipal towns or boroughs, and alluded to town councils making requisitions. Now, there were many towns with large growing populations that were subject neither to town councils nor municipal regulations, but which in many instances were under the general guidance of the Board of Health. He wished to know, therefore, whether such towns, having, say, populations exceeding 5,000, would be placed upon the same footing as the boroughs and towns alluded to by the right hon. Baronet? He also wished to observe, that it might be as well that, before making the enactment of the Bill compulsory upon any district, the opinion of the ratepayers should be first ascertained.

Mr. BARROW said, he begged to offer his approval of the general principle of the measure, though he should have greatly preferred, instead of it, if such an arrangement had been possible, the extension of the parish constable system.

Sir GEORGE GREY said, he begged to thank the House for the very favourable reception which had been given to the Bill, and at the same time would assure the Gentlemen who had spoken, that he would be most happy to give the fullest consideration to the various suggestions that had been made. With reference to that part of the Bill which related to the formation of police districts, it was not intended that a county should be divided into such districts as a matter of course. But simply that where the circumstances of a county required it, and the magistrates would not exercise the power given to them, the Secretary of State should have the power to compel them. The right hon. Baronet the Member for Droitwich (Sir J. Pakington) had suggested that it would be better at once to pay the one-fourth of the expenses of the police of any borough or county, making the continuance of the payment contingent upon the certificate of the inspector. But that would be objectionable, as giving no adequate security for the proper expenditure of the public money.

SIR JOHN PAKINGTON said, the grant might be withdrawn if the report of the inspector was unfavourable.

SIR GEORGE GREY said, that still even in that case it might have been paid for a year to a borough or county, the police of which was thoroughly inefficient. The question as to fixing a minimum of proportion which the police should bear to the population was a question for discussion in Committee, but he was rather opposed to it, because he thought that if they did, the minimum fixed would be taken as the standard of an efficient force. In answer to another question asked by the hon. Member for South Devonshire (Mr. Palk), he might state that it was unnecessary to mention specially in the Act towns under the Government of Boards of Health. Not being corporations, they were now parts of counties, and as such would come under its operation. He proposed with the assent of the House to fix the second reading of the Bill for Monday next, and then to give any reasonable time before going into Committee, when he apprehended the real discussion would take place.

Leave given.

Bill *ordered* to be brought in by Sir GEORGE GREY, Viscount PALMERSTON, and Mr. MASSEY.

Bill read 1°.

BUSINESS OF THE HOUSE.

MR. BROTHERTON said, he rose to bring forward the Resolution of which he had given notice, relative to the late sittings in that House—

> "That, on those days on which the House shall sit in the evening, the debate on any business under discussion at Twelve o'clock (midnight) shall stand adjourned to the next day on which the House shall sit, after which no opposed business shall be proceeded with; and that, whenever the House shall be in Committee on any evening at midnight, the Chairman do report progress, and Mr. Speaker do resume the Chair."

Many words were not required to recommend his proposition to the favour of hon. Members, though, reasonable as he deemed it to be, it was at one time not his intention to obtrude the subject again on the attention of the House; but he had been assured that the long sittings of last Session made many converts, and that there was now a strong feeling in favour of his Motion. He was not surprised at that change of opinion, because, whenever the subject was spoken of out of doors, there was always an expression of astonishment that the late sittings of the House should have continued so long. He might state as a fact, that during two months of last Session the House sat on an average two hours after midnight; for the whole Session the average was one hour. Most certainly that must have been very injurious to the health of Members. He had himself seen many of them exceedingly wearied, and he believed that those who might vote against him to-night would be very glad if his Motion should be carried. During the recess they had lost five Members by death; how many had died during the whole year he could not tell; but he thought that if they went on in the present way, the insurance companies would be justified in demanding a larger premium from Members of the House of Commons, on account of the excessive mortality among them in comparison with other persons. No argument could be adduced in favour of late sittings. In no other Legislature in Europe or America did they follow such a preposterous system. Other legislative assemblies had the good sense to do their business by daylight, and the only argument he ever heard against the adoption of the same system in the House of Commons was, that the House having more important measures to discuss than any other Legislature in the world, it was impossible they could curtail their debates, and that it was therefore absolutely necessary to sit occasionally after midnight. He held the contrary opinion, and believed that, if they would only economise their time in a rational way, they would have no difficulty in transacting all the business of an evening before twelve o'clock. Many improvements had recently been made in the mode of conducting private business, and the experience of the last two evenings showed how much time might be saved by the adoption of a few simple regulations. Half an hour had been saved each night by the mode of introducing Bills; less time was now consumed in the presentation of public petitions; the ceremony of communicating with the other House had been shortened, and many other changes which had been made were calculated to economise the time of the House. He thought, therefore, that if, in addition to what had already been done, a few simple rules were adopted, there would be no necessity for their continuing such late sittings. If his Motion were carried, what he would propose was, that Committees should meet at eleven o'clock and sit till three, at which hour the business of the House should commence, thus allowing nine hours for discussion before midnight. He hoped the House would try his plan for one Session at least. Some independent Members might say that they would have no opportunity of discussing their Bills, unless they were permitted to bring them in after twelve o'clock. He believed, on the other hand, that his proposal would tend rather to facilitate than to retard the business of the House, for, if adopted, he certainly did hope that it would induce hon. Members to shorten their speeches. If, when a Member had spoken the sentiments of others, those others would refrain from repeating over and over again what had already been said, much valuable time would be saved. In America, as he understood, no Member was allowed to speak longer than an hour; and, although he did not propose to introduce the same restriction here, he did entertain the hope that hon. Members would have the good sense not to trespass upon the attention of the House at too great length. He believed that if his proposition were adopted, it would have a good effect on the measures of the House, and would give general satisfaction to the country.

Mr. W. EWART said, he seconded the Motion with great pleasure, believing that it would improve the character of the House and do good to the public. Arguments in its favour were to be found in every quarter of the House. If he turned to the Chair, he must say that it was too great a demand upon the health and strength of Mr. Speaker, whose interests they were bound to consider, to require him to sit up till three or four o'clock in the morning. There could be no doubt that, if permitted to retire somewhat earlier, their Chairman would be able to serve the public more efficiently than he could do under the present system. If he turned to the Treasury bench, he would ask whether it was just to Her Majesty's Ministers, who were worked all day at their public offices, to impose upon them additional duties at night? No wonder Ministers were prematurely growing old — no wonder they transmitted hereditary gout to their posterity. Surely, if they were spared the excessive nocturnal legislation of which he complained, they would be more able to attend to their important duties at the public offices. At present, it was impossible for them to be at their offices before twelve or one o'clock in the day. They certainly managed these things better abroad. It was well known that when M. Guizot was First Minister of France he was up at six o'clock every morning. If he turned to hon. Members themselves, he would ask whether their habits were not rendered irregular by late sittings, and whether they did not think that they would discharge their duty to their constituents more efficiently under the system now proposed by his hon. Friend the Member for Salford, than under that which had unhappily existed for so long a period? He believed they would serve the public much better if they were less prodigal of their health and strength. The truth was that the House at certain times after midnight was a scene, not of activity, but of repose. Upon those occasions one could never see a number of Members extended on the benches without parodying the well-known lines of Cowper—

"Sweet sleep enjoys the Chairman in the chair,
Sweet the tired Members on the bench behind,
And sweet the clerks below."

He had himself counted no fewer than twenty-six Members asleep at one time, including the First Minister of the Crown, the First Lord of the Admiralty, the Chancellor of the Exchequer, and, descending to the recesses of the Woods and Forests, the head of that department also. He could not think that in continuing such a system they were doing their duty as Members of Parliament. But they were also setting a bad example to society, for there could be no doubt that the late hours now in fashion owed their origin to the old war habits of Pitt and Fox, continued down to the present day. As to the Motion before the House, he admitted that it was something too *tranchant*, as the French phrased it, but in dealing with a sore it was as well to make a bold cut, and therefore, his hon. Friend proposed a limit. He gave his support to the Motion of his hon. Friend from a conviction that the House would never do better until it attempted to do less.

Motion made, and Question put—

"That, on those days on which the House shall sit in the Evening, the Debate on any business under discussion at Twelve o'clock (midnight) shall stand adjourned to the next day on which the House shall sit; after which no opposed business shall be proceeded with:

"And that, whenever the House shall be in Committee on any Evening at midnight, the

Chairman do report progress, and Mr. Speaker do resume the Chair."

Viscount PALMERSTON: Sir, I should be the first person to do ample justice to the benevolent intentions of my hon. Friends who have proposed and seconded this Motion. To exempt Ministers from the effects of old age—to guard them against the gout—these are undoubtedly very great temptations held out to us to accede to the proposition of my hon. Friends. But, nevertheless, I feel it would not be consistent with our duty as servants of the Crown, charged with the conduct of the business of this country, to agree to their proposal. My hon. Friend (Mr. Brotherton) compares the business of this House with that transacted by the Congress of the United States, and other legislative assemblies; but that comparison really cannot hold good for a moment. Take the Congress of the United States. Can any man for an instant compare the business transacted by that Assembly with the business which devolves upon the Parliament of Great Britain? Why we know that all the details of legislation for the separate States of the Union are transacted by the Congresses of those separate States, and, therefore, the business of the general federal Congress is extremely limited as compared with the business of this House. My hon. Friend proposes to limit the time of sitting, and he founds his proposition on the maxim that abuse leads to restriction. But if that maxim be true, it is equally true that restriction leads to abuse. My hon. Friend also proposes to make a new law to limit our debates, and, undoubtedly, the limit which in the course of his speech he suggested is one that would be very desirable, but still it is one which must depend upon the discretion of individual Members in using their privilege of addressing the House. His suggestion is, that only a limited number of Gentlemen should speak on each side, and that no one should repeat arguments which had been used before, and that Gentlemen should not speak for more than a certain number of minutes. Undoubtedly, if we could arrive at a common agreement upon a point of this kind our debates would be very much shortened, but whether the public interests would be better served thereby I very much doubt. Although loquacity may sometimes be exuberant, yet I am not prepared to concur with my hon. Friend in saying that no Member of this House shall repeat arguments which have already been used, because, if the arguments be good, I think the oftener they are repeated the more likelier they are to accomplish their purpose. I have heard that Mr. Fox, a pretty good judge of Parliamentary tactics, used to say the best debate was that in which ten or twelve men on one side would get up one after the other and repeat the same arguments over and over again in almost the same words, until the mind of the House was saturated with them, and brought to that conviction which it is the object of all debates to produce. My hon. Friend says we ought to finish our debates by a certain hour each night, and that such a Resolution would produce a good effect. Well, look at Wednesdays. On Wednesdays there is an hour at which necessarily the House adjourns. Let any Member carry back his recollection to some things which happened last Session upon Wednesdays. There were certain questions which excited great interest, but which were totally thrown over by the power which Members of the House had of continuing the debate every day until the fatal moment arrived when the House adjourned as a matter of course. Upon one of those questions, which excited very great interest on both sides of the House, I have heard that one hon. Gentleman, upon being asked when he meant to speak in opposition to the measure under debate, replied, "Oh, I have a speech of six hours to deliver, but my turn will not come for six weeks." That hon. Member felt perfectly certain that by exerting his privilege, and probably repeating several times over the arguments which others had previously used, he would succeed in defeating the measure which he intended to resist. And so it would be always if we laid down a rule that at a given hour of the night, whatever be the state of business, the House should adjourn. Depend upon it, instead of shortening the business we should very much lengthen the time which the disposal of business would occupy. Then my hon. Friend proposes to go a step further, and says that not only should we limit the number of hours over which our debates should extend, but that we should limit the number of weeks during which the House should sit. No doubt, it would be very convenient personally to Members to be relieved from their duties in this House at a fixed period, to know that at a certain time, whether the business of the House was completed or not, the Session would terminate, and they would all be at liberty to retire into the country; but I think those are not the terms upon which our constituents send us here. We are sent here to do the business of the country, and that ought to be done, let it cost us any number of hours or any number of months of Session. The hon. Member who seconded the Motion says we should reform the habits of the country—that in other countries people keep much earlier hours than we do in England, and that we are spoiling society by the late hours we keep. Why, Sir, my hon. Friend should remember that it is not our habits, it is the habits of the country which must regulate, to a certain degree, the habits of Parliament. My hon. Friend says, official business does not commence early enough in England. I remember once hearing that a noble Lord was desirous of having an audience of the Duke of Wellington, then Commander in Chief, and the Duke, who we all know was an early riser, appointed seven o'clock in the morning for the interview, at the Horse Guards. A Friend of the noble Lord asked him, "How on earth will you manage to be with the Duke at seven o'clock?" "Oh!" replied the noble Lord, "nothing can be easier; I shall do it the last thing before going to bed." Depend upon it you cannot, by any rules of this House, alter the habits of men. Towards the close of the Session we sit day and night, and I assure you that is a proceeding extremely inconvenient to the departmental portions of the public service, as hon. Gentlemen who have official duties to discharge find it extremely difficult to attend the House at the hours of office business. I must further say, giving full credit to my hon. Friends for the motives which have induced them to bring forward this Motion, and being, with them, desirous by all possible means to shorten any forms which may oppose unnecessary obstacles to the transaction of business, I cannot think the Motion now proposed is one calculated to accomplish any good result to the public service. No doubt there are many forms which we have altered, and thereby accelerated the despatch of public business, and if there be still any unnecessary forms let us get rid of them. Accelerate as much as possible the transaction of business, but I would warn the House against any attempt to impose fetters upon the conduct of Members, because I am quite sure such a course would tend to the injury of the public service. My hon. Friend (Mr. Ewart) says, that after midnight this House exhibits a scene of perfect repose, and he pictured a number of Gentlemen in recumbent attitudes enjoying a refreshing slumber after the fatigues of the day. I must say my recollection does not concur with his, for, if in the course of a Session there are sometimes scenes of something like confusion—of violent irritation—of acrimonious debate—of something that calls for the interposition of the Speaker—it always happens about the small hours of the morning. If ever there happens any irregularity, or there be more animation than usual, it is always in those hours of repose my hon. Friend speaks of—after twelve o'clock at night. I have been often a witness to scenes of that description, and now and then I have endeavoured to soothe the irritation of the moment, but I have observed that these scenes occur always at that period of the night. Thus, my hon. Friend is mistaken in supposing that the physical strength or the animal spirits of Members are less vigorous after twelve o'clock than before. If that be the test by which my hon. Friend judges of the legislative capacity of this House after midnight, I cannot think he has established his case, and therefore I feel it my duty to oppose his Motion, and hope the House will agree with me in thinking it unadvisable to cramp the freedom of its debates.

MR. W. WILLIAMS rose amid cries of "Divide, divide!" and said, he thought it was rather too important a question to dispose of so hastily. The speech of the noble Lord, however facetious, had failed to convince him that the Motion ought not to be supported. They had every Session a host of Bills brought in by the Government, which consumed a vast deal of their time unnecessarily, for the Government had no *bonâ fide* intention of carrying them. Towards the close of the Session those Bills underwent the operation of what was called "the murder of the innocents." During the last Session the House had sat for 110 hours after midnight. There was also a vast deal of time consumed in discussing a number of idle Motions on going into Committee of Supply. It was generally long after midnight when the greatest money Votes were taken—a time when it was impossible to consider them with proper attention. When the noble Lord the Member for London (Lord John Russell) was at the head of the Government, there was no disposition shown to force on the Supplies after midnight; but in the two last Sessions these Votes were persevered in. He would suggest to the noble Lord the giving up one day for the consideration of all the Motions before going into Supply, in order that they might proceed with the Votes on a special evening at five o'clock.

MR. BASS said, he thought the speech of the noble Lord calculated to mislead both the House and the country. When the noble Lord argued against the Motion by referring to the example of the Wednesday's proceedings, he (Mr. Bass) was prepared to contend that the House had always been able to get through more business, and in a shorter space of time, during the morning sitting than at any other time. The business done after midnight was generally done in a short, slovenly manner, and very often measures were passed which would not be permitted at a time when they could be fairly discussed.

The House *divided:*—Ayes 50; Noes 111: Majority 61.

CHURCH-RATES ABOLITION, &c. BILL.

MR. PACKE said, he rose according to notice, to move for leave to bring in a

> "Bill to abolish Church Rates for other than the purposes therein mentioned; to make provision for the maintenance of the fabric and necessary fittings of Parish Churches in certain cases; and to enable persons to redeem their liability to Church Rates, and otherwise to amend the Law respecting the making, assessing, and collecting Church Rates in England and Wales."

He felt he had undertaken a task involving great responsibility, when he proposed to deal with so important a question as church rates, which was a charge upon the land for above ten centuries, considering also that the agitation against them had only been for the last quarter of a century. He felt this responsibility the more from the many unsuccessful attempts that had been made to settle the question. About twenty-two years ago a measure upon the subject had been entertained by the then Ministers of the Crown, and since then nothing effectual had been done. The subject had been so thoroughly discussed from time to time that he would not on the present occasion weary the House by any lengthened statement. He wished, however, shortly to remind the House of the different Motions that had been made on the subject, with a view of showing the wavering that had taken place from one side or another of the question, in consequence of the Government not taking the matter into their own hands. In 1834 a Bill was introduced by Lord Althorp, in conjunction with the noble Lord the Member for London (Lord J. Russell), then Ministers of the Crown, in which that principle was sanctioned which he was now about to advocate—namely, that the Church of England should be supported by the funds of England, and that the property of the country, without any exception, should be liable for the repairs of the fabric of the church. The hon. Member for Finsbury (Mr. T. Duncombe) subsequently brought in a Bill in which he proposed to enact that every one declaring himself a Dissenter should be relieved from the payment of church rates. That was also the principle of the Bill introduced in 1853 by the hon. and learned Member for Tavistock (Mr. R. J. Phillimore). That Bill was defeated by the hon. Baronet opposite (Sir W. Clay), who moved a Resolution that the church should be repaired by the pew rents, and by increasing the value of the property of the church. This Resolution was also defeated. In 1854 the hon. Baronet introduced a Bill simply for the abolition of church rates, which also failed. In 1855 the hon. Baronet seemed to have some qualms of conscience as to the funds being insufficient for the support of the Church, and introduced a measure in which he proposed that the Church should be supported by pew rents. On the same occasion the hon. Baronet stated that he had no fear but that the Church would be supported by the wealthy portion of the community attached to it, and instanced the many munificent donations and bequests for the building of churches in this country. Although there were a great many benefactors of the Church in the way of building new churches, he (Mr. Packe) did not think that they would be found so ready to advance funds for the repairs of old churches. The churches recently were getting greatly out of repair; and as to large village churches, there was no means, without a rate, to prevent them falling into ruin and decay. He would now explain the principle of his measure. In 1854 he brought in a Bill which proposed to divide the rate into two portions, one to be for the fabric of the church, and the other for the services. He proposed that the Dissenters, by making a declaration that they were Dissenters, should not pay towards the maintenance of Divine service, but only towards the fabric. On asking a question at that time of the noble Lord (Lord J. Russell) who was then at the head of the Government, he (Mr. Packe) was informed that after the Christmas recess the Government would be prepared to state their views upon the subject. In the meantime the noble Lord (Viscount Palmerston) came into office, and the church rate was forgotten and overlooked. He (Mr. Packe) did not bring in a Bill last year because he was given to understand that the Bishops in another place would be prepared with a measure, and he knew that the Church could not be in better hands. The Archbishop of Canterbury did introduce a Bill on the subject, but Mr. Speaker decided that a Bill having for its object the taxation of the people could not originate in the House of Lords. If, however, that Bill did come down to that House, he (Mr. Packe) confessed he could not have given it his support—believing, with all due deference to the most rev. Prelate, that it was a Bill which struck at the root of the integrity of the Established Church. With regard to his own Bill, he could assure all those who dissented from the doctrines of the Established Church that he had no feeling whatever of a party character in dealing with the question. While he desired to uphold the Established Church, he was most anxious to relieve the conscientious scruples of those who differed from it in this country. He was most desirous for the general peace of this question, and he was most willing to make such concessions as could be fairly made by a member of the Church. He, therefore, hoped that the compromise which he now proposed would be taken in good part, and that at all events he would be allowed to bring in the Bill. The right hon. Baronet the Secretary for the Home Department stated last night that he would wait to see his (Mr. Packe's) Bill with a view of considering whether the Government could adopt it, or frame a Bill from it. He could assure the right hon. Baronet that he would be most happy to hand him over his Bill if he would consent to take charge of it. The first part of his Bill empowers the abolition of church rates throughout the kingdom for the necessary performance of Divine service. With a view of meeting the scruples of the Dissenters to the doctrines of the Church, and to the ceremonies of the Establishment, he made this provision in his Bill. He proposed another provision, which was completely new, and which, if carried, would have the effect of relieving from the payment of the rates nineteen-twentieths of the Dissenters. He proposed to relieve all occupiers of rateable property from the payment of church rates. He proposed that the rate should be paid by the occupiers in the same way as the income tax in Schedule A was at present paid, and that it should be deducted by them from the landlord's rent. That would relieve the occupier altogether from the payment of church rates. Another part of his measure was to allow the owners of rateable property to effect the redemption of the payment of church rates by the reasonable and adequate payment of one sum. He then proposed, according to the recommendation of the Commission, the Report of which was made in 1832, that the making, levying, and recovering of the rate should in all respects follow the poor-rate system. These were, he believed, the principal clauses of his Bill, which consisted of only fourteen. He hoped the House would comply with his Motion for leave to bring it in and have it printed, and when it was before the House he would be happy to hear any suggestion that any hon. Member might wish to make in respect to any of its provisions.

Mr. WIGRAM seconded the Motion.

Sir WILLIAM CLAY said, he did not rise for the purpose of speaking upon the general question of church rates, or upon the principle of the hon. Gentleman's Bill, for he thought it would be more convenient to discuss the measure when it was in the form of a Bill before the House. The hon. Gentleman could not expect that he should express much satisfaction with his proposals, for there were points in his plans which were especially objectionable, and he thought that if it passed it would give rise to greater dissatisfaction on the subject of church rates than already existed. He was, however, so sincere in his wish to obtain a solution of this great question that he would not throw any obstacle in the way of any Member who thought he could throw any light whatever upon the subject. Reserving, therefore, a right to object to the Bill in its future stages, he would not now offer any opposition to it. He might take that opportunity of saying that he intended on an early day to introduce the measure which he had brought before the House in previous Sessions. The various measures which were brought forward on different sides of the House showed the great anxiety there was for a solution of this question amongst all classes, and he thought that the feeling of the House would be that the Bills should be printed, so that Members might have a full opportunity of considering their relative merits, and of contrasting the various schemes that were brought forward.

MR. E. BALL said, he begged to express his approval of the manner in which the hon. Member for South Leicestershire had brought forward his Motion. The tone of the hon. Gentleman's observations was worthy of all commendation. There could be no subject more important than that of which the proposed Bill treated, and both sides of the House—those for the continuance and those for the abolition of church rates—should endeavour to attain that spirit of forbearance which might make it possible that an agreement could be come to as regarded the settlement of the question. He believed that the great majority of the Dissenters did not differ with the Protestants of the Established Church on any material matters of doctrine. If this was the case, how much the more ready should they be to unite on matters which none of them held to be essential? So long as the present system of church rates continued, one great source of discontent to Dissenters would remain; and without going at large into the question, he might be permitted to ask, had not the Dissenters very strong claims to the favourable consideration of the House of Commons? Might he not with confidence ask, had they not been a most useful class of people in the work of disseminating education, and spreading and maintaining throughout the country the pure doctrines of Christianity? Dissent could not be crushed. Dissent had increased, was increasing, and would continue to increase. He presumed that no hon. Member in that House was of opinion that dissent would ever find its grave. Therefore, it was desirable that the members of the Church of England should assist in removing all that could impede the union of all Protestants in the endeavour to advance the welfare of the country, and bring home to all classes the blessings of religion. Religion was now being attacked in various ways—inroads upon it were being made in various forms. One of these was an effort to violate one of the most solemn commands of their Divine Master, by making encroachments on the Sanctity of the Sabbath. Now, he did think that they should all unite for the maintenance of principles which he considered essential to Christianity itself. He would again beseech of them to join in arresting that attempt to demoralise the community—one calculated to bring down upon the country the judgment of the Almighty.

Leave given.

Bill *ordered* to be brought in by Mr. PACKE and the Marquess of BLANDFORD.

Bill read 1°.

MR. LLOYD DAVIES said, he had put a notice on the paper for that evening, to obtain leave to bring in a Bill to relieve Dissenters from the payment of church rates. Feeling that was a subject which ought to be dealt with by a Bill emanating from the Government, he had put himself in communication with the noble Lord at the head of the Government; but the reply that he had received told him that there was no intention on the part of the Government to bring forward a measure to exempt the Dissenters from that which was contrary to their religious scruples. It was under these circumstances that he had put his notice on the paper, for otherwise he would have considered it presumptuous in him to do so. The Bill he held in his hand was a short one. It consisted of only two clauses; and was intended to relieve every Dissenter from the payment of church rates, on his signing a declaration that he was not a member of the Church of England, and that he contributed to the congregation of which he was a member. However, as he now found that other Bills on the subject were about to be laid before the House he would withdraw his; but he would warn the House against the consequences to the Established Church of continued opposition to a settlement of the question.

HOUSE OF COMMONS' OFFICES BILL.

MR. WILSON said, he would now move for leave to bring in a Bill to regulate certain offices of the House of Commons. The object of the proposed Bill was—first, to vest in the Crown for the future the appointment of the Assistant and second Assistant Clerk at the table, instead of having the appointment of those officers vested in the First Clerk, as at present; and secondly, to repeal that clause of the Act which provided that the salary of the second Assistant Clerk should be charged on the Consolidated Fund. It was intended to appoint the Assistant Clerks on the statement of the Speaker as to their being fit persons for the office. An appointment of Assistant Clerk had already been made in that way; and he (Mr. Wilson) was sure the House would agree with him that there could not have been a better selection. They proposed to include the salary of the second Assistant Clerk in the annual Votes—an arrangement to which that officer had no objection.

Leave given.

Bill *ordered* to be brought in by Mr. WILSON and Viscount PALMERSTON.

Bill read 1°.

SUPPLY.

House in Committee of Supply on

Motion, "That a Supply be granted to Her Majesty."

Resolution *agreed to*; to be reported *to-morrow*.

The House adjourned at Eight o'clock.

HOUSE OF COMMONS,

Wednesday, February 6, 1856.

MINUTES.] NEW MEMBER SWORN.—For Taunton, Right Hon. Henry Labouchere.
PUBLIC BILL.—2° Metropolitan Police.

PARTNERSHIP AMENDMENT BILL.

MR. LOWE said, he wished to postpone the second reading of the Bill until Friday next.

MR. ARCHIBALD HASTIE said, he must beg the right hon. Gentleman to postpone the second reading of this and the Joint-Stock Companies Bill to a later day, because, if they really possessed that intrinsic merit which was claimed for them, they would meet with the general approbation of the country, and no inconvenience could be occasioned by giving hon. Members a sufficient time to enable them to make themselves masters of their details. He felt quite certain that the country would be unanimous in rejecting the Partnership Amendment Bill introduced by the right hon. Gentleman, and he thought that the other would be found susceptible of great improvement; he hoped, therefore, that the Government would consent to put them off for a fortnight, feeling satisfied that the effect of such a postponement would in reality be to facilitate their progress if it could be proved that they were the valuable measures the right hon. Gentleman supposed them to be.

MR. LOWE said, the principles of the Bills,—namely, limited liability, and the necessity of amending the Joint-Stock Companies Act—were not in contestation in that House, but the means of carrying them out depended upon details respecting which there might be considerable differences of opinion, which, however, could be expressed more properly in Committee. If he were to postpone the second reading beyond Friday, the Bills must stand over until after the Estimates had been disposed of, and perhaps could not be read a second time before Easter. The Bills were important, and should be considered as speedily as possible, but the hon. Member for Paisley objected to them *in toto*, and, therefore, although the hon. Member was not in a hurry to pass them, he should feel it his duty to press the Bills for a second reading on Friday.

MR. HENLEY said, he must complain that no sufficient notice had been given of the intention to postpone the second reading of the Bills until Friday. He had come up from the country expressly to consider them, although they had only been in the hands of Members since yesterday. The Bills related to very important and complicated subjects, and he thought the right hon. Gentleman would really facilitate his object if he would allow a longer time to elapse before taking the second reading. The effect of taking the second reading of the Bills on Friday would be, that hon. Members would feel obliged to resort to the objectionable practice of raising a discussion on going into Committee; and as it was quite impossible that any hon. Member could, in the short time allowed, make himself acquainted with the nature of the details, he thought that they were quite justified in asking that the second reading should be postponed for a week.

MR. SPOONER said, he concurred in thinking that some further delay should take place, in order that hon. Members and the commercial community at large might make themselves acquainted with the measures now proposed. If the second reading should be pressed on Friday he would feel it his duty to take the sense of the House upon it.

MR. BIGGS said, he trusted that the Vice President of the Board of Trade would proceed with the Bills on Friday, as the feeling of the whole commercial interest of the country was favourable to them.

MR. MUNTZ said, he believed on the contrary, that the commercial community of the country knew nothing at all about the Bills, nor had any opportunity of seeing them. He believed the Bills would prove like that of last year, perfect delusions. They were taught to expect a sort of millennium from the operation of the Limited Liability Act of last Session, but he had looked for it in vain. His impression of the present Bills was, that on examination nothing commercial would be found in them; but that they were purely philosophic in their nature.

Mr. LOWE said, he regretted that the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) should have been inconvenienced by the change of day for the second reading, but the alteration had been made in deference to the suggestions of the noble Lord the Member for Hull (Viscount Goderich). He could not undertake further to postpone the second reading of the Bills, as he could not bring them in on Wednesdays, that day being inconvenient to members of the long robe who were anxious to be present, and if the Bills were not taken on Friday they could not come on for three weeks, as on Monday the Government intended to take the Estimates, and to proceed with them *de die in diem*. He would gladly consult the convenience of hon. Gentlemen, but the business of the Session must be done, and the Bills would not be committed until three weeks after the second readings. He therefore hoped, as the discussion must really be upon details, and not upon principles which the House had already adopted, that he would not be considered discourteous if he felt bound to press the second reading of the Bills on Friday next.

The second reading was accordingly *deferred* till Friday, as was also that of the Joint-Stock Companies Act.

LOCAL DUES ON SHIPPING, &c., BILL.

Mr. LOWE said, he would also move to postpone the second reading of this Bill until Monday, the 25th instant.

Mr. HEADLAM said, that the remarks just made applied with still more force to this measure. He believed that to a considerable portion of the Bill the House was prepared to give its assent, but the other portion would meet with strenuous opposition; he therefore suggested that the right hon. Gentleman should divide the measure into two Bills, and give more ample time to consider the provisions.

Mr. HORSFALL said, he was of opinion that the adoption of such a course would meet the views of many hon. Members.

Mr. J. C. EWART said, he fully concurred in the view of his colleague.

Mr. LOWE said, even were he disposed to assent to the division of the Bill, it could not be done until after the second reading. The truth was, that there was one part of the Bill which was agreeable to the constituents of the hon. Members for Liverpool and there was another part which was disagreeable to them, and therefore they wanted to get one part and to reject the other.

Second reading *deferred* till *Monday*, 25th February.

METROPOLITAN POLICE BILL.

Order for Second Reading read.

Sir HENRY WILLOUGHBY said, he wished to know whether the Bill would impose any additional charge upon the country? Instead of two Commissioners at £1,200 a year each, it was proposed to have one Commissioner at £1,500, and two assistant-commissioners at £800 a year each, the consequence of which appeared to be an increased charge of £700 a year. He should also like to know under whose authority the Police Commissioner would be placed, and whether he was to have the power of issuing proclamations in his own name?

Sir GEORGE GREY said, that under the present Police Act the two Commissioners received £1,200 a year each, but in addition to their salaries there was that of the inspecting superintendent, who received £600 a year, which officer, under the proposed measure, would be dispensed with. In addition to their salaries the Commissioners now received £200 from the Treasury for superintending the hackney carriages of the metropolis; but it was intended that the £1,500 allowed to the future sole Commissioner should be his remuneration for all the duties he might be called upon to perform under any Act of Parliament. The result of the changes would be a saving of £100 per annum, instead of an increase of £700 per annum as anticipated by the hon. Member for Evesham. With respect to the other points adverted to by the hon. Baronet, he (Sir G. Grey) could only say that there was no intention to change the authority under which the Police Commissioners at present acted, and which was defined in the Metropolitan Police Act. As to the proclamations which had been mentioned, they were always submitted to the Secretary of State before being issued, and were usually of a strictly police character, referring to the duties of the police, or warning the public against infraction of the law, and he was not aware of any inconvenience having arisen from their being signed only by the Commissioner of Police.

Bill read 2°.

SUPPLY.

Upon the Report of the Committee of Supply being brought up,

SIR HENRY WILLOUGHBY said, he wished to ask the hon. Gentleman the Secretary to the Treasury if it was the intention of the Chancellor of the Exchequer to make any financial exposition of the state of the country, with reference not to what was to come, but what was past, before the House entered on the Estimates? There were certain points on which the House required information, such as the application of the Vote of Credit, the extent to which the Bill authorising the issue of £7,000,000 of Exchequer Bonds and Bills had been acted on, and other points.

MR. WILSON said, he was glad to say that the financial position of the country was such that he did not think it would be necessary for his right hon. Friend the Chancellor of the Exchequer to make any statement before the Votes of Supply were taken. The various points alluded to would naturally come under discussion when the financial year was concluded. In the mean time, there was no occasion to bring the matter before the House; therefore the Votes would be taken as usual at the commencement of the Session.

Report *agreed to.*

The House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Thursday, February 7, 1856.

MINUTES.] *Sat First in Parliament.*—The Lord Erskine, after the Death of his Father.
PUBLIC BILL.—1ª Schools (Scotland).

PRIVILEGE—LORD WENSLEYDALE'S PATENT—PEERAGES FOR LIFE.

LORD LYNDHURST said: My Lords; the subject which I am about to bring under the notice of your Lordships is one of very considerable importance, because it relates to the composition of your Lordships' House; and the question is whether the ancient hereditary character of this House is to continue, or whether it is to be broken in upon and be remodelled to the extent and according to the discretion and interest of the Minister for the time being. My Lords, I have been requested by some of my friends to bring this subject fully before your Lordships. In the performance of that duty I will endeavour to state the case plainly and simply, so as to render it perfectly intelligible to your Lordships; and I will further, in the performance of that duty, endeavour to encroach as little as possible upon your patience and attention.

My Lords, it must not be supposed for a moment that there is any personal objection to my learned Friend, the late Baron Parke, in the Motion I am now about to submit. The objection is, not that he is about to be raised to a place in this House, but that he is to be raised in a different form, and shorn of the usual consequences of a patent of peerage. It is now upwards of thirty years since I first was intrusted with the custody of the Great Seal, and one of the earliest acts of my official life was to recommend this learned gentleman to the Sovereign for a seat upon the judicial bench. The manner in which he has discharged the duties of that high office, his assiduity, his industry, his learning and impartiality, do more than justify the appointment—they do honour to the selection. My Lords, there are circumstances incidental to the position of the learned Gentleman which make the consideration of this question of greatly more importance. He is advanced in life; he is a married man; he has no son; nor—but I make the remark with hesitation—is there any likelihood of a son. It is quite clear, therefore, that, whether he have a peerage for life, or a peerage in the usual form, practically, as far as that peerage is concerned, it would probably have been the same thing. The obvious consequence, therefore, is—and I believe no person will pretend to deny it—that this patent is intended as a precedent for future occasions, and to enable the Minister for the time being to place in this House as many tenants for life of the peerage as may suit his interest at any future periods in the history of this country. But, my Lords, I must beg to protect myself against any misapprehension of what I am about to say. I have received too many marks of the favour of my Sovereign—I feel too grateful for those instances of Her favour—to render it possible I should entertain any disrespect whatever towards Her. It must, therefore, be considered that in everything which falls from me upon this occasion I am not speaking of the Sovereign personally, but of the advisers of the Crown. When, therefore, I talk of the prerogative of the Crown and of the manner in which that prerogative has been exercised, I must be understood as referring not to the manner in which it is exercised by the Sovereign personally, but of the manner in which it is exercised by Her advisers, according to the usual constitutional course of proceeding in cases of this description.

My Lords, it is said—and I hear it repeated over and over again—that this is part of the prerogative of the Crown, and that the Crown may legally appoint a Peer for life. Assuming that to be the case (though I shall advert to the subject more particularly by and by), it does not follow that every exercise of such a prerogative is consistent with the principles of the constitution. The Sovereign may by his prerogative, if he thinks proper, create a hundred Peers, with descendible qualities, in the course of a day. That would be consistent with the prerogative, and would be strictly legal; but everybody must feel and everybody must know that such an exercise of the undoubted prerogative of the Crown would be a flagrant violation of the principles of the constitution. In the same manner the Sovereign might place the Great Seal—instead of giving it to a person, like my noble and learned Friend, distinguished for his legal and other attainments—in the hands of a person, a layman, wholly unacquainted with the laws of the country. That, also, would be a flagrant violation of the constitution of this country. Other cases might, at the same time, be adduced, but the examples I have already cited are sufficient to establish the principle which I maintain. Now, my Lords, the position which I mean to lay down, and which I can maintain, is, that no instance has occurred in the history of this country within the last 400 years in which any commoner has been raised to a seat in this House by a patent of peerage containing only an estate for life. Every person who has studied the constitution of this country, and who is at all conversant with the principles upon which it is founded, must be aware that one of these principles is long-continued usage—*Lex et consuetudo Parliamenti*—that is one of the main principles on which our constitution rests. Going back a period of 400 years, in order to select three, or four, or half-a-dozen instances in which the Crown has performed a particular act by virtue of its prerogative, before the constitution was formed, before it was brought into a regular shape, and to make those precedents the foundation for a change in the composition of either House of Parliament, is, I contend, a gross violation of the principles of the constitution. My Lords, let me look back to the times to which I refer. What extraordinary powers were then claimed and exercised by the Crown, and were considered a part of its undoubted prerogative! The Sovereign would issue his writ to certain boroughs, desiring them to return Members to Parliament; he would then issue his writ a second time, continuing certain of those boroughs and discontinuing others, thus altering at his discretion the whole constituent body of the country. There are cases, also, of this description:—To Peers entitled beyond all dispute to a seat in this House, and to a deliberative voice among us, a writ of summons was sometimes sent, sometimes discontinued, so that the House was remodelled according to the discretion and will of the monarch for the time being. There are cases where Peers have been summoned for a single Parliament, summoned for a single Session, then discontinued, and then summoned again. There are cases of peerage during pleasure, and there are cases even where a Peer has been created with all the rights of the peerage with the single exception—and it is certainly a remarkable exception—of the right of sitting in Parliament. My Lords, in the time to which I refer the Crown exercised a power of dispensing with the laws of the country. It exercised the right of establishing martial law at its will and pleasure throughout England. It exercised the right of issuing Commissions for the purpose of levying money in the shape of loans. It exercised, further, at the period to which I am alluding, other rights of a most extraordinary nature. Many of these have been abolished by Act of Parliament; others have fallen into desuetude; and where any of these privileges have not been exercised for a long period of time—have never been exercised since the constitution took its present form—it appears to me that to make use of these precedents for the purpose of altering the composition of the Houses of Parliament is a gross violation of the principles of the constitution.

Now, my Lords, it is my duty to point

out in detail and to call your Lordships' attention to the cases which are cited in support of the exercise of the prerogative of the Crown which we are now considering. I will not, in so doing, occupy any considerable portion of your Lordships' time, but it is essentially necessary that your attention should be directed to those cases, in order that you may arrive at a right conclusion upon the important subject now under your consideration. My Lords, the first patent for the creation of a peerage for life was issued in the reign of Richard II. In the first year of that reign the first of the cases which are relied upon in justification of the present exercise of the prerogative occurred. A peerage for life was granted to a foreigner named Guichard d'Angle; but that individual was, as a foreigner, precluded from sitting and voting in Parliament, and so, the grant being nugatory, the patent of creation was cancelled in the following year, and a pension of £1,000 a year was settled upon him as an equivalent for the loss of his dignity. It is quite clear that that individual never sat in Parliament, and that, as a foreigner, he had no right to do so, and therefore his case can have no bearing upon the question we are now discussing. My Lords, Richard de Vere, Earl of Oxford, who, as your Lordships will recollect, was the favourite of Richard II., was created Marquess of Dublin for the term of his natural life; but that case has not the slightest bearing upon the present question, nor does it in any way justify that exercise of the prerogative of the Crown to which I am calling your Lordships' attention, because at the time when the Marquessate of Dublin was conferred upon Richard de Vere, he was entitled, as Earl of Oxford, to sit and vote in your Lordships' House; and therefore did not in any way acquire that right in consequence of the additional title conferred upon him. There is a third case in the same reign similar in point of principle, and to which the same answer applies. A grant of a dukedom for life was made to the King's uncle, who was created Duke of Aquitaine; but he was entitled to a seat in your Lordships' House by virtue of his previous title of Duke of Lancaster; and therefore this grant did not alter the composition of this House. There was, also, the case of the Duchess of Norfolk, who was made a Peeress for life; but that can have no application to the present case. I have now, my Lords, gone through the reign of Richard II., a reign which has been selected as the period from which the best precedents may be found for granting peerages in the form now in contemplation; and none of the cases which I have cited appear to me to apply to the case we are now considering. But, my Lords, even suppose that this were otherwise—suppose that the opinion which some persons entertain upon this question be the correct one—how can you, I ask, by any possibility refer to the most turbulent period in our annals for the purpose of establishing a principle of this nature? Why, my Lords, the Barons and the King were at perpetual war. At one time, the Barons having obtained the upper hand, the King was compelled to execute a commission transferring all the authority of the Crown to certain persons named in that instrument. The Judges consulted by the Crown as to the validity of that instrument, gave it as their opinion that it was illegal and invalid, and we see them seized by the Barons, the Chief Justice executed without any form of trial, and the other Judges banished. Again, we see, upon a triumph obtained by the King over the Barons, the Duke of Gloucester thrown into prison, and various Barons seized and murdered. The Barons, again getting the upper hand, seize the King and, throwing him into prison at Pontefract, put him to death. Such, my Lords, is the outline of that reign, and can any just deduction be made from a turbulent period of that description as to the proper exercise of the prerogative of the Crown in times like our own? In the following reign, that of Henry IV., no instance is cited in support of this exercise of the prerogative. Henry V., in the first flush of his popularity, in the first year of his reign, created one brother Duke of Bedford, and another Duke of Gloucester, both for life, and another relative, a cousin, he created Earl of Cambridge for life; but the last grant failed by death in the following year, and he never took his seat in your Lordships' House. With regard to the grants of the Dukedoms of Bedford and Gloucester for life, those grants were afterwards surrendered, and those peerages were granted in the usual descendible form; and I believe that these are the only two cases which occurred in the reign of Henry V. which can be cited in support of the present exercise of the prerogative. There were cases in which Peers, already enjoying a seat in this House, received additional titles, as in the case of the Earl of Warwick, who was created Earl of Albemarle for life; but, according to the principle which I have already enunciated, the addition of these new titles conferred no new right to sit or vote in your Lordships' House, and therefore the new creations did not alter the composition of this House. I am sorry, my Lords, to have to enter into these details, which must, to a certain extent, be dry and uninteresting; but it is absolutely necessary to do so in order to arrive at a correct opinion with regard to the important question before us. The only additional cases which can by possibility be relied upon to support the present exercise of the prerogative are those of the Earl of Berners, in the reign of Henry VI., also a period of the utmost turbulence and confusion, when a violent contest was perpetually being carried on between the Duke of Gloucester and the Bishop of Winchester; and of Sir John Cornwall, who married an aunt of the Queen, and who, it is alleged, was created a Baron for life. I think, my Lords, that there is no sufficient proof that that peerage was for life only. The only memorandum which can be found relating to that peerage is contained in the Rolls of Parliament, and from them I find that the King, in the presence of the collected Peers, and by their assent, created that individual a Baron, with all the rights, privileges, and incidents to that rank belonging, to be enjoyed by him as freely and as fully as by any of the other Barons. If I were asked, my Lords, upon this evidence to judge whether in my opinion the barony thus created was a barony created for life only, I confess that I should arrive at a different conclusion. When it is stated that that person was created a Baron with the assent of the assembled Peers, and that he was to take his seat among them with the same rights and privileges as the other Barons, one would suppose that among those rights and privileges there would be the privilege enjoyed by the other Barons of transmitting his title to posterity. All these cases are included in the period to which I have referred; and there is, I think, no case to be found at any early or subsequent period which at all corresponds to the case we are now considering.

Now, my Lords, in considering these four or five cases, we must make every allowance, because we must remember that they occurred at a time when the constitution of the country was neither understood, nor was it formed. We must remember that there was no similar grant before that period; that there has been none since until the reign of Charles I., when the constitution began to assume a new form; that there has been none since the Revolution, when the constitution was ultimately formed; and, remembering this, will you say that these few cases are sufficient to justify the Crown in issuing a patent of a life peerage for the purpose of remodelling your Lordships' House? My Lords, allow me to say that this creation of a life peerage is a most flagrant violation, if I may use so strong an expression, of the great principles upon which our constitution is founded. I dislike, my Lords, passing over anything which may be adverted to by those who entertain opinions contrary to my own, for if I pass over any case it may be said that I am afraid to deal with it; and therefore, I will just mention a case which occurred in the reign of Henry VIII., although I do not think that it has any bearing upon the question now before us. In that reign there were in Ireland various principalities from which titles were derived, and a Prince of Thomond was created Earl of Thomond. It was a great object with the Crown at that time to get rid, if possible, of these principalities which were held for life, and King Henry VIII. granted to the Prince of Thomond the Earldom of Thomond, which was only a nominal title, because by the same patent he was created Baron Inchiquin, with the title to himself and his heirs for ever. I thought it my duty to advert to this particular case, for fear it should be said that I had omitted it from an idea that it operated against the views which I have undertaken to present to your Lordships. There is also, my Lords, another class of cases to which I am bound also to allude —a class of cases which has been considered very important. These cases I also consider to be on my side, and that they have no application to the present case. The cases to which I allude are those in which ladies have been admitted to the peerage. There are several instances of that description, but they are not all of them of the most moral description. I will refer to one or two of them. Louis XIV. was very desirous at a certain period of his reign to establish an *entente cordiale* with our monarch Charles II. He knew the weak side of that monarch, and accordingly selected a very beautiful lady to come over to this country to act as a mediatrix between the two Sovereigns. The mediation was successful; the result was, I believe, after a considerable time, some children as the fruits of that mediation, and the lady was created Duchess of Portsmouth for life. That case, however, can scarcely be mentioned as part of the creation and constitution of your Lordships' House. James II., who was not much distinguished for morality, although he gave up his crown for his religion, created Catherine Sedley a baroness for life. William III. led a much more regular life, and nothing of this kind can be charged against him. After him came the House of Hanover. George I. created Madame de Schulemberg Duchess of Kendal for life, and an irregular daughter of that lady was also made a Peeress for life, by a title which I cannot at present remember. So we went on till the reign of George II., when we find the Countess of Yarmouth made a Peeress for life. These are not very moral passages in our history; but it was my duty to refer to them because they might be referred to on the other side; but I conceive that they have no bearing upon the present case. There is one case, however, which I must mention because it affords a strong argument in favour of the view which I am maintaining. The Countess of Rivers was created a Peeress for life. She was arrested for debt, and she applied to the Court of King's Bench to discharge her upon the ground of privilege. The question was very ably argued in the Court of King's Bench; but the Chief Justice and the other learned Judges said, "This peerage is in no way connected with Parliament, or with any public service rendered; it is quite obvious, therefore, that it must be left out of our consideration, and that it affords no warrant whatever for the privilege contended for." My Lords, there is another class of cases where a peerage for life is granted with remainder to the second or third son, or some other person; but this is a mere form of conveyance. It is necessary in such cases to create an estate for life in order to sustain the remainder. In most of the cases to which I have referred the grant of the estate for life was to regular Members of this House, holding peerages already. But some cases do not go to that extent, and they really have no bearing upon the present case; because the instrument creating the peerage is made to carry not only an estate for life, but also an estate in fee-tail. This does not in any way impeach the proposition which I have laid down, and which I have undertaken to establish—that, from the time of Henry VI. down to the present day, a period of 400 years, no commoner has ever been placed in this House as a Member of this House by virtue of a patent creating him a Peer by a mere estate for life. I need therefore scarcely repeat that which no lawyer or friend to the constitution can for a moment doubt—that an instrument of that kind, coming before the formation of our constitution, when the prerogative itself was in a state of doubt, and never acted upon from that time to the present, cannot, in any view of our constitution, be made use of to justify a patent breaking in upon the long-established character of your Lordships' House.

My Lords, I shall now refer to an opinion upon this portion of the subject which, I am sure, from all that I have heard, is likely to be pressed upon your attention—I mean the opinion of Lord Coke. He has laid it down that the Crown may, by its prerogative, create a peerage for life. I have before stated, however, that the question is not what the Crown may do by its prerogative. When I was speaking upon this subject the other day in conversation with a noble and learned Friend of mine, he said, "Why, the Crown, by its prerogative, may send for a troop of Guards and make every one of them a Peer, with the title descendible to his heirs." But that would be a gross violation of the law of the constitution of this country, although every act of that description would be within the prerogative, and would be strictly legal and in accordance with the technical rights of the prerogative. But, my Lords, I would warn you not to place more reliance upon the opinion of Lord Coke than it is justly entitled to. I know that in the reign of James I. a public charge was made against him that he laid down a great deal of law on his own authority, without sufficient vouchers for the views which he took; and I know that in matters relating to the peerage he was considered as by no means infallible. It is remarkable, too, that in the very book in which Lord Coke lays down the law in the manner that I have stated, his commentator, Mr. Hargrave—a gentleman of great and profound learning, than whom no man that ever lived was more conversant with the law of this country—in his commentary upon the text states that he does not think that that opinion can be sustained; he does not consider that the opinion is, in point of law, established by any sufficient authority; and he strongly excepts to the text of the learned author, and concludes by referring to a case to which I am about to direct the attention of your Lordships. It is a long case; but I will place it before your Lordships in a very simple form, so that it will be easily understood—it is the case of Viscount Purbeck. The question was, whether a Peer could surrender to the Crown his title. The case occurred in the time of Charles II., and it was argued at great length and with great ability by Sir William Jones, the then Attorney General. In the course of his argument he stated, by way of drawing a deduction from it, that the King by his prerogative could create a Peer for life; and he illustrated the main question by arguments built upon that assumption. The learned Judges who decided that case in this House were men of very great eminence — the Earl of Shaftesbury, who had just given in the Great Seal, and the Earl of Nottingham, by whom he was succeeded. The Earl of Shaftesbury might, from his previous career, have been in some degree deficient in legal acquirements; but as an expositor of the great principles of the constitution never any man stood higher. Need I remind your Lordships of those forcible lines, descriptive of his high judicial character, which occur in the works of our great master poet Dryden? When that learned Judge came to pronounce judgment on the case before him, he referred to the assumption which had been made by the Attorney General as to the King's right to create a peerage for life; and he said, "Sir, you have assumed that which you had no right to assume. The assumption of that question is more difficult and obscure even than the main question which it was intended to illustrate." It was, in fact, arguing upon the rule of *ignotum per ignotius;* and it is quite clear, from the concluding remarks of that eminent and great man, that he considered, even at that day, that the right of the Crown to create a peerage for life was not only doubtful, but that it could not, in point of law, be sustained. No man ever sat on the woolsack of greater eminence than Lord Nottingham, the then Chancellor. He, in his judgment, supported the argument of Sir William Jones, and came to the conclusion that the surrender was lawful. He adopted most of the arguments of the learned Attorney General, but he passed over that one to which I have referred, thereby showing in the most marked manner that he agreed in opinion with the learned Lord who had preceded him. Having made these observations upon the opinion of Lord Coke, allow me to proceed one step further. In a case before this House—the Waterford Peerage case—which was heard when Lord Plunket was present and took part in the judgment, the opinion of Lord Coke was cited. That was a clear, distinct, and decided opinion. It was overruled by the House, and Lord Plunket, in giving his judgment, said,—

> "If Lord Coke had stated no reasons in support of his decision I should, out of deference to him, have doubted the correctness of my own opinion; but as he has stated reasons, and those reasons have no validity, I feel compelled to decide against him."

Again, the Devon case on one side rested entirely upon the distinct and clear opinion of Lord Coke. It was argued in this House most learnedly and most elaborately; and the House, after much consideration and care, came to a conclusion contrary to that of Lord Coke, which was declared not to be founded in law. I state this case, not to lessen the reputation of that learned person, but to show that we must not be put down by the *ipse dixit*, unfortified by any authority, of even so distinguished a lawyer as my Lord Coke. But, as I have before said, it is unnecessary elaborately to enter into this part of the case. What we are dealing with is not a question of technical law, or of legal right; it is this—whether upon certain precedents established 400 years ago the Crown can at this period, after the settlement of the constitution, and after the frame of the two Houses of Parliament has existed for a period of 200 or 300 years, create life peerages, and whether your Lordships will for a moment think that the exercise of the prerogative in the present instance can be considered as justifiable upon any principle of constitutional law or practice?

I have now passed over what I deemed the dry part of the subject. I was compelled to go through it. I was asked by my friends to unfold the case to your Lordships. I wished to do it fully, and to touch upon all the points of the case; but if I have omitted anything, I shall be followed by several noble and learned Lords who will supply my deficiencies. I, therefore, leave this part of the case with these observations. What will be the consequences of the establishment of a system of life peerages? You will from time to time have appointments of this kind repeated; you will become accustomed to them, and you will find this House divided into two classes, part hereditary Peers and part mere Peers for life. One great barrier against the creation of Peers for the occasional purposes of the Government is the hereditary character of this House. To attempt any such creations at present would be attended with great risk and difficulty. No man would willingly encounter that risk. In the reign of Queen Anne, Sunderland and Oxford made the attempt, but we know it has been matter of denunciation ever since. But if a few members of the legal profession can be created Peers for the short remainder of their career, how easy it will be for an unscrupulous Minister—we have had many unscrupulous Ministers, and we are likely to have them in future—to carry the system out to what extent he thinks proper for his own objects. I may be told that this privilege or prerogative may be sparingly exercised, and that we must not object to a good thing because it may be abused. I do not give way to that delusion. I do not accede to that position in what I call constitutional policy. I will give no power that is capable of being abused, unless where I think it necessary for some great object. That is the constitutional doctrine which I have always taught, and to which I am determined to adhere. But are there no great authorities on this subject? I am able to lay before your Lordships an authority of the highest character. A noble Earl, formerly leader of the Government in this House, of great constitutional principle, deeply versed in the constitution of the country, who, deeming this House one of the great bulwarks of that constitution, and supporting its privileges—a noble Earl for whose memory I entertain the highest respect—what was his course and conduct with respect to this very question? I see my noble and learned Friend (Lord Brougham) above, and he will set me right if I state anything that is incorrect. We all remember the great excitement caused by the discussions on the Reform Bill, especially by the opposition which that measure met with in this House, and the great difficulty which was experienced in overcoming it. The subject was considered in a variety of forms, and every possible way of defeating the opposition in this House was maturely weighed. It was at one time thought that the object might be accomplished by calling up a number of the eldest sons of Peers from the other House of Parliament; but it was found that the number was far too small for the purpose in view. Another plan was the creation of life peerages. It was considered by Earl Grey, but only to be rejected. Important as was the measure to be carried, and agitated as the country was in its favour, he believed that the creation of life peerages would be a great innovation, attended with dangerous consequences and subversive of the character of this House. It was accordingly rejected, and I believe that not only that great statesman entertained the opinion I have stated, but that William IV. declared that he would never consent to such a measure. But Earl Grey is not the sole authority upon whom I can rely. At the time of the union with Ireland, it became necessary to create a great number of Peers for the purpose of carrying that measure. So numerous were the peerages created on that occasion, that in the Union Act a clause was introduced providing for their gradual reduction. Do you suppose that if that great and eminent statesman, Mr. Pitt, who directed all the proceedings of that important measure, had thought it justifiable to create peerages for life, he would not at once have resorted to that expedient to diminish the inconvenience of a large addition to the peerage? Therefore I have, then, two distinguished statesmen—Earl Grey and Mr. Pitt—as decisive witnesses against the propriety and constitutional character of the measure under discussion. Nobody can say justly that the influence of Ministers and the subserviency of the House are not carried to as great an extent as they ought to be carried; but if you create a new class of Peers, many of whom will be desirous of having their limited peerage extended to their successors, you create a new influence, you create a new species of subserviency, and you augment an evil which is already sufficiently large. When a question was raised with respect to the prerogative of the Crown to translate the members of the episcopal bench from one see to another, it was said that this translation ought no longer to be tolerated, for it rendered them subservient to the Ministry for the time being. You are now creating a new body to be placed in the same situation, subject to the same influence, and exposed to the same charge of subserviency. It has been said that this exercise of the prerogative may be exercised for conferring rewards for great and eminent services. My Lords, I have listened to that way of putting the question with the utmost indignation. Would you place men who have served their country in the highest positions—men who have bled for their country—men who, by their exertions, have added to the power and character and glory of the nation—would you place these men in a class lower than those who reflect only the lustre of persons who before them have been distinguished for great and eminent services? I do not go the length of the old Roman poet, when he put into the mouth of the Grecian warrior these words—

> "Nam genus et proavos et quæ non fecimus ipsi
> Vix ea nostra voco."

I do not go that length, but I say that while I respect the descendants of men who have done great and glorious deeds for their country, I respect still more those by whom great and glorious deeds have been accomplished. It is said sometimes —indeed, I have myself heard rumours—that these creations are to be confined to the members of the legal profession. What, I would ask your Lordships, has the profession of the law done to merit this indignity? I say with the most perfect confidence—and I can appeal to every man acquainted with the history of this country for the truth of it, that no body of men have been more distinguished or have been more successful in their exertions in supporting the liberties and maintaining the constitution of this country than those who have belonged to the profession of the law. I hear things sometimes whispered about their descendants; but when I look around this House I see my noble and gallant Friend (the Earl of Hardwicke), distinguished for conduct and personal bravery, and known as one of the most able officers in Her Majesty's service, and I find him descended from a noble and learned Lord who presided in this House with equal dignity and splendour. I further see a noble Earl (the Earl of Ellenborough), of great talent and information on all questions to which he directs his attention, and who is frequently heard to address this House with the most commanding and overpowering eloquence; and he is a descendant of a Chief Justice who was honoured with a seat in this House. I see another noble Lord (Lord Redesdale) who holds a distinguished office in your Lordships' House—intelligent, acute, liberal, and independent—and who stands deservedly high in the estimation of your Lordships. He also is the descendant of one who distinguished himself in the profession of the law. Therefore, my Lords, if it is said that those who have been connected with the law and have been raised to the honours of the peerage are not honoured in their descendants, I protest against such an assertion as unjust and unfounded. I remember a noble Earl opposite, who was lately at the head of the Government (the Earl of Aberdeen), once exclaiming in a moment of excitement, and with extreme bitterness, "We are overridden with lawyers in this House." I think that, if we are to be favoured with an additional flight of lawyers in the manner now proposed, the noble Earl will have more reason than ever to reiterate his complaint, and that we shall lose the assistance of the noble Earl by his hastily taking his flight to the north. It is said that we ought in this way to add to the efficiency and strength of this House in so far as regards the discharge of its law business. My Lords, I maintain that this House never had more efficiency, more judicial strength, or more legal knowledge on which to rely, than at this moment. There is my noble and learned Friend on the woolsack, who was first an equity barrister, was then raised to the common law bench, and sat as a Judge with universal praise from the profession and the public, and is now placed on the woolsack—an individual remarkable for sound and sterling sense and extensive knowledge of the law. That noble and learned Lord presides at the hearing of appeals. Then there is my noble and learned Friend (Lord Brougham), who sat for four years in the Court of Chancery, and performed what must be considered an extraordinary effort—by perseverance and indefatigable labour he swept away the whole arrears of business in that Court, by which the country had been so long disgraced. My noble and learned Friend is deeply conversant with the law of Scotland—a knowledge so essential to the investigation of cases in this House—and who, since he resigned the Great Seal, a period of twelve years at least, has constantly attended the appeals of your Lordships' House. Another noble and learned Lord near him (Lord St. Leonards) might be said from his infancy to have been versed in the law. He held the office of Lord Chancellor of Ireland, and the office also of Lord Chancellor in your House, and now attends regularly to its legal business. In such circumstances, I ask your Lordships whether a more competent or more efficient tribunal could possibly be found for the purpose of administering justice, or deciding important questions of law that may come before you? It may be said that by increasing the number of Judges in this House you add to the weight and character of the tribunal. I entertain a very different opinion; because, in proportion as you increase the number of Judges, you lessen the responsibility, and I am sure that in this House you have a sufficient number of Judges to carry on adequately and efficiently the administration of justice in whatever form it may arise. On this ground, therefore, there can be no excuse whatever for the present creation. I have, as I before stated, the highest possible respect for the talents of the late Baron of the Exchequer; but what is the kind of law that is administered in your Lordships' House? We have common law, the Scotch law, and equity. These are the three branches which your Lordships are called to consider in the administration of justice. The cases of common law are, however, few in number, and, whenever any difficulty arises on any question of importance, the Judges are summoned to assist your deliberations; and you therefore want no aid in the administration of common law in this House. But who is the individual who is selected to assist you in the administration of equity? He is a common law lawyer, and you do not want such a person. He is acquainted only with that department of the administration of justice in which this House is most efficient. As to the law of Scotland, he has never been conversant with it, and he has had no connection with the administration of justice in the courts of equity. This reason which has been put forward is, therefore, a mere idle pretence to justify an alteration of the constitution of the House. What is the real secret of this change in our system? My Lords, in our intercourse with our friends on the other side of the water, have we become so enamoured of their Senate that we can admire and favourably contrast its efficiency, its vigour, and its independence with that of your Lordships' House?—have we been led to imitate them in regard to the composition of the Upper House? It is but a few weeks since I read an official comment in the *Moniteur*, coming from the highest source, on the inefficiency, the want of patriotism, energy, and the backwardness to fulfil the high destinies to which they were called, that characterised that illustrious body the senate of France. I have no disposition, myself, to cut down our tribunal to that life interest on which the senate of France is based, as I believe the hereditary character of this House is one from which great and important advantages are derived. If you desire, my Lords, to support the stability and the constitutional powers of this House, I think you cannot be prepared to approve the course which has been pursued in this case. The hereditary principle is entwined in every part of our constitution; we, in this House, enjoy our hereditary rights in common with the Crown; we mutually support and assist each other, and we form a barrier and defence to protect both those branches of the constitution against any by whom they may be assailed. Break in upon that principle,—destroy that outwork,—and he must be a bold man indeed who will venture to say he can foresee all the consequences that will arise. My Lords, this question involves so many considerations,—it requires so much careful investigation,—that it could scarcely be satisfactorily discussed in this House; and I therefore for the purpose of examining every point with minuteness and attention, beg to submit to your Lordships the Motion of which I have given notice:—

"That the Copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life, which has been laid upon the Table, be referred to the Committee for Privileges, with Directions to examine and consider the same, and report thereon to the House."

EARL GRANVILLE: My Lords, I could hardly refrain from joining in those cheers which greeted the noble and learned Lord at the conclusion of his remarkable speech, remarkable even from the noble and learned Lord:—and I can assure the House that I should not have followed a noble and learned Lord of his high position in this place, of his great and various learning, of his extensive experience, combined, I am still happy to see, with that singular degree of vigour both of body and mind, of which he has given such eminent proofs to-night,—I should not have risen to follow the noble and learned Lord had it not been for the poverty of this side of the House, or at least of this side of the question, in law Lords. It is this circumstance that compels me to make an attempt which

I feel may be compared to taking charge of the Channel squadron, or any other act usually quoted indicating great courage, or rather great rashness. I am sure, my Lords, that you must have heard with very great pleasure the graceful compliment which was paid by the noble and learned Lord—whose judgment on such a subject is of the highest value—to the members of his own profession, in times past, and to those who are now sitting in this House as their descendants. I fully agree with the noble and learned Lord in my admiration of that profession, and in my anxiety that we should have the most eminent of their members to assist us in our deliberations. I remember that some quarter of a century ago a foolish and absurd cry was raised in the country for the removal of the Lords Spiritual from this House. I am satisfied that at the present moment no such feeling exists, and I believe it would be considered both in this House and by the country to be a serious blow, if the number of Lords Spiritual were to be diminished even by one. But if we feel the advantage of having those right rev. Prelates among us, I think we must feel even more highly the necessity of the presence in this House of the noble and learned Lords of the legal profession. Not only in the evening are these noble and learned Lords present to explain the existing state of the law, and what, if certain measures were passed, the future state of the law would be; but the manner in which the House has received the speech of the noble and learned Lord to-night is a proof how greatly the eminent members of that profession add to the attraction of the debates of this House. If such is their value in the debates of the evening, how much more necessary it is to have the most distinguished lawyers to assist in the judicial functions of the highest tribunal in the country. I believe that the dignity and utility of this House could not suffer a more severe blow than by the severance of its judicial functions. But in order that our judicial duties may be properly discharged, this House ought to be well provided with Peers who are perfectly acquainted with the common law—that law which the noble and learned Lord seems to have left out from his consideration—with Chancery law, with criminal law, with the Scotch law, and with civil law. I do not mean to say that the members of the legal profession in this House should be equal in number to the Spiritual Lords, for I certainly think thirty law Lords would be rather too much of a good thing; but I am confident we shall all agree in the importance of obtaining the assistance of an adequate number of the most distinguished members of the profession. This necessity is by no means new; it has been felt from time to time, but it has always been found difficult to keep up such a supply of law Lords. I have been assured by a friend of mine, in whose precise accuracy I have the most implicit confidence, that the late Lord Bathurst told him Lord Liverpool's Government came unanimously to the conclusion that it was necessary upon that account to create life Peers, and that it was solely in consequence of a change in Lord Liverpool's opinion alone on the subject that the determination was not carried out. I think I shall afterwards be able to quote a letter which will in some degree corroborate this hearsay evidence. In order to show that this is not the first occasion on which the creation of life Peers has been contemplated, I have permission to state that, in 1851, under the Administration of Lord J. Russell, an offer of a life peerage was made to a most distinguished Judge, who would in every respect have been an ornament to this House. The offer was, however, refused, the learned Judge assigning as his reasons that his time was already fully employed in the discharge of his judicial functions; that he would be unable to devote much attention to appeals to this House; that he had been unable to keep up his knowledge of Scotch law; and that—and this he has told me was the decisive reason—although he thought the exercise of the prerogative quite fitting as he now considers it legal, constitutional, and expedient, he knew the step would be very unpopular among his learned brethren; and that, to use his own words, he had the weakness to shrink from being alone the first man to set the example. I think this is some answer to the noble and learned Lord, who has accused the Government of wantonly offering a life peerage to Baron Parke because he is not likely to have sons. If a life peerage be illegal and inexpedient it is wrong to offer it to anybody; but if it be legal, and constitutional, and expedient, I think it is a great advantage that such an offer should be accepted by a man so eminent for his knowledge of the law, so distinguished by his high character, so entirely unconnected with the Government by any political ties, and to whose merits in all respects the noble and learned Lord has borne such ample testimony. The question, as raised by the noble and learned Lord, is, whether the course adopted by Her Majesty's Government is a proper one or not. At the opening of the Session so much was said about the doubtful legality of the act that I was rather surprised that the noble and learned Lord—who has proved to-night with how much labour and research he has examined the subject—should have entirely shrunk from declaring that the act is illegal. Your Lordships, I think, must have remarked that while the noble and learned Lord was more than usually clear, and doubtless very accurate in his historical statement, he did manage to confuse, in a manner of which he is also a master, the legal, the expedient, and the constitutional questions together, and that he carefully abstained from giving any decided opinion as to the illegality of the measure. The noble and learned Lord, evading the question of legality, talked about the constitutionality of the case. Why, the Government have never contended that if the act were wholly inexpedient it could be a constitutional measure; all they contended for is, that it is legal, and that, being at the same time expedient, it is wholly constitutional—the word "constitutional" cannot, in my opinion, be defined separately from those two qualifications. The noble and learned Lord brought forward a supposed case of the Crown sending for a regiment of Life Guards, and giving them all life peerages. That would certainly be unconstitutional, although it might perhaps be strictly legal; and the proper course, if such a thing were done, would be to impeach and hang the Minister who advised it. The noble and learned Lord reviewed in a most interesting manner, and I believe with perfect accuracy, the precedents on this question, and I certainly shall not follow him into detail, except to make a very few remarks upon certain precedents which he treated as of no importance. At the same time I do not venture to put any opinion of mine in competition with that of the noble and learned Lord, unless I am supported by great and learned authorities. The noble and learned Lord referred to the case of Guichard d'Angle, who was created Earl of Huntingdon by Richard II. for his whole life; and he contended that the case did not support the granting of a life peerage by the Crown; but the patent, which is in the library of this House, designates the creation as being "*totâ suâ vitâ durante;*" and Dugdale mentions the number of times he was summoned to the Parliament. The noble and learned Lord says this proves nothing, because he did not take his seat; but, although in the case of a Peer summoned by writ alone it is necessary he should take his seat, I believe a peerage conferred by patent is complete without the seat being actually taken. The noble and learned Lord then referred to the case of the Earl of Oxford, who was created Marquess of Dublin for life; but said that that also made no difference, because he was already in the House as an Earl; but I can show that he took his place in the House above the Earls in virtue of his rank as Marquess. In *Selden* an account is given of his being directed to take his seat above the indignant Earls, "*Comitibus indigne ferentibus;*" but he, after being invested by the King, took his appointed seat with a cheerful countenance, "*hilarî vultu.*" An objection has been stated by the noble and learned Lord to the precedent of the case of the Earl of Bedford, because, although his first creation as a Peer was for life, he was subsequently made an hereditary Peer. Why, if Baron Parke should five years hence be also made an hereditary Peer, how on earth could that affect the question of his creation as a Peer for life now? The noble and learned Lord admits that, down to the time of Henry VI., there were instances of persons being created Peers for life, and sitting in Parliament in virtue of their patents; but then he reminds us that it is a maxim of law that desuetude does away with a prerogative of this kind. On such a point I, of course, give no opinion of my own, but I certainly could have wished that the noble and learned Lord had quoted some of the great legal text-books in his support of his doctrine. If such unlearned lips as mine may be allowed to cite legal maxims, I would mention this one—"*Nullum tempus occurrit regi,*" as showing that the prerogative of the Crown does not suffer from lapse of time. The principle asserted by the noble and learned Lord is one of very great importance, and certainly if sound it might be carried to very extraordinary lengths. Take, for instance, the undoubted right of the Crown to veto an Act of Parliament. That right, however, has not been exercised for 150 years. Does that circumstance constitute it illegal; or is it necessary that the Sovereign should now be advised to take an early opportunity of vetoing some Bill for the sake of saving Her prerogative? I utterly deny the noble and learned Lord's assertion that there are no precedents to justify the Crown in creating peerages for life. If the noble and learned Lord had shown that for 700 years the Crown had neither created nor summoned to Parliament Peers for life, then I admit we must have shown some strong necessity—must have adduced some cogent arguments—to justify the resuscitation of such a prerogative. But when the Crown has gone on uninterruptedly creating peerages in a great variety of ways, and some of them peerages for life, I am not saying too much when I assert that there are ample precedents up to a late period for such creations on the part of the Crown. In fact, there has never been any uniform mode of conferring peerages; some are given without limitation, others with limitation to heirs male, others limited to heirs male of the body, and others again constituting some extraordinary remainders:—I believe, indeed, there is an instance now in the House, which even skips a generation, and then going to the second son of a daughter who was herself not to enjoy the peerage at all; and, again, it has practically made life Peers, by conferring the peerage on persons who were not likely to have any children. Practically, indeed, the Crown has always exercised that discretionary power in the mode of its bestowing peerages that is implied in the axiom "*Cujus est dare, ejus est disponere.*" After the reign of Henry VIII. the noble and learned Lord referred to the cases of women who were made Peeresses for life, dwelling at some length upon those which occurred in the time of Charles II. and the two Georges; but I think that the immoral conduct of the ladies whom he enumerated, rather tended to strengthen the argument for the right of the Crown than to weaken it. Supposing the Sovereign had created Lady Russell a Peeress for life, the enthusiasm of the country in regard to that lady would have effectually prevented any very nice and very curious scrutiny into the limits of the Royal prerogative from being instituted with the view of invalidating the patent. But if the Crown could not only have made illustrious and most exemplary ladies Peeresses for life at that date, without the exercise of its prerogative in doing so being called in question, but could, and actually did, make Peeresses for life of an unpopular King's foreign mistresses, how can the right of the Crown in Baron Parke's instance be disputed? The case of the Countess Rivers instead of confirming the view of the noble and learned Lord, told exactly the other way. Chief Justice Rolle, one of the great Commonwealth judges, cannot be regarded as a very high authority on a question affecting the privileges of Peers, or the prerogatives of the Crown. In *Styles' Reports*, page 234, it is stated that—

> "The Countesse Rivers put in her plea of privilege of Peerage into Court, and prayed by Serjeant Glin of her counsel that it might be read and allowed. Upon which it was read by Woodward, clark of the Court. After which Rolle Chief Justice said—it is questionable whether a Countesse, made so by patent only for her life, be privileged or no, therefore let her remain in the custody of the sheriff till Saturday, and not to be turned over to the custody of the Mareschall, and then move it again."

I imagine that when a case is postponed, on a suggestion of a Judge, in favour of one side, the Counsel on that side invariably looks for every possible authority to strengthen the point in his favour, to which the Judge has already shown a bias. The case having been postponed, no doubt the counsel for this lady searched his books on the point raised by the Judge. But when the case again came on, what do we find—"Latch, of councell against the Countesse, gave many ingenious reasons, such as want of investiture, no relation to the patent to any place, and therefore not an English Countesse, why Lady Rivers should not be arrested, but never once refers to her being a Peeress for life only by her patent;" and the Chief Justice in giving judgment did not refer to the point previously raised by him, but gave an opinion which amounted to the Peerage altogether being nothing but rubbish. Yet this was the case which the noble and learned Lord opposite adduced as showing that these Peerages for life had no bearing on this case. *Coke upon Lyttleton*, whose authority, where uncontradicted by subsequent law, may be taken to be equivalent to law itself, respecting Sir G. Reynell's case, says—

> "As to precedents for creation for life, remainder to another in tail, and whether the present Viscount Lowther did not come in upon such a remainder, Sir George Reynell's case only decides that certain offices (*e. g.* the office of Marshal of the Marshalsea) cannot be granted for years, and that such offices in fee or for life have been allowed and approved;" and also this, "That the King cannot grant to any one that he and his executors or administrator shall be Counts or Earls for years, for then his executor

or administrators, one being appointed by himself, the other by the ordinary, would be Earls; so, without question, the King may create an Earl for life, in tail, or fee."

This was the judgment of the Chief Justice, Chief Baron, and Warburton, Justice. In Book 2, Coke 71, on Lord Abergavenny's case, page 291, it is further stated—

> "But if the King creates any Baron by letters patent, under the great seal, to him, and to his heirs of his body, or for life, &c., then he is a nobleman presently; for so he is expressly created by letters patent of the King, which cannot be countermanded; and he ought to have a writ of summons to Parliament of right and of course, and he shall be tried by his Peers if he shall be arraigned before any Parliament."

Lord Coke expresses the same opinion in Book 9 and Book 10. Next to Coke stands the authority of Selden, who, in his *Titles of Honour*, says—"The estate limited at this day is usually to the heirs male of the body begotten, antiently the limitation was sometimes in fee, sometimes to the heirs of the body, and for life also." Again, page 787—"The forms of creations hitherto showed (of a Viscount) are either for life, or," &c. Page 891—"Lady Mary Compton. &c., whom he created Countess of Buckingham for life." Page 896—"Touching the transmission of dignities by inheritance with us, some cases are obvious in the new Reports and the late *Comments on Littleton.*" In *Comyns' Digest*, the opinion of Lord Coke is referred to, and the same doctrine laid down. *Cruise on Dignities* supports the same views.

Blackstone also declares—

> "Creation by writ has also one advantage over that by patent; for a person created by writ holds the dignity to him and his heirs, without any words to that purport in the writ; but in letters patent there must be words to direct the inheritance, else the dignity enures only to the grantee for life. (Co. *Lyttleton*, 9—16.) For a man or woman may be created noble for their own lives, and the dignity not descend to their heirs at all, or descend only to some particular heirs, as where a peerage is limited to a man and the heirs male of his body by Elizabeth his present lady, and not to such heirs by any former or future wife."
>
> "When a man is called to the Upper House of Parliament by writ, he is a Baron, and hath inheritance therein without the word [heirs]. Yet may the King limit the general state of inheritance created by the law and custom of the realm to the heirs male, or general, of his body by the writ; as he did to Bromflete, who, in the 27th of Henry VI., was called to Parliament by the name of Lord Vescye, &c., with the limitation in the writ to him and the heirs males of his body. But if he be created by patent, he must of necessity have these words [his heirs], or the heirs males of his body, or the heirs of his body, otherwise he hath no inheritance. The first creation of a Baron by patent that I find was of 'John Beauchampe,' of 'Holte,' created Baron by patent in the 2nd of Richard II., for Barons before that time were called by writ. And it is to be observed that, of ancient times, Earls, &c., were created by girding them with a sword, and nominating him [*sic*] Earl, &c., of such a county or place; and this, with a calling of him to Parliament by writ by that name, was a sufficient creation of inheritance."

Now, considering the high authority which has always been attributed to Blackstone, considering how much he has been quoted, and considering the frequent editions of his work, it is surely some evidence of his having correctly stated the law that none of his subsequent commentators have said one word disputing what he has laid down. I will now refer to a judgment of some importance, which was delivered by a noble and learned Lord who at one period held the Great Seal, and who pronounced the judgment when he was Lord Chancellor. Speaking of the power of the Crown to create a peerage for life, he said that it appeared from the authorities that the Crown had not only the power of creating a peerage for the life of the grantee, but *pour autre vie.* I may be allowed, perhaps, to say that the case was that of the Earl of Devon, and that the Lord Chancellor was my noble and learned Friend opposite (Lord Brougham). I will now quote the opinion of one who, though not speaking in his judicial character, still, from his great reputation as a lawyer, must speak with great authority as a Peer in this House. On June 27, 1851, Lord Redesdale said—

> "He should propose on a future occasion that the Law, in the same way as the Church, should to a certain extent be represented in their Lordships' House by the holders of certain offices; that they should be admitted to that House as Peers of Parliament during the continuance of holding such offices."—[3 *Hansard*, cxvij. 1311."]

Lord Campbell on that occasion said—

> "That he did not intend to offer any opinion on this suggestion. It might deserve the consideration of their Lordships. His noble Friend proposed that these high officers should have a temporary peerage, to be held only during their tenure of office. Now, this could not be done by an Address to the Crown. The Crown might create, by its prerogative, a peerage for life, but not a peerage during a man's continuance in office; that would require an enactment of the three branches of the Legislature."

I think, my Lords, I have now shown something like an authority for the prerogative of the Crown to create a peerage for life; and I venture to appeal to every learned Lord in this House whether they will get up in their places and state that the doctrine laid down by Lord Coke—not contradicted by any subsequent decisions, not affected by any subsequent statutes, not upset by the criticism of any sufficient authority—is not absolutely law in every court of justice in this kingdom, and is not received as such. My noble and learned Friend quoted Mr. Hargrave as an authority—upsetting the doctrine of Lord Coke. My answer to my noble and learned Friend is, that Mr. Hargrave never did any such thing. If he will refer to the note in which that statement is supposed to be made, my noble and learned Friend will observe that it is marked with a letter, and not with a number, and he will also see that it occurs in an edition published long after the death of Mr. Hargrave, and I am not sure whether it was not after the death of Mr. Butler. In an anonymous advertisement to the work it was stated that all the additional notes were by Mr. Butler. That part of the work was not undertaken by Mr. Butler. Mr. Hargrave and Mr. Butler divided the work, and this note was in Mr. Hargrave's part of the work. I do not find fault with my noble and learned Friend for having made much of this, or for having referred to Lord Shaftesbury as an authority upon the subject. But I believe Lord Shaftesbury was praised by the Poet for being clean-handed, but not for his knowledge of the law. I may here quote a passage from a delightful book, to which reference is being made every day. I find in Mr. Macaulay's *History of England* this passage—"Even Shaftesbury, vigorous as his intellect was, painfully felt his want of technical knowledge;" and in a note is said, "Roger North relates an amusing story of Shaftesbury's embarrassments." My noble and learned Friend will see that, although the note refers to precedents said to have been above mentioned, yet there were no precedents above mentioned by him, which shows that if it was a note at all, and not a portion of an argument, it was but a fragment of a note, and there is no sort of proof that this note, or fragment of note, was ever seen by Mr. Hargrave. It is altogether a posthumous note, and in all probability had been rejected, either by Mr. Hargrave or Mr. Butler. If such notes as this are to be accepted, then the authority of Coke is gone for ever.

My noble and learned Friend has talked about the unconstitutionality of creating a peerage for life. Now, I hardly understand how the constitutionality of the question can be abstractedly argued. All that we contend is, that the act of creating a peerage for life is legal, and, if legal, it can also be shown that it is expedient; then it becomes perfectly constitutional. I should like any noble Lord to show in what manner he would define a constitutional act separate from those two qualifications. My noble and learned Friend brought forward an imaginary case of a Minister sending for a whole regiment of the Life Guards, and giving them peerages for life. No doubt such an act of power would only leave to you the alternative of impeaching and hanging the Minister who should be bold enough to adopt it. My noble and learned Friend then proceeded to argue as to the injury that would be done to the character and dignity of your Lordships' House as a judicial tribunal by making those noble Peers who were members of the legal profession an exception to the general principle on which peerages are now created, and he passed a very high and well-deserved panegyric on the members of that profession who have from time to time been advanced to the peerage. I agree with every word which my noble and learned Friend has uttered on that subject. But, my Lords, if I were obliged to take the converse of the proposition of my noble and learned Friend, if it were necessary for my argument to do so, and to point out any noble Lord as being unworthy of sitting here, I certainly should shrink from the task. I should feel it would be highly unbecoming in me, and distasteful to your Lordships, if I were to state of any noble Lord that he was not worthy of the place he holds. But in this case I shall venture to appeal from one eminent lawyer to another, from the living to the dead, with regard to the inconvenience which the noble and learned Lord has slurred over of conferring an hereditary peerage on a lawyer who may be unable to sustain the dignity, either from a want of fortune or some other cause. The letter which I am about to quote was written by a noble and learned Lord who, it is rather remarkable, was Lord Chancellor to an Administration which, as I have already stated, had, at one time, agreed to propose the creation of these life peerages, which proposition was only overruled by one single Member of that Government.

It is a letter addressed by Lord Eldon to Lord Kenyon—

"My dear Lord, I thank you for your letter; and, a fit of the gout preventing me from going to Westminster, I shall now make an effort, though in pain, to trouble you with a few lines. I agree with you that, generally speaking, the Chief Justice of the King's Bench should be a Peer,—even if there had been no usage upon the subject. But then the state of the profession must admit of it. I have not been able to find (in that state) a person fitter for it than Abbott. Now see the effect of this. Lord Mansfield had had long practice in lucrative situations at the bar—he was of a noble family—he was not likely to have descendants—that is, issue. Your father had been, at the bar, the most eminent lawyer of our times; he had made by his practice, independently of the law offices, a larger fortune than any professional man of his time. When called to the King's Bench, I know (I think) myself that peerage was one object with him in accepting the office; and, if Providence had not suffered him to live but the shortest time in the office, a peerage would have gone to his children with ample means to support the dignity. Lord Ellenborough had likewise made some fortune, much less certainly, at the bar; but if he had died before Mr. Way, I doubt whether the peerage there would have been either convenient to the family or useful to the public. As to the Common Pleas, when C. J. de Grey went out, they gave him a peerage in order to find a chief justiceship for Wedderburn. You see that peerage has been obliged to be helped out by office. Lord Loughborough had no children; his peerage therefore, as Lord Loughborough, could not descend, and his office would support him during his life. What he meant, when he left the Chancellorship, by getting an unendowed earldom for his nephew I cannot pretend to say. When I came to the Common Pleas, I had made some fortune in a successful practice at the bar and in the great law offices, which I held nearly twelve years. Mr. Pitt was unwilling to give me an office which would take me out of Parliament; I could not be in it unless in the House of Lords, and I can assure you that I have often thought that, if I had survived the acceptance of the peerage but a short time, I had accepted what would have been a nuisance to my family and no benefit to the public. Of our dear friend Lord A., can anybody now say that it was a wise measure on his part to accept a peerage? Now, as to Abbott, his practice has been behind the bar. He never had any office—I think not a silk gown; he enters, therefore, upon the office in very moderate circumstances, with a considerable family. The permanent offices of profit in the gift of the Chief Justice, as I understand without exception, are not any of them likely to be vacant while he is likely to live or to hold his office; what he can save out of the other emoluments of the office he did not and indeed he could not, think would enable him to transmit with a peerage a fully competent fortune to support it; his health is tender, and his eyesight not in a very safe state: upon the whole, his own difficulty about taking the office was the apprehension that peerage was to go with it. He immediately determined, if it was not. As to himself, this determination appears to me to have been quite right. If a contrary determination would, as to the public, have been right in any other person at the bar, where are you to find one (in whom, in point of circumstances, it had been right with peerage) to whom this great office could have been offered? The Attorney General, from his deafness, could take neither chiefship,—that of the King's Bench could not be offered to so young a man as the Solicitor General. He refused that of the Common Pleas, as not yet having any fortune to leave to his family.

"Upon the whole, we endeavoured to do the best we could; we could not do what really would have been unexceptionable. It was impossible.

"God bless you, my dear Lord, and, with all affectionate wishes for you and your family,

"Believe me yours always,

"ELDON."

I leave it, then, to Lord Eldon to show that there are inconveniences—some of them unknown to the generality of your Lordships—in the creation of hereditary peerages; and your Lordships will not forget that these difficulties are multiplied tenfold now, when all the great legal sinecures have been abolished, and it is difficult, owing to recent reforms of the law, and the greater competition which exists, for barristers to accumulate large fortunes from their professional gains. But let me illustrate my position, without making any invidious allusions, by the case of the noble and learned Lord I now see in his place (Lord Campbell). Without making any impertinent inquiries as to his wealth, it is impossible to be unaware that my noble and learned Friend enjoyed a large and lucrative practice; that he possesses very extensive estates in Ireland; that he enjoys the advantage of having one of the few large houses in this town which has the aristocratic appendages of a court and a garden; and that he also has a son who has not shrunk from occupying a prominent position in public life. But imagine the converse of this. At the present moment—and such a fact would not detract in the least from his eminence as a lawyer and his greatness as a judge—my noble and learned Friend might have had no other resources than his salary as a judge; and if his son entertained a distaste for public life—as might possibly be the case, it would have been a hard thing upon Sir John Campbell, and a still harder thing upon this House, if we had been deprived of the advantage of his presence here. And now, my Lords, allow me to refer to the argument which the noble and learned Lord (Lord Lyndhurst) based upon the alleged dependence of this House upon the Crown should life peerages be created. Such an argument seems to me to require very little answer. The noble and learned

Lord said that the subjects of such a creation would be subservient to the Crown, because they would be always looking to the Minister of the time being for an hereditary peerage. Now, if these individuals possessed fortune enough to sustain the dignity of an hereditary peerage — and without such a fortune any man must be a fool to wish for it—they would have an undoubted right to look for an advancement of this kind. But is this necessarily to render them servile in their character? Is there no similar influence at work in this House at this moment? Will any one tell me that there is not now in this House one single Lord who wishes to be a Viscount—no Viscount who wishes to be an Earl—no Earl who does not wish to be a Marquess, or Marquess a Duke? Is there not a single Duke who would like to have the knighthood of the Garter, or who would not feel rather hurt if the Lord Lieutenancy of his county were not given to him? And, then, will anybody pretend that those fair objects of ambition make Peers dependent upon a Ministry, or subservient to the Crown? Why, even now you have Scotch and Irish Peers subject to the same influences, as well as the Lords Spiritual, who are also only Peers for life. Is there any pretence for asserting that these persons are subservient to the Crown, and ought therefore to be excluded from this House? Another point upon which the opponents of these life creations rely, is the power which they believe it would confer upon a Minister of swamping your Lordships' House with Peers for life if he so chose. Now, I think we all know what was referred to by the noble and learned Lord opposite when he dwelt upon this point. In the time of William IV. the constitution had arrived almost at a dead lock; and Earl Grey, and the noble and learned Lord opposite (Lord Brougham), felt that they would be backed up by the country, at that time bordering upon a state of revolution, if they advised the Crown to create a number of new Peers. Well, the noble and learned Lord, in a book which is not only useful to Englishmen, but which has been recently quoted by one of the greatest writers on political economy and philosophy of which the Continent can boast, has described that period of excitement; and he says that, if the truth be told, he should have shrunk from advising that exercise of the prerogative, and he believes Earl Grey would have shrunk too. Now, I do not know whether they would have shrunk or not; such a case as this happily does not occur once in a century, or once in two centuries; but I believe, whenever it should occur, any Minister would be alarmed at the idea of making use of the Crown's prerogative in such a way. Suppose, for example, the present Prime Minister, in order to defeat the Motion now before the House, were to ask and obtain the consent of the Crown for the creation of ten peerages. Why, such an act would diminish our majority, whatever it might be, by double that number. To have any effect whatever, not less than forty new Peers must be created; and your Lordships must feel that to create forty Peers is as unfeasible as it would be unconstitutional. If a Minister were to resolve upon such a course, there would be little difference between peerages for life and hereditary peerages, and he would only be splitting hairs if he hesitated between selecting forty such persons as Baron Parke for elevation, and calling up forty eldest sons of Peers, or men not likely to have children; the distinction would be very fine, and a Prime Minister would not be likely to hesitate in the combination of circumstances which must arise to render the measure necessary at all. But, then, the noble and learned Lord thinks this creation of a life peerage must have been made in imitation of some foreign aristocracies. Why, if there is any one thing which has been fatal to foreign aristocracies all over the Continent, it is their great increase in number while there is a proportionate diminution of wealth. Moreover, I do think that, with regard to this prerogative, you must trust a little to the effect of public opinion upon its exercise. Some twenty years ago, an anonymous writer, who turned out to be Sir Harris Nicolas, addressed a pamphlet to the Duke of Wellington, and if I could have circulated that pamphlet among your Lordships I think it would have had more effect with regard to this question than half-a-dozen speeches from the benches behind me. This tract is very scarce; and that it is of some authority is manifested from the fact that one of your Lordships applied to the British Museum, where a copy of this pamphlet is preserved, but it was in hand; and upon afterwards going to one of the great law libraries, which possessed three copies, he was told that they were all in the hands of three learned Lords, Members of the House of Peers. My Lords, I had taken a great many extracts from this pamphlet, but I will not trouble you with them. In order, however, to show you with what authority Sir H. Nicolas has spoken on this question, I will give you his own summing up of the opinions at which he arrives. He says, first—

> "1. That the creation of hereditary Peers, without a sufficient estate being annexed to the title to support the dignity, is attended with positive inconvenience to the Government, probable danger to the constitution, and almost certain degradation to the peerage.
>
> "2. That it is desirable that the country should have the benefit of every description of talent in the House of Lords, calculated to insure the administration of justice in all the various cases brought before it.
>
> "3. That the impolicy of multiplying hereditary peerages tends to prevent the Crown from placing in the House persons whose peculiar talents and acquirements would be extremely beneficial to the country.
>
> "4. That any measure which would lessen the number of creations of hereditary peerages would be as satisfactory to the nation at large as to the House of Lords generally."

I feel that the first half of the last sentence is true, and I hope the latter part is true also. I beg your Lordships to reflect upon the consequence of placing ourselves before the country as seeking to limit the prerogative of the Crown, when that prerogative is exercised with a view to remedy something which is weak, and to remove a certain imminent danger. With regard to the proposal that this patent should go before a Committee of Privileges, the noble and learned Lord has put it so much upon the constitutional ground that I cannot conceive why a Committee of Privileges, which is only the whole House under another name, can be the proper tribunal to consider whether this is a discreet or an indiscreet exercise of prerogative. The noble and learned Lord has dwelt much upon the want of precedent for such a creation. Now I believe the course which he suggests is itself entirely without precedent. Suffer me to quote here what is said by Mr. Cruise, a great authority on this subject, and who in the body of his work *On Dignities*, introduces the following observations:—

> "The Crown has from the earliest times claimed and exercised a supreme jurisdiction in all cases respecting the right to peerages. For the mode of proceeding appears always to have been by petition to the King; and the court to which the Crown usually referred such claims was that of the High Constable and Earl Marshal, from which an appeal lay to the King himself. Since the reign of Charles I. the usual practice has been for the King to refer claims of peerage to the House of Lords."

It will, therefore, be necessary to consider these questions, of which I will only quote three:—"First, Whether that House has any jurisdiction in cases of peerage but by reference from the Crown?" His answer to this is in the negative, and he refers to Lord Hale's statement, that the Lords have no jurisdiction but by reference from the Crown. "Secondly, Whether such reference be discretionary in the Crown?" He answers, Yes it is. "Thirdly, How far the Crown is bound by the Resolutions of the House upon such reference?" With respect to this question, he says—"It does not appear from any authority that the Crown is bound by the Resolutions of the House of Peers." When the noble and learned Lord talks about the future of this House, I cannot help saying that I also have a very strong feeling on this subject. The very small part I have taken in public affairs has been almost exclusively in this House. That I have been enabled to take this small part in public affairs has been owing only to your Lordships' exceeding indulgence, which I have had to claim once more this evening; and I can with perfect conscientiousness say, that one of my strongest political feelings is to maintain the honour and dignity and utility of this House. But I think I am acting in consistency with that feeling when, in company with my noble Friend the noble Marquess (the Marquess of Lansdowne), I try to defend the exercise of a prerogative which I have already described as specially intended for the remedy of defects and the avoidance of danger in this House, and still more when I try to recommend to your Lordships not to take such an utterly unusual step as that of going into a Committee of Privileges, while the noble and learned Lord has as yet entirely refrained from showing what are the steps to be taken when we get into that Committee, and what ulterior results he hopes to gain when we come out of it.

Lord St. LEONARDS:* My Lords, I think it desirable to bring back the discussion to what really is the question before your Lordships. The noble Earl has treated the question as if it were now to be decided whether a lawyer without a sufficient fortune for a peerage, but whose services are required in the House, should be created a Peer for life, or, as in other cases, with a transmissible inheritance to the heirs male of his body. That, however, is not the question. The real question is, whether or not the Crown can, in virtue of its prerogative, grant life peerages to whomsoever it pleases. The subject should be considered on its merits, and treated as an abstract question in respect of the right of the Crown to confer dignities upon whomsoever it may please; for if the principle be admitted, the power may be exercised without reference to the station of the person, and to any extent whatever. My noble and learned Friend, whose authority is much greater than mine, has not, the noble Earl observed, stated that the issuing of such a patent of peerage was illegal, and he dwelt with much force upon the absence of such an assertion. Humble as is my authority, I will supply the omission. I do emphatically assert, and I believe in my conscience, and not without a careful consideration of the subject, that the issuing of a patent of peerage for life is illegal, as far as it attempts to confer a right to sit and vote in this House; and I hope to be able to make good that assertion. The question is one of the highest importance. It is not a question of expediency, but of strict legality. If legal, it may be inexpedient; but is it legal? The days of answering to the country are gone by, but the right of exercising the prerogative of the Crown still remains. Before considering the question of legality, I will say a few words on the point of expediency. The monarchy of this kingdom is an hereditary one, and your Lordships' House has always been called the hereditary Councillors of the Crown. It is this hereditary quality which strikes root, as it were, in the constitution, and gives weight and steadiness to your decisions, qualities which would not be found in a House constituted by Peers for life; and, moreover, a Chamber of Peers for life, chosen by the Crown for a life peerage, would never be able to stand against the House of Commons, elected, as it is, by the popular voice. Hereditary quality has ever been impressed upon this House. When, for example, barony by tenure existed, men were summoned by the Crown by writ of summons, which, of course, contained no restriction to a life interest, but neither did it contain any limitation or reference whatsoever to the heirs of the Baron. But no doubt, by analogy to the tenure in fee of the barony, the simple summons followed by a sitting conferred upon the Baron an estate in the dignity, not as Coke has inaccurately stated in one passage, an estate in fee-simple, but, as he has in another passage accurately stated, ennobles his blood, so as to include all his heirs lineal. The natural check upon an undue creation of Peers is its hereditary quality. Whilst that quality extended to all, none need feel any inferiority in this House. But would it be so if life peerages were introduced?

It was argued that absence of wealth on the part of persons of great ability rendered it inexpedient to bestow an hereditary peerage upon them; but if such a principle were adopted, what would be the result? If men of known ability were made Peers for life, it would be said, had these men been rich, they would have been made hereditary Peers; and, on the other hand, it would be said of men on whom an hereditary peerage might be bestowed, that they had acquired that dignity not on account of their ability, or their merit, but on account of their wealth. Any one of your Lordships who casts his eyes over the number of peerages becoming extinct from natural causes, would see in how short a time the character of this House might be entirely altered by the creation of these life peerages, and that I beg to impress upon your Lordships as a consideration of great importance. So much for the expediency side of the question; upon which, after what has fallen from my noble and learned Friend, I feel it unnecessary to dwell. I will, therefore, at once consider its legality. The great authority relied upon to support the principle of the creation of life peerages is Lord Coke; but, although I have a very high respect for Lord Coke, it is not as an expounder of the law of dignities. But as Lord Coke is relied upon, I would ask your Lordships to consider what he said upon the subject. Coke stated that nobility might be gained by the operation of the law, as, for instance, in the case of a lady marrying a Peer; and, he added, as an estate for life may be gained by marriage, so may the King create either man or woman noble for life, but not for years, because it might go to executors or administrators. Now, to stop here for a moment. Coke only objects to a creation for years because the dignity might go to an executor or administrator; he would, therefore, not have deemed a grant of a peerage for five years invalid, if made dependent on the life of the grantee. Are the Government prepared to adopt that view? In selecting lawyers, for example, far advanced in life, Ministers might calculate the term of years during which they were likely to be serviceable in this House upon Appeals. But the nobility of which Coke was speaking in this passage could not have referred to any right to sit or vote in Parliament, because he distinctly stated that it could be conferred upon a woman by bestowing on her a peerage for life; and your Lordships are well aware that a woman could not sit in Parliament. The noble Earl had referred to a passage in a letter from Sir Harris Nicolas to the Duke of Wellington, and recommended the perusal of it to the noble Lords behind him, with a view to influence their votes. I cannot help thinking that this letter has been the foundation of the attempt now made to introduce peerages for life. I warn your Lordships, however, not to be misled by that letter, which is inaccurate in its facts, and illogical in its reasoning. The noble Earl had quoted a great number of references, but they might all be traced to the parent stock; every one of them was dependent upon Lord Coke's authority. I contend, however, that Coke, in the opinion which he gave, was alluding to the mere grant of an honour, and not to the conferring of any right to sit and vote in this House. If you insist that Coke's opinion makes out the right to grant peerages for life, you do violence both to the language and to the intention of the learned Chief Justice; but if you accept my interpretation of the view taken by Lord Coke, and make his remarks in this place apply merely to an honour, an advancement, and not to a right to sit and vote in this House, the language and opinion would be perfectly consistent with the practice. The cases which Coke had in his mind were probably these — Henry VIII. made two Barons of the Empire Barons of England, but he did not issue any writ of summons, and they never sat or voted in this House. In Coke's own time, also, when he was in great practice, and a great man, James I. granted to Sir James Hay the title of Lord Hay, with precedence next after the Barons of England, but not to enjoy any voice or seat in Parliament. Those examples were followed by Charles I., who granted a Barony for like to Baron Reede (an alien), to hold to him and the heirs male of his body, but without a voice or seat in Parliament; and it was these first cases which justified Coke in the statement which he made, supposing that the interpretation were placed upon the words which I have ventured to point out. Sir Harris Nicolas stated that there were many instances in the time of Richard II. of life peerages, and that it was held by Chief Justice Coke that these creations were strictly legal; and that if a man were created a Peer by patent, without any remainder being mentioned, he has only a life estate in the dignity. Coke, however, says no such thing; but he does say that if a man be created a Baron by letters patent, the state of inheritance must be limited by apt words, or else the grant is void; and in another place he says that the patent must have the words "his heirs, or the heirs male of his body," &c., otherwise he hath no inheritance. He never was in a position to deliver an opinion on the subject as Chief Justice. Now, I assert that it never has been decided that a grant of a life peerage was valid, much less that a grant of a peerage without any words of limitation passed only a life estate. I shall have occasion again to refer to the latter point. Coke in his *Comment upon Littleton*, refers to Reynell's case, in his Ninth Report, but that is *idem per idem*. The case turned upon the grant of an office—the Marshal of the Marshalsea—and Coke and two other Judges were called in by the Chancellor to assist him. Coke, as was his wont, and for which he was found fault with by the Judges in his own time, reports the Judges to have agreed to a string of Resolutions, amongst which is one that the King cannot grant to one that he and his executors or administrators shall be Earls for years (for the reasons before stated); so, without question, the King may create an Earl for life in tail or in fee, and the authority referred to is his own *Commentary*. This passage hardly supports the claim to grant a life Peerage simply; and this and some other passages in his *Commentary* may well be understood to refer to cases where a dignity is created for life, with remainders over.

I must guard your Lordships against placing much reliance on Coke's authority upon this branch of constitutional law. I will again refer to an instance mentioned by my noble and learned Friend, in which Coke's opinion was delivered with much more authority, and upon the point directly before him, and yet was recently overruled in this House—I allude to the Earl of Shrewsbury's case, which he has reported. The Lords of Council, by letters patent, directed to Lord Chief Justice Coke and two other Judges this question, whether by the Absentees' Act of Henry the Eighth, whereby the estate was forfeited, the earldom of Waterford was forfeited also? Those Judges made a Report to the Lords of Council, in which they stated that, having heard counsel at length, and having considered the case in all its bearings maturely, they were of opinion that the earldom was struck at, as well as the estate, and elaborate reasons are given by Coke in his Report in support of that opinion. Nevertheless that opinion was overruled in this House in 1832, and it was held that the earldom of Waterford was not forfeited. The House acted upon the unanimous opinion of Lord Chancellor Brougham, Lord Lyndhurst, and Lord Plunket, Lord Chancellor of Ireland. I could point to several passages in Coke in which the law of peerage is incorrectly laid down; it is not safe, therefore, to rely upon the great name of Coke in all instances upon the law of dignities.

Another case referred to in support of life peerages is in the year books, in the 32 *Hen.* VI., where the question turned upon the effect of an earldom descending to a plaintiff pending the action, whereby his designation was altered; and Danby, in argument, put the case of a man being made Earl *pur autre vie*, and brings his action as such, and during the action, *cestui que vie* dies, by which he has lost his name of Earl; and he argued that the action should abate, and so in the principal case. It is said how familiar the law must have been when counsel were permitted to refer to it as perfectly settled. This is really carrying the weight of argument too far; but Danby does not speak of a creation by the authority of the Crown alone; he no doubt had in his mind the creation some years previously, by Richard the Second, of Edward—eldest son of his uncle, Edmond, Duke of York—as Earl of Rutland, for the life of his father, with a provision for him during the Duke's life. But this is no authority for the creation of a peerage for another man's life. Edward was the Duke's eldest son, and therefore would sit at once with, in effect, an hereditary peerage. It was similar in its operation to the present plan of calling up to this House an eldest son in his father's lifetime; and the circumstance that the Duke might forfeit his dignity by treason, is entitled to no weight in his view. Besides, what at once removes the case as an authority on the point under discussion, the dignity, as appears by the Parliamentary Rolls, was granted in full Parliament, and with the assent of Parliament. It is unsafe at this day to rely upon any ancient grant of a peerage not supported by the general law, and not followed in later times. For example, Edward IV., in 1479, created the Prince of Wales, afterwards Edward V., Earl of Ma ch, to hold to him and his heirs during the King's pleasure. This dignity became merged in the Crown; but, following it as a precedent, if the grant now under consideration be valid, the learned Baron might have been created a Baron during his life and the Queen's pleasure.

I will now shortly call your Lordships' attention to some of the numerous alterations in the law of dignities, simply to show how the law has been altered from time to time, not by Act of Parliament, but by decisions or acts of this House, and how unsafe, therefore, it would be to rely upon any learned writer, without tracing the law and the practice through later periods. It was at one time held that the husband of a Peeress in her own right was entitled to the peerage during their joint lives. This was ruled otherwise by Henry VIII. with great assistance, because the dignity would shift from the husband upon the death of his wife, which was deemed objectionable. The next question was, whether a man could in like case be tenant by the courtesy of his wife's dignity, where there was issue, who might inherit the dignity, and Henry VIII. in the same case ruled that in analogy to the husband's right in real estate, he might take as tenant by the courtesy; but upon a claim to the Barony of Willoughby, Elizabeth referred this question to Commissioners whose opinion was against the right, and that is now a settled point. Again, it was considered that a Peer could alienate his peerage with the consent of the Crown, and that he could surrender it to the Crown; for as he could alienate or surrender his barony, so he might dispose in like manner of his dignity; but in both instances it was ruled otherwise, and the law on those points has long been settled. Of surrenders, there were numerous instances which had never been questioned; but upon a claim to the barony of Grey of Ruthyn, in 1640, where the right did not depend upon this question, yet as the counsel had dealt freely with it, the House fired up, and resolved, *nem. con.*: 1. That dignities could not be aliened or transferred. 2.

That no Peer could drown or extinguish his honour—but that it descends to his descendants—neither by surrender, grant, fine, nor any other conveyance to the King. Twenty years afterwards, the point was regularly raised upon the validity of the transfer and surrender by fine of his dignity by Viscount Purbeck to the King; and, after elaborate arguments, it was decided that the surrender was inoperative; and thus the law has ever since remained. Now numerous instances of surrenders were quoted in the Purbeck case. Lord Shaftesbury, who had been Chancellor the year before, but upon whose legal knowledge the noble Earl has commented with some severity, spoke remarkably well against the claim of the Crown, and relied upon the fact that the surrenders were passed *sub silentio*, and never admitted of any dispute. Jones, the Attorney General, in his argument, spoke of peerages for life, as if free from doubt; for which Lord Shaftesbury justly rebuked him, as being a point of greater consequence than the thing in debate: it was not a fair way of arguing; it was not to be allowed of. This case proves that if there were any precedents in favour of life peerages—I deny that there are any—they would be of no authority, inasmuch as they break in upon the general law as to peerages, and have never been considered by this House. To proceed with a few more examples. Upon a descent to females, it was formerly considered that the eldest was entitled, and that the Crown could confer the right on the husband of any. It is now settled that the dignity is in abeyance. The power to determine the abeyance is in the Crown, but it can only be exercised in favour of one of the co-heirs. Formerly it was held that the King might degrade a Peer for poverty, but it has long been settled that this can only be done by Parliament. Coke lays it down expressly that if a Duchess marries a Baron, she remains a Duchess, and loses not her name, because her husband is noble; yet other authorities were opposed to this view; and upon the coronation of George III. the Duchess Dowager of Leeds, who had married Lord Poltimore, was not allowed to walk as a Duchess.

I propose now to call your Lordships' attention to a remarkable case, for the double purpose of showing an alteration in the law, and the mode in which my noble and learned Friend might have proceeded if he had not adopted the mild course of moving to refer the question to a Committee; he might, consistently with authority, have moved a Resolution, that the Crown had not the power to grant a simple life peerage. The case arose after the union with Scotland, upon the grant of the English dukedom of Brandon to the Duke of Hamilton. It was a remarkable case. The House, upon Motion, took the Duke's claim into consideration; and after hearing counsel on all sides, in the presence of the twelve Judges, resolved,—1. That no question should be put to the Judges; and, 2. The right of Scotch Peers, created Peers of Great Britain since the Union, to sit in this House, was negatived. There was much to be said in favour of this Resolution; yet, upon the same question being again raised in 1782, it was ruled by the House in favour of such grants, and that is now the settled law. I have quoted these examples, not as bearing upon the particular case before your Lordships, but as showing what the fluctuations of the law have been, and that we cannot with safety merely refer to the opinion of Lord Coke, or of any other great lawyer, and say that such is the law of the land. The point is now, for the first time, before your Lordships; and if ever there was an occasion on which you were called upon to exercise an independent judgment, untrammelled by authority, it is the present. It is now your duty, for the sake of everything you hold sacred, to maintain the hereditary principle of this House. The question now before the House is, whether this patent is legal or not. I venture to assert that there is not on record a single case that supports the proposition contended for, namely, that the Crown, simply by its own authority, and without the aid of Parliament, can create a Commoner a Peer for life, and place him upon the benches of this House, with a right to vote.

I now propose to examine the cases which are brought forward in order to establish the validity of life peerages, and to make good my assertion, that none of them proves the validity of such grants. The first case is that of Guiscard D'Angoulesme; he and his father were both severely wounded at the battle of Poictiers; he was left on the field for dead, but recovered, and passed into the service of England; he was much employed by Edward III. and by the Black Prince, and when Richard II. was crowned in his boyhood, Guiscard was appointed his tutor, and was created Earl of Huntingdon for his whole life. He was summoned to Parliament; but as a foreigner, he could not sit; it does not appear that he did sit; he died at the end of three years without issue. It is not probable that at such a moment this appointment would be questioned; but surely it cannot at this day be made a precedent to justify such a departure from long-established law and practice as that before your Lordships. Let me call your attention to what Edward III. himself did in the case of an alien on whom he desired to bestow an earldom. Instead of venturing, like those who acted in the name of Richard II., to create such an earldom of his own authority, the Chancellor declared to the Parliament the marriage of the King's daughter to the Lord Coucy, who had fair living in England and elsewhere, and that it was for the honour of the King to create him an Earl, which all the Lords thought good; but Cotton tells us that, "but that for the King was not determined of what name, there was no more therein done;" he was, however, immediately made Earl of Bedford, which title became extinct by his death without issue male. It is remarked by Mr. West (who for a short remaining period of his life was Chancellor of Ireland, and who wrote a book on dignities with a particular view to the Peerage Bill in 1719), that in this case the opinion of the Peers was asked of each separately, and "*chacun per soy*;" and the Commons, with one assent, granted what the King desired. So that even in the case of his son-in-law, Edward III. did not venture to act without the authority of Parliament taken in the most solemn manner. In the 1st of Richard II. there is another instance of a grant of an earldom without the authority of Parliament. Thomas, Earl of Wodstoke, was created Earl of Bucks, and yet, in the 14th of Richard II., for the security of the Earl, a new grant was made of the same earldom, with the assent of the Prelates, and Peers, and Commons.

The next case relied upon is that of the favourite, Robert de Vere, Earl of Oxford, who was created Marquess of Dublin (being the first creation to that dignity) for his whole life. He was afterwards made Duke of Ireland; and Stow ridicules these pompous titles. Now, in the first place, the Marquess was already an Earl, with a descendible estate, so that he and his issue male would continue to sit just as if the marquessate had never been created. But this was not the mere creation of a dignity for life; it was also a grant of Ireland, of the dominion of the land; all Earls and Barons were to do service to him; he was at liberty to coin; and all the lands which he conquered were vested in him in fee. It was one of the grossest cases of the transfers by the Crown of property and title that ever occurred. It was, to be sure, subject to the trifling obligation to subjugate the Irish at his own charges. But what removes it altogether from the list of supposed authorities is, that the patent was granted in full Parliament, and with the assent of Parliament, and was confirmed by Parliament. That is conclusive.

The next instance is that of the creation, by Richard II., of John, Duke of Lancaster, (the King's uncle) Duke of Aquitaine, for his whole life. This really was a grant of the dukedom, to hold the same, during his life, of the King, as of the King of France, as largely as ever the King held the same, saving only to the King, as to the King of France, the direct dominion of the same duchy. It therefore had relation only to France, and did not affect the English Peerage; nor, indeed, could it, for the Dukedom of Lancaster gave to the Duke and to his issue male all that the other dukedom, if treated as an English Peerage, could give to him; and, as a later dignity, it could never interfere even with his precedence in this House. This grant was made one of the subjects of impeachment. The grant, besides, cannot influence this question, because, as in the last case, it was made by assent of Parliament.

The last on the list in the reign of Richard II. is the grant to his cousin, the Countess of Norfolk, of the rank of Duchess for her whole life. It is observable that this creation was in Parliament, and at the same time a large number of the highest dignities were granted to men and the heirs male of their bodies. This lady was already a Countess. It was the commencement of the grants to women for life. They are much relied upon by the advocates for life Peerages, but they appear to bear forcibly against the present claim, for they do not interfere with the composition of this House, as women cannot sit here; they are intended merely as honorary rank, without reference to this House. No such clause is introduced into these patents as was inserted in the patents of James I. and Charles I., that the grantee shall not have place or voice in Parliament, simply because it was unnecessary. It is a circumstance entitled to great weight, that, whilst for the last 400 years such grants have constantly been made by the authority of the Crown, down to our own time, there is not one single instance in which such a grant has been made to a man until the issuing of the present patent. The frequent creations of women as Peeresses for life make the case much stronger than if the creation of life peerages had altogether ceased during this long period. It is observable, too, that whilst Peerages for life have thus been granted to women, the Crown, by its patents of creation of men, has carefully confined the limitations to their male heirs, so as to exclude females, who would take under a common writ of summons.

For the authorities we are now to pass on to Henry V. In his second year, the King created John of Lancaster, his brother, Earl of Kendal and Duke of Bedford, to hold during his natural life; and at the same time he created his other brother, Humphrey, Earl of Pembroke and Duke of Gloucester for life; and Richard of York Earl of Cambridge; the latter, it appears, without any limitation, and "which, therefore, has been treated as a Peerage for life only." The two former were extended subsequently to the heirs male of their bodies severally, and all the original creations were in Parliament, and the subsequent extension was made with the assent of Parliament. The earldom merged in the Crown; but no one is authorised to say that the grant, being without words of limitation, did not pass an inheritance. I am not called upon to express any opinion upon the subject; but it would be singular, if a life estate only was intended, that the words "during his life" should not have been added to the earldom, as they were to the dukedoms. But as an inheritance passed by a writ of summons without words for that purpose, and as a patent was merely a substitution for the creation by writ, one should have been prepared to find that a creation by patent not confined to life, although without words of limitation, conferred an inheritable dignity on the grandee. It is remarkable that this point has never been decided; and, as far as I am aware, never has been ripe for decision. I have already said enough on the subject of Coke's authority on the law of dignities, where he had no decision of a competent tribunal to guide him. As these three grants were in Parliament, they, independently of other grounds, are no authorities on this subject.

The next creation relied upon is that by Henry V., of Thomas, Earl of Dorset (the King's brother); he was created, it is stated, Duke of Exeter "for his natural life." Stow makes no mention of its being confined for life, but it is so expressly stated by Dugdale, from which it has been inferred that he considered it was, in law, confined to the Duke's life. Now, in point of fact, the grant was general, and there were no words confining it to the Duke's life. Dugdale, in mere error, states it to have been a creation for his natural life; he does not come to that conclusion from the want of words of limitation; he makes no such statement. I have already observed upon the effect of such a general grant: no question ever arose upon the operation of this grant, because the Duke died the year after his creation, without issue. It will be observed that he was already an Earl; and as he was created a Duke in Parliament, I need not further remark upon his creation.

The last creation relied upon in the reign of Henry V. is that in 1417, of the Earl of Warwick, who was created Earl of Albemarle for life. Albemarle was originally Aumerle, and the creation was clearly with a view to the Earl's services in France. It was, as regarded England, in effect honorary. He was already an Earl, and his earldom was descendible to his issue male. The new creation could have no operation in this House; it was of the same degree, and by a later creation; the Earl could not multiply himself, and sit in two places, or give two votes.

The last case bearing upon this point is in the time of Henry VI. In 1411 Sir John Cornewall, who had married the King's aunt, was created Baron Faunhope, and in 1444 (20 *Hen.* VI.) he was created Baron Milbroke. Sir H. Nicolas treats both these as grants for life, for which he had no sufficient warrant. They were both without words of limitation, and I will not re-discuss their operation; but it is remarkable that this is the only instance brought forward as of a barony by patent for life, although, as we have seen, there were no such words in the patent. The question as to its operation never arose; he died the year after the last patent without issue. It is singular that the first barony created by patent was to the grantee and the heirs male of his body; the second was that of Faunhope, and it was without either words of restriction or of limitation. I must leave it to your Lordships to draw the conclusion. And, finally, these grants of Faunhope and Milbroke were made by assent of Parliament, which displaces them as authorities on the point under consideration; and the latter patent was, with all rights, privileges, and immunities, as largely and in the same form as other Barons. They can by no fair reasoning be deemed authorities for this naked grant of a Barony expressly for life, if even they had not had the aid of Parliament. Your Lordships will not fail to have observed that most of the creations relied upon were to members of the family of the King for the time being, and in those times Kings endeavoured to make up for the uncertainty of their tenure by a rigorous exertion of their authority whilst it lasted. Such exercises of authority, which no one dared to impugn, afford us in these days but little light in regard to the true rights of the Crown.

I have said that Sir John Cornewall's was the last creation relied upon; but the supporters of this prerogative have ventured to bring forward the earldom of Thomond, created by Henry VIII., in 1543. It was created, as my noble and learned Friend has stated, upon the surrender to the King of the Principality of Maurice O'Brien, which it was of great importance to the King to obtain, and the King, therefore, was not likely to refuse a grant of any dignity which would be acceptable to the O'Briens. The earldom of Thomond was granted to Maurice for life, with remainder to his nephew Conan (whom, in truth, he had deposed) for life; but each of them was at the same time created a Baron in the usual way to him and his heirs male, so that each sat in respect of a descendible estate, although a higher title was limited to each in succession for life. The nephew, however, survived his uncle, and he surrendered his dignities, and had a new grant in 1552 to him and the heirs male of his body; this, therefore, forms no precedent; by our law the surrender was void; but we may dismiss this case as an authority, with this one observation, that it was the creation of an Irish peerage, and we are now inquiring into the nature of English dignities, and not into the rules which govern Irish or Scotch dignities.

It appears, then, that in every case of the creation of a life peerage, the authority of Parliament was obtained, as essential to its validity; and to such creations no objection on the ground of illegality can be raised. No one disputes the right of the Crown to create dignities without the aid of Parliament; but I must observe, that it has long been exercised in such cases only as the hereditary nature of the peerage warrants; for ever since the power of Parliament has ceased to be called in aid, the Crown has ceased to create peerages for life, conferring a right to sit and vote in this House.

It has been argued, that as the Crown formerly withheld writs of summons at its pleasure, life estates in dignities were then virtually created. This argument is easily answered. The writ of summons issued in the first instance followed by a sitting created an hereditary peerage beyond, indeed, what is now ever granted. The learned Cotton clears up this difficulty. He says—

> "If any reader desire to know why all the noblemen and Peers of England were not always equally mentioned in writs of summons to our Parliament, but sometimes divers of them omitted, the reasons thereof will appear to be these:—1. The new creations of many of them from time to time. 2. Their absence in foreign wars and services beyond the seas. 3. Their attainders of treason, by reason of insurrections and our civil wars. 4. Their nonage or death without issue male. In which three last cases no writs of summons were directed to them till their return into England, their attainder repealed, they and their heirs restored, or their heirs become of full age; otherwise they were all of course and right constantly summoned."

Reliance, my Lords, is then placed on the numerous creations of life estates in dignities, with remainders over to a particular line of heirs male. Now, it strikes me that these creations are also strongly adverse to the claim of the Crown to grant a mere life peerage standing by itself; for the former have been regularly granted without objection; whereas, for 400 years, the latter has in no instance been attempted.

It is altogether a mistake to suppose, as I have before observed, that the objection is to the creation of a life estate in a peerage; the objection is to such a creation, unaccompanied by remainders, rendering the peerage hereditary, although to a particular class of issue male. In truth, none of your Lordships holds more than a life estate in his dignity, although it is transmissible to his issue male, for of course he can only enjoy it for his life; and although it is transmissible, yet it cannot be alienated or surrendered. The question upon a new creation is, has the Crown raised an hereditary dignity? If it has, it is immaterial whether or not a life estate has been created in it; the dignity will vest in a male issue designated, and the seat in this House will be regularly filled by an heir male. Frequently the creation of a life estate in such patents is merely verbal. Take, for example, the earldom of Vane, created for the late Marquess of Londonderry, in order to provide for the issue male of his second marriage; it might either have been limited to the Marquess for life, with remainder to his heirs male of the second marriage, or to him and the heirs male of the second marriage by one limitation. I must repeat, that for a period of 400 years the Crown has not attempted to exercise this right; and I cannot help thinking that the raising of this question now is as wanton and unnecessary an act as it is a highly inexpedient one. It was, no doubt, the wish of the Ministry to establish by this case a precedent for future imitation, and it is, therefore, the duty of your Lordships firmly to declare your uncompromising opposition to such an unconstitutional proceeding at the very outset. The learned Judge, who is personally concerned in this matter—a lawyer of great eminence and unimpeachable character—is so circumstanced as to render it morally certain that there would be no claimant after him to the inheritance had his peerage been made hereditary; and, therefore, the excuse pleaded for limiting his title to his own life—that it was not desirable to bestow hereditary peerages on lawyers whose fortunes were insufficient to found a family—is, in this instance, wholly inadmissible. The cases and arguments that have been cited to support this innovation are inapplicable, and utterly beside the point in dispute.

The position of the bishops and of the Irish and Scottish representative Peers in this House has been referred to. Now, no doubt originally the Lords Spiritual sat in that Assembly in right of their baronies; and those baronies had long ceased to exist. Still, they sat there in virtue of the sees to which they had been appointed, and those sees were always filled, and represented in that House. An unbroken succession in perpetuity was thereby maintained. The sees are always represented, and in that view the dignity is perpetual, although not hereditary, so that there is no shadow of analogy between the case of the episcopal bench and that of a lay peerage for life.

Lord St. Leonards

Then, as to the Irish and Scottish Peers, every such Peer who sat in this House was possessed of an hereditary peerage; he came there after being duly elected by possessors of the like inheritances, and did not occupy the anomalous position of a mere life-renter. These Peers, having a patent which extended to their children in succession after them, sat there when elected with as good a right and with as much honour and dignity as any other Member of that House. Indeed, they not only were Peers by descent, but they represented the whole class to which they belonged, but for whom there is not room in this House. The noble Earl, in support of the act of the Government, related to them a conversation which took place between the then Ministers and a certain Judge, in the year 1851, with reference to a measure of this kind that was then contemplated. Surely the noble Lord did not seriously think that a story about a conversation happening in the way he described could carry any just weight with your Lordships on a constitutional question of this magnitude.

But it does not seem to have occurred to the noble Earl that a desire in recent times to try this right, not followed up by an exercise of it, is evidence of an opinion that it could not be legally or constitutionally exercised. It appears to me, my Lords, that the grant of this life peerage is an infringement of the spirit and meaning of the two Acts of Union with Scotland and Ireland. It never, I think, occurred to the framers of those great national treaties, that the Crown would be able to create naked estates for life in dignities. What rank would the families of such dignitaries fill? Upon a somewhat careful consideration of the Peerage Bill in 1719, it appears to me that neither the supporters of that measure, nor those who opposed it, supposed it to be in the power of the Crown to create a naked life peerage.

My Lords, I can refer your Lordships to other instances of the opinions of great authorities against the right now claimed. Somers, whom a Whig Government will not deny to have been a great constitutional lawyer, had only for a few years been in extensive practice, and his fortune was altogether insufficient to maintain a peerage when he was called upon by the King to take his seat in this House as Lord Keeper or Lord Chancellor: he was sent for, and told that his services could not be dispensed with; as he could not accept a peerage, he sat in this House to hear appeals, but not as a Peer, thus placing himself in the painful situation of not being able to speak in the House. Your Lordships will find this stated in Macaulay's fourth volume. Now all this might have been avoided by giving to him a peerage for life, for here will was not wanting on either side to grant or to accept an hereditary peerage; but poverty forbade it. A peerage for life, therefore, with the certainty of its extension to his issue male when he desired it, would have removed all difficulty; but that was a course which never occurred to the mind of this great lawyer. Does any man believe that it occurred to the Ministers of Queen Anne, when the twelve Peers were created, that they could confine them to life estates? and can any one doubt that the whole law and practice in regard to life peerages was before them? It is plain, I think, that when a large creation of Peers was threatened, in order to carry the Reform Bill, not that the Government of that day were ignorant of the state of the law as to the creation of life peerages, but that they deemed such a creation illegal; for, considering the power they had obtained from the Crown, the unconstitutional nature of the measure could hardly have increased their difficulty. My noble and learned Friend behind me (Lord Brougham) has told us, in one of his publications, how they proposed to supply the requisite number by eldest sons of Peers, and the like, and how difficult it was to make up the required number; and yet not a word is said about life peerages. If even they deemed such a step legal, they might well shrink from the danger of permanently reducing the power and usefulness of this House, whilst they were about to increase for ever to so great a degree the power and influence of the other House. It is impossible to look through our history since the Revolution without being impressed with the belief that at various periods the wish to create life peerages existed, although no Minister was found bold enough to advise the exercise of the right.

My Lords, I ought to beg pardon for detaining your Lordships so long. The great importance of the subject is my excuse. I do trust that, after the full consideration of the case, Her Majesty's Government will advise Her Majesty to extend the patent in question to heirs male in the usual way, when we shall hail the admission into this House of the noble and learned Baron.

The LORD CHANCELLOR said, that their Lordships were called upon to say "Aye" or "No" to the Motion of his noble and learned Friend, whether they would or would not refer to a Committee of Privileges the patent which Her Majesty had been pleased to pass in favour of one whom he must designate as his noble and learned Friend Lord Wensleydale, and for them to consider and report upon the same. The alleged ground—and he sincerely believed the real ground—which had induced their Lordships to take so deep an interest in this matter was, that they thought it involved constitutional doctrines of a very important nature. But it behoved their Lordships to take care that in attempting to vindicate the constitution by such a mode, they did not themselves trench upon it, and infringe upon the prerogative of the Crown, in proceeding upon a matter in which their Lordships had no original authority or jurisdiction. He might be wrong, but he thought he should satisfy their Lordships that there was no precedent whatever, except one which was easily distinguishable, to warrant their Lordships in the course they were now asked to pursue. What were the legal consequences of a grant of nobility? He would take it upon himself to say that they were all privileges and rights without the walls of that House. That which gave the right to a Peer to sit in their Lordships' House was not the patent, but the writ of summons which he was entitled to receive in consequence of his patent of nobility; and the question whether a person was or was not entitled to such a writ rested entirely with the Crown to decide. In former times the Crown was in the habit of consulting some of the Judges, or some of the Privy Council, on the question whether any one claiming a writ of summons was or was not entitled to it; but in later times—*i. e.* during the last century and a half or two centuries—the question had been invariably referred by the Crown to the House of Lords, who report their opinion thereon to the Crown, and the Crown would doubtless be very ill advised if it did not act upon the opinion given by their Lordships. But it was laid down in the books as the universal doctrine—and he denied that any authority could be adduced to the contrary—that in this matter the House of Lords had no original jurisdiction. They had no right to say whether a patent granted by the Crown was or was not valid, more than they had to inquire whether any man's title to his estate was or was not valid. If it was not valid, then the Crown would not be bound as of right to issue a writ of summons; if it was valid, then the person would be entitled to such a writ; but if the Crown entertained any doubt upon the subject, then the Crown would refer the question to that House. He defied their Lordships to produce a single instance in which the House of Lords had intrenched upon the prerogative of the Crown by telling the Crown that the grant it had made was invalid and void. He repeated that the rights conferred by a patent of nobility were rights outside of that House. There were some most important privileges conveyed by such patent; among them, no doubt, was the right of demanding a writ of summons to sit in the House of Peers. There were, moreover, other privileges not connected with the House, such as the right of being tried by one's Peers, freedom from arrest, and others. Those rights could not be affected by any decision which their Lordships could arrive at. Let him suppose that a question of this sort was referred to a Committee of Privileges, and that the Committee had determined that the patent was invalid; and then let him further suppose—he really must beg his noble and learned Friend Lord Wensleydale's pardon for the supposition—that the party was charged with a felony, and was indicted in a court of law, and that he pleaded that he was a Peer of Parliament, to which it was answered that the patent of nobility had been declared invalid by a Committee of Privileges; what would the courts of law say to that decision? They would wholly disregard it. This was no imaginary case. It had occurred long since. In the time of William III., Charles Knollis, in answer to a charge of murder, pleaded that he was Earl of Banbury. To this it was replied, that he was not the lineal descendant of the party to whom the patent had been originally granted, and that Parliament had so decided. Lord Chief Justice Holt, who presided at the trial, said that the decision of Parliament was no authority, and that the Court must look to the patent itself and ascertain, as a matter of fact, whether he was a lineal descendant of the Earl of Banbury, in order to see whether the Court had any authority to adjudicate upon the question before it or not. The plea of the party prevailed, and thereupon the House of Peers of that day did what their Lordships would never do; they adopted the exceedingly unfortunate course of summoning the Chief Justice to the bar of the House to inquire into the reason for his acting as he had done. Lord Chief Justice Holt, in conformity with the constitutional firmness of his character, respectfully but firmly declined giving any reason for his conduct. He (the Lord Chancellor) had referred to that case, in order to show that a question upon the peerage could not be decided conclusively by their Lordships. What could they decide? They could not decide by seeing the patent that Lord Wensleydale had no right to sit by virtue of a writ of summons. If Lord Wensleydale presented himself at the bar of this House with a writ of summons, upon what authority could he be kept out? Should their Lordships attempt to assert such an authority they would be attempting a most dangerous infringement upon the constitution. The truth was, this question was being raised before it could be legitimately raised. When at, he hoped, some far distant day, his noble and learned Friend Lord Wensleydale should be gathered to his fathers, and when his grandson shall petition the Crown and claim to be entitled to a writ of summons, then, and not until then, would be the time when this question would legitimately arise, and their Lordships would have to decide whether it was a valid patent or not. If the patent is valid, it will explain why the writ of summons was issued to Lord Wensleydale, and will show that after his death no right to any further summons exists. If the patent is invalid, then Lord Wensleydale, by sitting under a writ of summons, without any valid patent to qualify it, will have acquired a barony to him and his heirs general. He pointed this out because he considered it his duty and theirs studiously to take care that, in defending what they considered to be one branch of the constitution, they did not inadvertently trench to a most dangerous degree upon another branch—namely, the sole prerogative of the Crown to decide who were entitled to writs of summons. He was aware that there was one instance, which had been much relied upon in the present discussion, in which a course nearly similar to this was taken. It was the case of the grant by the Crown of the dignity of Duke of Brandon to the Scotch Duke of Hamilton. Queen Anne, shortly after the Union, granted this nobleman the dignity of Duke of Brandon in Great Britain; whereupon notice was entered upon the journals on Wednesday, December 12, 1711, that the House would take the subject into consideration on the following Thursday. Now, if such consideration was thought necessary with regard to the patent, this was the proper course to take; the whole House, and not a Committee of Privileges, was to deliberate upon the subject. Accordingly a great debate took place—for the question then assumed, what he hoped the present would not, a strong party aspect. The question of the validity of the patent—that is, the power of the Crown to grant a British dukedom to a Scotch Peer—was discussed in the presence of the Judges; and a Motion was made that the Judges should deliver their opinions. That Motion was, however, resisted—no doubt because it was pretty well known what the opinion of the Judges would be:—the House refused to put the question of validity to the Judges, and ultimately decided of themselves that the Crown did not possess such a power of creation as that involved in the patent before them. This was the precedent upon which, he presumed, reliance was placed by the noble and learned Lord (Lord Lyndhurst), who accordingly asked the House, through their Committee of Privileges, to decide that a patent passed under the Great Seal was an invalid patent. Now, this, which he would take upon himself to say was the sole precedent for the course which the House was invited to take, was not a very promising authority. The conclusion come to in 1711 was palpably wrong, and in 1782, when the grandson of the Duke of Brandon applied to the Crown for his writ of summons to the House of Peers as Duke of Brandon, the question was referred constitutionally and properly by the Crown to the House, and they in effect overruled the former decision. Since he (the Lord Chancellor) had come into the House, he had been reminded of what had passed last Session. The question then was whether Lord Fermoy had been properly created an Irish Peer. The matter had only been referred to conversationally, and the reference to the Committee of Privileges in that case had passed *sub silentio*, for the case had been felt to be one of great urgency, and every one had been anxious to put his shoulder to the wheel in order to obtain a decision. In truth, it affords no authority for the course now pursued; for by the act of the Union with Ireland, all questions as to the election of Irish Peers are in terms referred to this House. The case of the Duke of Brandon in 1711, was the only authority for the course which they were now asked to adopt; and therefore it was that, independently of the merits of the case, so to say, he protested against such a course as a most unconstitutional attempt on the part of their Lordships to arrogate to themselves a prerogative which they did not possess and had never exercised, except in the single instance of the Duke of Brandon, to which he had referred. In that, instance, too, there were circumstances which distinguished it entirely from the present case. The question there raised was, that the person to whom the patent was granted was incapacitated by law to receive such a patent, and that, consequently, it was just like a patent granted to a foreigner, or a minor, or a woman, neither of whom, if they obtained a writ of summons from the Crown, would be allowed by their Lordships to act upon it. But, while raising this point, let it not be supposed that he wished to shrink from the main question. His noble and learned Friend (Lord St. Leonards), going beyond the ground which the Mover of the Resolution had ventured to take, had expressed the opinion that the grant of life peerages was an illegal grant. He (the Lord Chancellor) should like to know what was the meaning of its being illegal? Did his noble and learned Friend mean that no rights whatever were conferred by the patent? It might not entitle the holder to a writ of summons, but it was impossible to say that such a patent conferred no rights at all. For his own part, he must say that he never approached a subject more confidently than the present; and as his noble and learned Friend (Lord St. Leonards) expressed himself with equal confidence, their mutual confidence and mutual disagreement afforded, he confessed, an exhibition not very creditable as far as the certainty of the law was concerned. He contended distinctly that the patent was a legal act, and one which entitled his noble and learned Friend (Lord Wensleydale) to a writ of summons to attend this House. Whether fortunately or unfortunately he would not say, but they had no code of laws to refer to on this subject. They only knew their law by referring to those decisions and those writings in which learned men from time to time had handed down the traditions of our Saxon and Norman ancestors. In the first place, then, there was Lord Coke—he was almost ashamed to refer to that eminent lawyer again; but on this question of legality or illegality he felt that he was on his trial before their Lordships, for, supposing this to be an illegal act, he did not know but what he might be impeached for it, and certainly he ought to be visited with its severest censure, unless his having taken considerable pains to arrive at the truth were admitted as an excuse. He felt that he was the constitutional law Minister of the Crown, and, as such, he had not hesitated a single moment as to the legality of granting this patent. The first authority to which he would refer in support of his opinion that the creation of a life peerage was legal and constitutional was Lord Coke; and, as to the value which ought to be attached to the opinion of Lord Coke, he would quote a passage from a book written by one of the most eminent of living lawyers, and he felt the less reluctance in quoting from it because it was not a law book. The book to which he referred was entitled *The Lives of the Chief Justices*, and was written by a noble and learned Friend whom he saw near him (Lord Campbell). The noble and learned Lord Chief Justice spoke of him as "a considerable person in our history." It was to him we owed the Petition of Rights.

> "We are obliged" (says Lord Campbell, vol. i. p. 338) "to regard a man, with so little about him that is ornamental or attractive, as a very considerable personage in the history of his country. Belonging to an age of gigantic intellect and gigantic attainments, he was admired by his contemporaries, and time has in no degree impaired his fame. For a profound knowledge of the common law of England he stands unrivalled."

And a little further on, he says—

> "He was familiar to us as a lawyer. Smart legal practitioners who are only desirous of making money of their profession, neglect his works, but they continue to be studied by all who wish to know history and acquire a scientific knowledge of our political and judicial institutions."

And he goes on to say, p. 340,—

> "His *opus magnum* is his comment on Lyttleton, which of itself may be said to contain the whole common law of England."

He (the Lord Chancellor) had read that extract in order to show that he should not be very far wrong in relying upon what was said by Lord Coke; and, indeed, if he did err, he might say with truth, *si erro, erro cum Platone*. Such being the weight attributable to Lord Coke as an authority, let us see what he says. In *Coke upon Littleton*, the *opus magnum*, is this passage:—"The King may create either man or woman noble for life, but not for years, because then it might go to executors or administrators." He had been much surprised at the argument used by his noble and learned Friend, who had referred to Lord Coke's *dictum*, that nobility might arise by the Crown conferring a peerage for life, and had endeavoured to interpret that opinion into meaning simply that nobility so conferred might give precedence, but that it conferred no right to sit in Parliament. Now, what was the next sentence of Lord Coke? Lord Coke went on to say, every man is either noble that is a Lord of Parliament or of the Upper House, or he is under that degree. It could not, therefore, be maintained that, when Lord Coke said that nobility might be conferred by a grant of a life peerage, his meaning was other than that a person so ennobled might sit and vote in Parliament. But this was not the only instance in which Lord Coke referred to this subject; there must be a dozen passages in Lord Coke's works in which the same thing is said. There was a case in his ninth volume, in which the Lord Chancellor called to his assistance Lord Coke, the Lord Chief Baron, and the question was as to the power of the Crown to resume a grant which had been made of the Marshalsea. Among other matters, the case of peerages was discussed, and this was what Lord Coke gave as the unanimous opinion of himself and the other Judges—

> "But as the King cannot grant a peerage for years, which would go to executors or administrators, so, without question, the King may create an Earl for life, in tail or in fee."

Then there was the case of Lord Abergavenny, in the twelfth volume of his *Reports*, in which it was held that a writ of summons did not give a right to nobility, unless the party summoned sat under the writ—

> "But if the King creates any Baron by letters patent under the Great Seal to him and the heirs of his body, or for life, then he is ennobled."

He was perfectly ready to admit, although Lord Coke was, perhaps, the greatest authority ever known in the law, that he was liable, like other people, to err, and that propositions of his had been cavilled at and treated as mistakes. Had that been the case, however, in this respect? He should satisfy their Lordships, beyond all possibility of doubt, that not only had Lord Coke's opinion not been controverted, but that it had been endorsed by all the highest legal authorities from Lord Coke downwards. Probably the next highest authority to Lord Coke was Sir Matthew Hale; and there existed in the library of Lincoln's Inn a manuscript copy of Coke, which had been in the possession of Sir Matthew Hale. He could not say that Sir Matthew Hale declared that Lord Coke was right, but there was this negative testimony to be gathered from the document—that, whereas it was covered with comments upon all that Lord Coke said upon the subject, his opinion with regard to life peerages was not doubted or questioned for a moment. Next to Sir Matthew Hale, he could not probably cite a higher authority than Lord Chief Baron Comyns, who had published a learned *Digest of the Law*, and under the head "*Dignities*," he laid it down distinctly, that a person might be created a Peer by letters patent, and that by the patent the dignity might be limited to him or to his heirs, or to the heirs male of his body, or that it might be limited only to his life. He (the Lord Chancellor) had travelled now down to about the year 1740. Early in the reign of George III. was published a book, which, if it were not quite so much in vogue among lawyers, was more read and known among non-lawyers probably than any other legal work, and which had always been considered as stating with accuracy matters of constitutional law—he alluded to the *Commentaries* of Sir W. Blackstone. Justice Blackstone said that the creation by right had one advantage over that by patent, for a person created by right held the dignity to him and his heirs without any words to that purpose in the writ, whereas, in letters patent, there must be words to direct the inheritance, otherwise the dignity would be conferred for life only. Before his noble and learned Friend (Lord Lyndhurst) addressed the House he (the Lord Chancellor) was prepared to have said that the next great authority upon the subject in support of the view which he had taken was Mr. Hargrave, the learned commentator upon Lord Coke. Having sent for the book, however, he found that in a modern edition of the work the editor stated that he had added some notes which he had found in manuscript among Mr. Hargrave's papers. Whence that note came he (the Lord Chancellor) was unable to say; but he thought that the probability was, that the manuscript note, if ever written by Mr. Hargrave, had been rejected by him because he found that it was bad law, and it could not fairly be quoted, therefore, as Mr. Hargrave's opinion. Certainly, in Mr. Hargrave's edition of *Coke upon Littleton*, published in his lifetime, that very learned person never expresses a doubt as to the accuracy of Lord Coke's doctrine. There were many other authorities to which he might allude; but he would not weary their Lordships by further references. Among others, he might state that he held in his hand a book by Justice Doddridge, who was a very celebrated and able judge in the time of Charles I., and who said plainly that "this kind of dignity might be but for life, or for some other man's life." In the absence, then, of any authority to the contrary, he (the Lord Chancellor) contended that the legality of life peerages was perfectly clear. But the case did not rest there. Some forty or forty-five years ago a Committee of their Lordships' House was appointed to investigate the whole subject of the Dignity of the Peerage; it was presided over by an ancestor of the noble Lord near him (Lord Redesdale) who drew up their Reports. In those Reports Lord Redesdale canvassed pretty freely, but in the most anxious, laborious, and able manner, some of the old antiquarian doctrines which had been held on the question of peerages; and was it possible to suppose, when the noble Lord was called upon to report on the nature and dignity of that House, that a subject so evidently on the surface as that of life peerages would have escaped him if there had been any doubt with regard to it; and that he would not have pointed out the opinion which had been handed down from the time of Lord Coke, as a grave mistake? Instead of that, however, the third Report "on the Dignity of a Peer," which was dated in 1822, and which certainly proceeded from the pen of Lord Redesdale, has this passage, pp. 37, 38:—

> "The Committee find that it has been asserted that the persons to whom dignities have been granted by the Crown, whether the names of dignities so granted were ancient or of new erection, have usually had therein rights of inheritance general or special according to the nature of the grants or titles under which such dignities have been respectively claimed, either by express terms of grant or by consequence of law; though in some instances the effects of such grants have been specially restrained to the lives of the persons to whom such grants have been made. This assertion must be understood as not extending to

every dignity, and particularly to the dignity of knighthood, which has never been enjoyed hereditarily; or even to the dignity of peerage, where the terms of the instrument by which it has been created has expressed the contrary."

The passage is too long to quote further; but what I have already cited, as well as all which follows, shows to demonstration that Lord Redesdale considered the power to create life peerages to be a right beyond controversy. Having, then, shown this to be the view of all the learned writers to whom he had referred, confirmed by Lord Redesdale forty-five years ago, he thought that he might be absolved from any further discussion as to the force of precedents. It was a very easy thing to treat authorities of bygone times as inadmissible; but that was not a system which would be allowed in the courts of law, and it was a peculiarly dangerous doctrine in their Lordships' House, seeing that those very documents and precedents formed the actual title-deeds, as it were, to which many of their Lordships had been indebted for their seats. Perhaps it was not surprising that these old precedents should be lightly spoken of by Peers of yesterday, but he could not understand how they could be disregarded by those noble Lords who sat there in right of long hereditary dignity. The first case was that of Guiscard d'Angle. It was said that he was a foreigner. It might be so, but he must have been in some way naturalised; at all events he was made Earl of Huntingdon. The words in the patent were *totâ vitâ suâ durante.* It was an error to say that the patent was afterwards cancelled. The part of the letters patent cancelled was that in which he was granted a pension to support his dignity. The pension was payable out of certain lands; but it was afterwards discovered that there was not power to grant the pension out of those lands, and another patent was issued granting it out of other lands. In the first, second, third, and fourth Parliaments of Richard II., writs of summons were issued to him in the same way as to the other Peers. But it was said that there was no evidence of his having taken his seat in the House. The simple reason was that no such evidence was in existence. It was possible that he might not have sat in Parliament; but there were no records to show who were present, and who were not; and he certainly received writs of summons regularly as long as he lived. The next case was that of Sir John Cornewayll, made Baron Fanhope in the 11th of Henry VI. It had been called a creation in Parliament. To decide that point their Lordships should be aware of what the course of proceedings in those days was. From the terms of the patents it seemed that the Crown often did not like to grant dignities to persons who might be disagreeable to the other Peers; and therefore, of the forty-five grants of peerages between the first of Richard II. and the middle of Henry VI. more than one-half were made *assensu prelatorum procerum et communitatis;* eleven were for the life of the grantees, and one for the life of another person. The patent of Sir John Cornewayll bore that the creation was made with the consent of the Lords. The words were "*in trium statuum ejusdem Parliamenti presentiâ,*" which inferred, not the assent of Parliament — not that the creation was made by an Act of Parliament, but only that that dignity was conferred in the presence of Parliament. He would advert to only one other case, that of the Earl of Rutland, son of the Duke of York, created a Peer *durante vitâ patris sui.* Lord Redesdale, in his book on the "Dignity of a Peer," said that if the Duke of York had been attainted of treason, and had died in the lifetime of his son, the latter would not have inherited the dignity of his father, and would no longer have been Earl of Rutland or a Peer of the realm. Could anybody doubt, after reading that passage, that Lord Redesdale thought the patent of the earldom valid? All those persons to whom peerages had been granted for life had received writs of summons, and some of them could be proved to have taken their seats in that House. He had thus established that all writers on the subject admitted the exercise of this privilege to be an admitted right—that it was borne out by all the old authorities, and approved by Lord Redesdale. He admitted that 400 years had elapsed since there had been granted, *simpliciter*, a life peerage of this kind; but where was it laid down in any book of law that the Crown had no right to grant a peerage for life to any man or woman? It was admitted that such peerages had been granted to women. From the time of James I. to that of George II. peerages for life had been granted to eighteen women, and such grants were just as good authorities for the legality of the practice as if they had been bestowed on men. There was no distinction whatever between the one and the other. If these were illegal, just let the House consider how many eminent men had been neglecting their duty in passing them—for Lord Clarendon granted two; Lord Shaftesbury, one; Lord Nottingham, four; Lord Macclesfield, five; and Lord Hardwicke, one. When speaking of the illegality of this patent, he might remind the House that there were analogous cases, the validity of which might be questioned on the same ground. There were, for example, innumerable instances of peerages granted to persons who were not Members of the House before, with remainder to collateral relatives. Now, if the collateral branches in such a case happened to fail, it would have been, *simpliciter*, a grant for life, because, technically speaking, there was no such thing as the remainder of a peerage; every remainder was a new grant; and when a peerage was granted to A. for his life, with remainder to B., it was strictly two several grants. Many of their Lordships held their seats in this way. So also a peerage was sometimes given to a man and to his issue by a particular wife, but if the wife died without issue the peerage virtually became a life peerage. But indeed he (the Lord Chancellor) need not occupy the House with such arguments as these, which were probably not at all interesting to them, for the truth was that it was stated universally in all writers upon the law, without any contradiction, from Lord Coke downwards, that the grant of a peerage for life was perfectly lawful. He thought the House and the Government had a right to complain of the two questions of legality and expediency being mixed up together as they were in one Motion for a reference to the Committee of Privileges. Disguise it as they might, what noble Lords wanted was this, to censure the Government, or at least to express a strong opinion that such a grant as this ought not to have been made; and it was most unfair to attempt it by such a Motion as this. If the noble and learned Lord had proposed a Resolution declaring it to be the opinion of the House that this was an improper exercise of the prerogative, such a course would have been quite legitimate. With regard to the circumstances of this particular case, it was thought to be desirable that the renewed exercise of this prerogative should in the first instance be made in a case in which the person accepting the honour would not feel that it was given in this form from an apprehension that he might occasion embarrassment by leaving descendants in a state of poverty to succeed to the peerage; and the case of Lord Wensleydale appeared to be a very fitting one to be selected. As for the expediency of such an exercise of the prerogative, there were reasons which made it peculiarly desirable that high legal functionaries should have readier access to the Legislature than of late years they had had. The course of legislation in the other House of Parliament had been very much to exclude judicial functionaries from a seat in the Legislature. The Judge of the Admiralty Court, who used often to have a seat there, and whose advice on matters connected with the foreign relations of the country had been in former times very serviceable, was now excluded from the House of Commons. The Master of the Rolls was not excluded by law, but at the last general election, the present Master of the Rolls being a candidate to represent a large constituency, some people regarded it as a great scandal, and inconsistent with high judicial functions, for him to go about canvassing at an election, and that opinion, wrong or right, was one which would tend very much to exclude the Master of the Rolls from the House of Commons, of which the noble and learned Lord (Lord Lyndhurst), when he filled that office, was a distinguished ornament. Well, that made it the more desirable, that if the dignitaries of the law could not be admitted into one House of Parliament, they should be in the other. But how was that to be done, unless they could escape in some way the necessity of maintaining an hereditary peerage? He knew how it had been done in former times —by giving grants of money to them from the public purse; but surely that was not a precedent which ought to be followed. It was very invidious to speak of such things in connection with living persons, but there were some who yet received large pensions or allowances as a compensation for sinecure offices, which were now abolished, formerly held in this way by their families. It had been said that such a precedent as this would lead to the swamping of that House by the introduction of large batches of life Peers. Now, considering that the hereditary Members of the House were some 450 or 500 in number, he did think the apprehension of any such number of peers for life being created as would materially influence its decisions, was quite chimerical. In the reign of Queen Anne, upon the occasion when the House came to the decision, that it was not in the power of Her Majesty to grant a patent of peerage to a Scotch Peer, it appeared from *Burnet's History* that the Court put forth their whole strength in support of the patent, which excited the zeal of those who opposed it, and who apprehended, considering the dignity and antiquity of Scotch Peers, and the poverty of the greater part of them, that the Court would always resort to this plan as a sure expedient in order to obtain a constant majority in the House of Lords. That was the apprehension entertained in the reign of Queen Anne. That apprehension had proved to be unfounded, and so would this one. The real check that would prevent the Government creating any improper quantity of Peers would not be in the absence of the power to grant them for life, but in that wholesome and ever active control which was exercised over it by public opinion, and which would make such a step as impossible as the suggestion of his noble and learned Friend for ennobling a regiment of Guards. After referring to the fact which is mentioned by Mr. Macaulay, in respect to the assistance by which Lord Somers was enabled to maintain his dignity when created Chancellor, he said that such an expedient of evading the difficulty which this patent of a life peerage sought now to escape would be at the present time, if not an unconstitutional, a most unwise and improper act, and the course here adopted was infinitely preferable. He (the Lord Chancellor) should now be disappointed to the last degree if their Lordships came to any Vote which would imply that this prerogative of the Crown to create a life peerage, which had been made available at some former periods for disreputable and disgraceful objects, ought not to be exercised in the present age for purposes which would enhance the dignity and usefulness of their Lordships' House.

LORD CAMPBELL:* My Lords, considering the position which I have the honour to hold, I should be shrinking from my duty if I were to refrain from expressing my sentiments upon the subject now under deliberation. Mere party questions I have been in the habit of avoiding since I have presided as a Judge in the Supreme Common Law Court. But we are now in a great constitutional crisis; an organic change is proposed, more important than any which has taken place since the Revolution of 1688; an attempt is made materially to alter the composition and nature of one of the branches of the Legislature. The proposed change in this House, if effected, would, for good or for evil, be of much greater magnitude than any introduced into the other House of Parliament by the Reform Bill, which agitated and convulsed the country for two memorable years, and at one time threatened a civil war. The Revolution of 1856, however, was consummated by the Lord Chancellor privately whispering in the ear of the Clerk of the Crown, who was preparing a patent of peerage, to insert in it the words "for the term of his natural life," instead of "to him and the heirs male of his body." The Lord Chancellor having, in his closet, put the Great Seal to this patent, the deed is said to be irrevocably done. Henceforth a new class of legislators is to be introduced into the House of Lords, who, if they ever existed, have not been heard of for four hundred years; they may be multiplied to any amount, and if hereditary Peers are tolerated for a time, yet, as hereditary peerages become extinct, the majority of the House may, ere long, be composed of Peers for life, made by the Minister of the day, and dependent upon their maker. Strange to say, my noble and learned Friend who has just addressed your Lordships has admitted that in this proceeding he did not even consult his Attorney or Solicitor General. My Lords, with all due respect for my noble and learned Friend, and with high regard for the existing Government, I do say, that if they had thought this innovation expedient, they would have done better by consulting the two Houses of Parliament, and allowing an opportunity for public opinion to be expressed upon it, while remonstrance might have saved the State from many perils,—instead of suddenly calling upon us to obey their edict.

To my utter astonishment, and, I must add (from the warm friendship which indissolubly unites us), to my sincere regret, the Lord Chancellor has told your Lordships that this House has no right to complain or to inquire. My noble Friend the Lord President, who, as he has good-humouredly informed us, from the scarcity of performers, acts, for this night only, the part of a law Lord, and who showed learning and ability which would have rendered him an ornament to the woolsack, took much more constitutional ground. He argued that the legality of the patent admitted of no doubt: but I understood him to admit, that if there was an arguable question upon its validity, it might properly be submitted to a Committee of Privileges. The high prerogative lawyer, the Lord Chancellor, on the other hand asserts that the House has no jurisdiction, and that any individual who produces a piece of parchment with the Great Seal dangling from it, if it be called a patent of peerage, and at the same time a writ of summons under it, is absolutely entitled to be formally installed in your Lordships' House, although the patent, when read, may profess to make him a Peer only for his own life, or for the life of another, or for a Parliament, or for a Session, or for one night, or at the will of the Crown. This is the language of him who sits here on the woolsack, the guardian of our rights and privileges, while he watches over the just authority of the Sovereign. But, says he, "would not the writ of summons itself, without any patent, entitle the person named in it to be admitted, and to sit and vote as a Baron?" Most undoubtedly it would; and if this person were accompanied by ninety-nine others, respectively fortified by writs of summons, and nothing more, the whole hundred must be admitted to sit and to vote, for they would conclusively prove that it was the pleasure of the Crown, in the exercise of an unquestionable prerogative, to confer upon them peerages descendible to their issue male and female—commonly called peerages in fee. The only remedy would be to impeach the Minister who counselled such an abuse of the prerogative. But where the writ is founded on a patent, and they are presented together, the writ is only ancillary to the patent; they jointly form one title; and the Crown clearly intimates that, independently of the patent, the writ shall have no operation. Therefore, if the patent is illegal and void, the writ is a nonentity. See the fraud that might be practised on the Crown, as well as the breach of your Lordships' privileges, if a sitting were allowed under the writ, the patent being void. The argument is, that the sitting would have the same effect as if there were no patent. Well, then, a peerage in fee would be created where the Crown only meant to create a peerage for life, or for one Parliament, or for a single night.

But by our free constitution there is a tribunal appointed for trying the legality of every exercise of the Royal prerogative which may be questioned. With regard to the creation of a Peer, that tribunal is the House of Lords. We have no right to consider the merits or demerits of the party who claims to take his seat here, if he be a British subject free from legal disability, but we have a right to see that he shows a title to sit here *ex facie* good; and if he claims by patent, the validity of that patent is necessarily submitted to our jurisdiction. We may call in the Judges as advisers, but the House decides *proprio vigore.* Like all other deliberative Assemblies, we are necessarily vested with the power of preventing intruders from interfering with our deliberations.

My noble and learned Friend's quotations from *Cruise on Dignities* show that he has fallen into this mistake by confounding two things which are entirely dissimilar—deciding upon claims to an old peerage, and considering the validity of a new creation. It is quite true that with respect to the former we have no jurisdiction, except upon a reference from the Crown; and Lord Holt was quite right in refusing to pay any attention to any adjudication of this House upon a claim to the Banbury peerage without any such reference. The power of deciding on these claims the Crown, from the remotest times, has reserved to itself, with such advice as it may ask. Formerly they were referred to the Earl Marshal and the Great Hereditary Constable; and, according to modern practice, in cases of doubt and difficulty, they have been referred to this House. The Attorney General has been the chief adviser of the Crown in peerage cases, and upon his sole advice the Crown may still act respecting titles that have been dormant for centuries. Thus the claimant to the earldom of Huntingdon received a summons, without any reference to this House, on the report of Sir Vicary Gibbs, then Attorney General; and there having been an hereditary earldom, clearly entitling the true heir to a seat in this House, the determination of the Crown, manifested by issuing the summons to the claimant, could not be questioned when he came to take his seat. But the claim to sit on a new creation by patent is a very different proceeding. Here the patent must be produced and read to verify the right of the claimant to take his place. If it confers such a dignity as by law gives a right to sit here, he must be admitted. Credit is given to this, and to every other legal tribunal, that it will decide according to law. The control provided for inferior tribunals cannot be applied to the supreme authorities in the State; and should they wantonly and wickedly set law and justice at defiance, society is resolved into its original elements, and the constitution must be reconstructed.

But what caused still greater astonishment, my noble and learned Friend, to oust us of our jurisdiction, resorts to the writ which accompanies the patent, and argues that, as the writ by itself establishes an indefeasible title to be admitted, the patent cannot impair its efficacy—*Surplussagium non nocet.* My Lords, the writ without the patent is conclusive evidence of an intention to create a barony in fee, which is clearly within the prerogative of the Crown; but the writ with the patent as clearly shows the intention merely to give operation to the patent, and that the nominee shall have nothing beyond the dignity and privileges which the patent may lawfully confer. This is clearly shown by the ceremony when a Peer takes his seat. On bended knee he presents his patent and his writ to the Chancellor sitting on the woolsack. First the patent is read, and if that is in order, then the writ. But the writ being merely ancillary to the patent, and they jointly making out a right to the seat, if the patent be bad, he must be civilly requested to withdraw.

> "By no means," says my noble and learned Friend; "if he be made a Peer for life, although the Crown should have no power to create such a peerage, he is entitled, at all events, to sit during his life, and you can never inquire into his right to do so, unless, after his decease, his son, or his daughter's son, should claim the barony on the ground that the patent was void, and that the nominee, by sitting under the writ, acquired an inheritable peerage for the benefit of his posterity."

This doctrine, my Lords, is so contrary to all principle, and leads to such preposterous consequences, that it really will not bear to be further examined; and I think I may without presumption consider the power of inquiry, conceded to us by the Lord President of the Council, fully established. Till now no experiment has been made of sending any one to sit in this House on a new creation except by writ, which, with a sitting, constitutes a peerage in fee—or by patent granting a descendible peerage limited to a particular line of heirs—both unqestionably valid. Therefore we can bring forward no instance of a Peer rejected when, presenting himself in his robes, he claims his seat; but the Lord President, and, I presume, all except the Lord Chancellor, allow that if the patent were for a term of years, or in any form allowed on all hands to be unlawful, the claimant ought to be rejected. If a precedent for the exercise of this jurisdiction is necessary, that of the Brandon peerage, mentioned in the ever-memorable speech of my noble and learned Friend who began this debate, is expressly in point. My noble and learned Friend the Lord Chancellor talked with great indignation of the Resolution of 1711, that the Crown had no power according to the articles of union, to confer a British peerage on a Scotch Peer. As a native of Scotland, I am quite willing to allow that the decision was erroneous, and that it was properly reversed in 1782. But the jurisdiction of the House on that subject without a reference from the Crown never was denied or doubted, and that decision, till reversed, was allowed to settle the law, and to control the Royal prerogative in the creation of Peers.

All we have to do, therefore, is (what the Lord President of the Council very reasonably requires of us) to show that there is ground for contending that this patent is *ultra vires* and illegal, as far as it declares that Sir James Parke, holding the honour of Baron Wensleydale for the term of his natural life only, "may have, hold, and possess a seat, place, and voice in Parliament, amongst other Barons as a Baron of Parliament." If such a question is fairly raised, I solemnly say as a Judge of the land, you are bound to hear and to decide it. In the Court in which I have the honour to preside, I am in the constant habit, with the concurrence of my learned brethren, of compelling inferior tribunals to hear and determine where they decline the jurisdiction which the law casts upon them. Such a refusal is a denial of justice. No longer ago than last Term we granted in the Queen's name a mandamus to His Grace the Archbishop of Canterbury to proceed in a cause of heresy, although he had changed the opinion he had first formed, when a discretion was vested in him, and had come to the conclusion that the prosecution of it was not for the good of the Church. The two Houses of Parliament are above our control, and we have no authority to grant a mandamus to your Lordships: but if the validity of this patent is fairly called in question, you are under the same obligation to hear and determine it, which we enforce upon a Court of Quarter Sessions to hear and determine an appeal against the removal of a parish pauper.

Can it decently be said, my Lords, that there is not reasonable ground for questioning the legality of the patent? A noble and learned Lord who has held the office of Lord Chancellor both in Ireland and in England with universal applause, and is allowed not only to be a consummate lawyer but a most honourable and conscientious man, has solemnly declared to your Lordships that, after great deliberation, he has come to the clear opinion that the patent is absolutely illegal.

My Lords, although I have devoted many hours to the investigation of the question, my onerous judicial duties have not allowed me leisure to be able as yet satisfactorily to form a final opinion upon it. I confess that without attending to arguments on either side, I was under an impression that peerages for life were legal; but the more I investigate and deliberate, I see greater reason to doubt this opinion, and if I were forced at this moment to pronounce one way or the other, I should say that the legality cannot be established. However, to be entitled to a Committee of Privileges, all I am bound to show is, that a grave question exists which has never yet been decided, and which must be decided before the claimant can either be installed or rejected.

Now, my Lords, it is of the last importance to state definitely what this question truly is. There is no necessity for us to consider—indeed we have no jurisdiction to consider—whether the whole patent is utterly void. We cannot order the Chancellor to cancel it by virtue of his office—

> "Hic est qui leges regni cancellat iniquas,
> Et mandata pii principis æqua facit."

And no determination of ours upon it, beyond the right which it gives to sit as a Peer in this House, would have any binding effect elsewhere. The question of legality, therefore, is, whether the Crown can by a patent, professing to make a commoner a Baron for life, give him a right to sit and vote as a Peer in this House?

What then, my Lords, are the means by which we are to arrive at the solution of such a question? In the absence of any Act of Parliament or written code to guide us, I say, we are to look to the *lex et consuetudo Parliamenti.* In considering what the Crown may do, we are to see what the Crown has done. The prerogative is proved by acts of prerogative acquiesced in. Mere *dicta* that an act may be done by the Crown which never has been done, go for nothing; and little weight is to be attached even to acts, unless they are shown to have been done within the period when our constitution can be considered as having assumed a regular form.

As far as inquiry has yet gone, there seems reason to believe that no instance can be produced in any age, however remote, of such an exercise of prerogative by any English monarch. But if instances were produced in early reigns, before the constitution was settled on its present basis, they would be entitled to little more weight than if they had occurred in a foreign country. With respect to all the powers and privileges of the States of the realm in Parliament, *Consuetudo Parliamenti est lex Parliamenti.* My noble (and for this night only my learned) Friend the Lord President, complained that my noble and learned Friend who began the debate, had cited no authority to show that *Desuetude* is to be regarded. I will supply him with one taken from that repository of wisdom, as to public as well as private rights, the *Digest* of Justinian:—

> "Quare rectissimè illud receptum est, ut leges non solum suffragio legislatoris, sed etiam tacito consensu omnium per *desuetudinem* abrogantur."

And Donellus, one of the soundest of Commentators, adds—

> "Tacitus consensus populi est longa consuetudo; hoc consensu, non aliter quam aperto suffragio populi, leges ipsæ scriptæ, abrogantur per *desuetudinem.*"

The doctrine of desuetude has unquestionably been acted upon in England with respect to the other branch of the Legislature. Formerly no one could be returned as a Member of the House of Commons who was not an inhabitant of the place he represented. There has been no written law to alter this usage, yet now any British subject may be returned by any constituency within the United Kingdom; and my noble and learned Friend opposite, with universal applause, represented the great county of York, where his fame was well known, but where he had neither house nor land. So by usage the rights of voting in different boroughs, formerly nearly uniform, became infinitely diversified. Not only in the Plantagenet reigns, but in the times of the Tudors, the Sovereign was in the habit of creating new constituencies and adding at pleasure to the Members of the House of Commons. Nay, more; when he had once enfranchised a borough, with power to send representatives to Parliament, at his pleasure he ceased to issue a writ to that borough on summoning a new Parliament, and so by his prerogative the borough was disfranchised. The borough of Dudley, which I once had the honour to represent, is an example. It returned Members to the House of Commons in the reign of Edward I., but it was afterwards disfranchised by the Crown, and so remained for several centuries. No statute has been passed to take away that prerogative—and I well remember the storm once created in the House of Commons when a Whig law officer of the Crown gravely contended that this prerogative still remained in full vigour. During the tempestuous debates upon the Reform Bill, an objection being made that the Lords would not consent to the proposed disfranchisements and enfranchisements, the Irish Solicitor General strenuously contended that the consent neither of Lords nor of Commons was necessary, and that the object might be accomplished by the sole prerogative of the Crown. Said he, "The prerogative to enfranchise and to disfranchise once existed. It has not been taken away by statute. Desuetude is immaterial;" and he quoted the Lord President's maxim, *Nullum tempus occurrit Regi.* "The logical inference is, that the prerogative remains in full force. Ergo, let the King dissolve Parliament, issue writs to Manchester, Birmingham, and the boroughs which ought to be enfranchised, issue none to Old Sarum, Gatton, and such as ought to be disfranchised, and then, when Parliament meets, you will have a House of Commons reformed by the Royal prerogative as thoroughly as the heart of man can desire." I never shall forget Lord Althorp's countenance during this harangue. He threw his Solicitor General overboard as gently as possible, and the vessel righted.

It is admitted, my Lords, that for four centuries there has not been one single instance of a commoner being sent under a patent of peerage for life to sit and vote in the House of Lords. Therefore, if there were instances of such a proceeding during the convulsed reign of Richard II., or the Wars of the Roses which followed, they would be of little avail. Prerogatives of the Crown, more important, are allowed to have become obsolete by a shorter desuetude. What the Lord President said about the veto of the Crown upon Bills passed by the two Houses is easily answered. This prerogative is kept alive by every Bill that passes being offered to the Sovereign for approbation, and till such approbation is expressed it cannot become law. Upon every occasion the answer may be, *La Reine le veult,* or *La Reine s'avisera.*

But, my Lords, as yet we are not driven to the effect of desuetude. Has there been a single instance established of a commoner being ennobled by patent for life only, and sitting in the House of Lords under that patent merely by the Royal authority? My Lords, I will not go over the instances *seriatim* which have been so luminously presented to you by my noble and learned Friend who began the debate, and have been ably reviewed by my noble and learned Friend who spoke third. They are confined to the reigns of Richard II., Henry V., and Henry VI. In most of them the creation was in Parliament by the consent of the Peers and the Commonalty, and these are peerages by the three estates of the realm, whose power is omnipotent. They were in the nature of *Privilegia* or private laws, applying to individuals, and not affecting the general law of the land. Thus was the dukedom of Cornwall created, with its very peculiar rule of devolution to the Prince of Wales, if there be one, and revesting in the Sovereign if there be not. This being contrary to the rules of the common law could only be rendered valid by authority of Parliament. The ceremony on these occasions was that, the King being placed on the Throne, and the Peers being seated on their benches, the Commons attended at the bar with their Speaker, and, without a Bill read three times and passed in either House, King, Lords, and Commons concurred in a proposed measure, and *uno ictu* it became law.

The creation of Guichard d'Angle, in 1 *Rich.* II., to be Earl of Huntingdon for his life, does not appear to have been in Parliament; but there is no evidence that he ever sate, and as he was a foreigner, for whom it was merely intended to provide by estates belonging to the earldom, the probability is that he never claimed to sit, and that there was no opportunity of questioning his right to sit.

The creation of Sir John Cornewall Baron Faunhope and Baron Milbroke, in 10 and 20 *Hen.* VI., was in Parliament; but the assent of the Lords only is mentioned in the Parliament Roll,—probably by an accidental omission; and, at any rate, this precedent can be entitled to no weight: from the patents containing no such words as "for life," and declaring that he was "to enjoy the dignity, with all the privileges, &c. possessed by any other Baron of the realm," there can be little doubt that the intention was to make the dignity hereditary.

In the other instances where a peerage for life was created, it will be found that the Peer had in him previously another hereditary peerage, by virtue of which he was clearly entitled to sit and vote. Thus Richard De Vere, created Marquis of Dublin, 9 *Rich.* II., was previously Earl of Oxford, a peerage which had been in his family since the Conquest. So John of Gaunt, created Duke of Aquitaine, 13 *Rich.* II., was previously Duke of Lancaster, to him and his heirs male. Again, although the dukedom of Exeter was conferred in 4 *Hen.* V. on the King's uncle for life, he was previously Earl of Dorset in tail male. My noble and learned Friend who spoke third in the debate has completely disposed of the earldom of Albemarle, created for life in 1417, by showing that the grantee was previously Earl of Warwick as an hereditary Peer, and that he continued to be designated Earl of Warwick as long as he lived.

The patents in 35 *Hen.* VIII. creating an earldom of Thomond for life, with a remainder of the same earldom for life, are exceedingly strong to show that, according to the doctrine then prevailing, it was considered that by virtue of a peerage for life the patentee could not sit and vote in the House of Lords; for in the very same patents Maurice O'Brien, the first taker of the earldom for life, is created Baron Inchiquin, to him and his heirs male; and Conan O'Brien, the remainder man, is created Baron Ibraking, to him and his heirs male. The reasons why the principality of Thomond was then converted into an earldom, to be held for life, have already been fully explained.

We have now done with the alleged instances of Peers sitting and voting in the House of Lords by virtue of a Royal patent, professing to create a peerage for life only. The result seems to be that as yet no instance has been satisfactorily established at any time, and there is no pretended instance within 400 years.

Come we now, my Lords, to peerages for life conferred on women, from the Duchess of Norfolk, in the reign of Richard II., to Madame Walmoden, Countess of Yarmouth, in the reign of George II.,—fortunately the last of her order. I confidently contend before your Lordships, that these precedents have no application to the question now to be decided. We are not now considering whether the Kings of England had power to grant titles and precedence for life to mistresses or to modest women, or to ennoble them for life, so as to give them the privilege of the peerage which may be enjoyed by the female sex. Strong reasons may be urged against such a power, and it has been judicially denied, as I shall show you presently; but if it exists, it affords no proof of a power to send a commoner to sit and vote in the House of Lords as a Baron for life. The right to sit in Parliament does not necessarily follow from the creation of a Barony, and Baron Wensleydale's patent in consequence contains an express grant of that right. But these female patents for life of course contain no such grant, and are no evidence of the exercise of the disputed prerogative. These ladies never pretending to sit in this House, no opportunity could arise for questioning their nobility; fortunately none of them ever were charged with treason or felony, so as to raise the question whether they should be tried by the House of Lords, or by a jury of twelve commoners; and I doubt whether they walked as peeresses at a coronation—so it may be doubtful whether the heralds would allow them greater precedence than to the less fortunate Alice Pierce or Jane Shore.

The only scrap to be found in our judicial annals respecting the rights of a Peeress for life is in the Countess of Rivers's case, which occurred in the year 1650. Your Lordships are aware that although the House of Lords was for a time voted useless and dangerous (a Vote which life Peers may soon cause to be renewed), peerages never were abolished in England, as they have several times been in France. Under Cromwell, the privileges of peerage were allowed, and the Protector himself established a House of Lords, and created Peers. The Countess Rivers, being arrested for debt, pleaded her privilege before my predecessor, Chief Justice Roll, one of the most learned and honourable judges who ever sat in Westminster Hall. She was brought into court, and she prayed that she might be discharged out of custody. It was argued against her that "she has no privilege against the common law, although she may have her privilege in point of honour in the Marshal's Court and Heralds' Office." ROLL, C. J.: "It is questionable whether a countess made so by patent for her life be privileged or no; therefore let her remain in custody of the Sheriff till Saturday, and then move it again." Accordingly it was again moved, "And held by Roll, C. J., that the privilege is not allowable, for she never had reference to the Parliament, or to any other public service. Jermain, Nicholas, and Ask, Justices, agreed with Roll in all." I ought to add that, although this seems a final judgment, the Report by Styles adds, "*Adjourned;*" and I can find no other trace of the cause. But, my Lords, suppose it had been decided that the Countess Rivers was entitled to be discharged from arrest, what would this have proved as to the right of a Peer for life to sit and vote in the House of Lords? This right is not an invariable and necessary incident of peerage. The Scotch and Irish Peers, though privileged from arrest, are not entitled to sit in the House of Lords. As I have before said, unless granted to a Baron, he would not possess it. James I., by patent, created his countryman, Sir James Hay, "Lord Hay, with precedence next to the Barons of England, but not to enjoy any place or voice in Parliament." So Charles I. created De Reede, the Ambassador from the States General, an English Baron, by the title of "Baron Reede, to him and his heirs male, without voice in Parliament." These were unparliamentary Barons, and Baron Wensleydale may be the same. The Crown is the fountain of honour, and may grant titles and precedence at pleasure: but the Crown cannot interfere with the constitution of the two Houses of the Legislature, by whom the laws are made, except according to the *lex et consuetudo Parliamenti.* My noble and learned Friend asks very triumphantly, "Shall it be supposed that Lord Clarendon, Lord Shaftesbury, Lord Nottingham, Lord Macclesfield, and Lord Hardwicke acted illegally in putting the Great Seal to patents of peerage for life to Royal mistresses?" There is no occasion for us, in this debate, to decide either on the legality or morality of these patents. They in no respect interfered with the constitution of either House of Parliament, and they do not profess to grant anything beyond rank, which the Sovereign may distribute at pleasure. But the patent to which my noble and learned Friend has put the Great Seal does interfere materially with the constitution of Parliament, and by express words gives to a Baron for life the privilege of sitting and voting in this House —for which there is no precedent—at least for 400 years. I do not as yet pronounce my noble and learned Friend's patent to be illegal, but it may turn out to be liable to that charge, although those of his distinguished predecessors are free from illegality. My noble and learned Friend says that he is on his trial, and that, if his patent is bad, he ought to be impeached. Not so, my Lords. I am sure that in this and every passage of his spotless life he has been actuated by the purest motives and the best intentions, and the haste and inconsiderateness with which this act appears to have been done would rebut the charge of the *scientèr* which would be necessary to constitute an impeachable offence.

Stress has likewise been placed on peerages granted for life with a remainder different from the heir-at-law of the grantee,—as to a younger son and his heirs male, or to the eldest son of a second marriage and his heirs male. Under such patents the Earl of Wilton, Earl Vane, and other Peers now present, actually sit; and there can be no doubt as to their legality. These are hereditary peerages in their inception, with a defined line of devolution according to the rules of the common law. The first taker of the new peerage has invariably been an hereditary Peer, and there will be some difficulty in showing that Hugh, Duke of Northumberland sat here as a Peer for life because the Barony of Louvaine was granted to him for life, with remainder to his second son in tail male.

What discoveries may be made when we get into the Committee of Privileges, I know not, and till more satisfactory investigation takes place, I suspend my judgment; but I may say that hitherto no usage has been proved which justifies or lays any foundation for the claim.

And let me again observe by way of caution, that although instances should be brought forward, they are by no means to be considered conclusive. There were repeated instances in different reigns of the Kings of England having accepted the surrender of a peerage, and such was the clear law as well as usage in Scotland.

But when the question was brought before this House in the reign of Charles II., notwithstanding all these instances, and notwithstanding all the efforts of the Lord Chancellor and of the Government to support the prerogative claimed, your Lordships' ancestors, seeing that this was inconsistent with the principle of hereditary peerage,—putting it in the power of a worthless representative of an ancient and meritorious family to extinguish its well-won honours,—resolved by a considerable majority in the great Purbeck case that the surrender was void, and that the Crown had no right to re-grant the Peerage. I can only hope that if your Lordships, their descendants, should be of opinion that patents of peerage for life, professing to grant a right to sit in this House, are contrary to law, you will boldly follow the example of your ancestors,—even if instances of such peerages should be discovered.

My Lords, I find one instance—I confess only one—of the creation of a Peer during pleasure. In 19 *Edward* IV. an Earl of March was created, "to hold to him and his heirs during the King's pleasure." No one, I presume, will now assert that such an exercise of the Royal prerogative ought to be held valid,—although, indeed, my noble and learned Friend the Lord Chancellor asserts that we should be bound to admit the "Peer at will" to sit and vote among us, and that the House could only debate his right to do so when he had been summoned to another state of existence.

This creation of Peers at will did not grow into a practice. But an instance of acts of the Sovereign with respect to this House which had grown into a practice having, on examination, been found and declared to be illegal, is afforded by the writs of summons sent to the husbands of Peeresses in their own right, authorising them to sit in this House for the life of their wives. I will give a few out of many examples. In the 27 *Edward* I., Ralph Monthermer, who had married the Dowager Countess of Gloucester, was summoned to Parliament as Earl of Gloucester, and to all succeeding Parliaments during her life. In 24 *Henry* VI., Baroness Dacre, in her own right, having married Sir Richard Fenys, he was summoned and sat as a Baron during her life. So in the same reign a commoner was allowed to hold the dignity of Earl of Salisbury, as tenant by the courtesy, in right of his wife Alicia, daughter and heir of the preceding Earl of Salisbury, by whom he had issue. The only doubt then entertained was, whether the husband was entitled to the dignity as tenant by the courtesy, without having had issue by the wife. In the reign of Henry VIII. it was decided in the case of the Talboys peerage, that "none other should henceforth use the title of his wife's dignity but such as by the courtesy of England, had also a right to her possessions for term of his life." But afterwards, in the reigns of Elizabeth and James I., it was settled that the Crown could not summon the husband in right of his wife, whether he had issue by her or not, although it was found that "baronies in the like right had been conferred in several families, and in the particular barony of Dacres three several precedents."

Well, then, in considering the doctrine that the Crown has a right to act, with respect to the peerage, in any way sanctioned by practice at any particular period, let me remind your Lordships of the practice, which undoubtedly existed for successive reigns, of summoning a Baron for a Parliament or for a Session only—and sometimes, when he had been summoned all his life, omitting to summon his heir. Hallam, in his *Middle Ages*, says:—

> "No less than ninety-eight laymen were summoned once only to Parliament, none of their names occurring afterwards; and fifty others, two, three, or four times. Some were constantly summoned during their lives, none of whose posterity ever attained that honour."

The same accurate author, in his *Constitutional History*, adds:—

> "The number of temporal Lords summoned by writ to the Parliaments of the House of Plantagenet was exceedingly various; nor was anything more common in the fourteenth century than to omit those who had previously sat in person, and, still more, their descendants."

But from these precedents could it now be contended that the Crown could capriciously withhold a summons from the representative of an hereditary peerage?

Poverty in the claimant was formerly considered a sufficient reason for withholding the summons. Long before lawyers were made Peers, poverty appears to have been an evil which visited the peerage. A Duke of Bedford, in the reign of Edward IV., was degraded from his rank by Act of Parliament on account of his poverty; and with regard to inferior dignities, the Crown was in the habit, *proprio vigore*, of withholding the summons on the ground of poverty. Sir Harris Nicolas, the great advocate for life peerages, has the following passage in his pamphlet, so frequently referred to:—

> "And it would seem, from the opinion of the Judges in the reign of Elizabeth, on a claim to the barony of Abergavenny, as well as from the Sovereign not summoning some Lords to Parliament when they alienated their patrimony, that the want of means to support the honour induced the Crown to withhold writs of summons,—a precedent which could not in this age be followed."

Again, my Lords, nothing can be more certain than that baronies by tenure existed, and might be created by the Crown; but, I believe, my noble and learned Friend opposite (Lord Brougham) can inform your Lordships, that when arguing at the bar a claim to the barony of Berkeley by tenure, Lord Eldon intimated a clear opinion that baronies by tenure exist no longer, and could not now be created. Let it ever be recollected that we are speaking of baronies giving a right to sit in the House of Lords. Hallam, that great master of constitutional learning, says that—

> "A purchaser of Arundel Castle certainly would not be entitled to sit in the House of Lords. But it might be a speculative question whether such a purchaser could not become a real, though unparliamentary Baron, and entitled as such to a trial by the Peers."

So it may be a speculative question whether Lord Wensleydale may not, as an unparliamentary Baron, be entitled to be tried by the Peers if a charge of treason or felony should be brought against him, although it should have been held that he is not entitled to sit and vote as a Baron in this House.

I will only mention one more instance of a change without any Act of Parliament in the usages and law by which this House is governed. Lord Hale, the greatest of legal antiquaries, expressly says that down to the reign of Edward III. members of the King's Ordinary Council, consisting of the Judges and other functionaries under the Crown, sat in the Great Council, and in all the judicial business which came before the House not only advised the House, but, of their own authority, spoke and voted in the decision of causes; and he rather intimates an opinion that your Lordships have usurped the exclusive appellate jurisdiction which you now exercise. But if any of the Judges in attendance upon your Lordships, although as learned and venerable as Lord Wensleydale, were to claim voice and vote in the decision of an appeal or writ of error, I do not think that they would succeed by all the precedents which they might cite before the reign of Edward III.—a contrary usage having prevailed for centuries.

The result is, my Lords, that the claim to send a Peer for life to vote in this House cannot possibly be supported by usage, and it must rest entirely upon *dicta* to be found in the books. These *dicta*, my Lords, unvouched by decisions, and never acted upon, I must say are anything but conclusive, however distinguished may be the names connected with them. The statement by text-writers of points of law of daily occurrence, and settled by judicial decision, are entitled to the highest consideration, and we ought to be governed by them: but when we certainly know that there never has been any decision on the subject, these *dicta* are mere matter of opinion; and I must say that we now not only have the same, but better means of forming an opinion than a writer in the reign of James I., for the history of the peerage has in recent times been much more accurately investigated.

My noble and learned Friend on the woolsack, in his able speech, seemed very shy of touching upon usage, and having peremptorily denied our right to inquire at all, long contented himself with a parade of his *dicta*. He began, of course, with Lord Coke, and did me the high honour to read a passage from my *Lives of the Chief Justices*, in which I pronounce a panegyric upon the learning and ability of that great Judge. I do not wish to retract anything I have said in his praise. "For a profound knowledge of the common law of England he stands unrivalled." [Here the Earl of Derby crossed the House, and placed in the hand of the noble and learned Lord the first volume of the *Lives of the Chief Justices*, and requested him to read on from the place where the Lord Chancellor had stopped.] My Lords, glancing my eye over this passage, I must say that my noble and learned Friend would have shown more candour if he had read it, or if he had refrained from reading a garbled extract. Here is the qualification on my praise:—

> "Notwithstanding the value of his Reports, no reporter could venture to imitate him. He represents a great many questions to be "resolved" which were quite irrelevant, or never arose at all in the cause; and these he disposes of according to his own fancy. Therefore he is often rather a codifier or legislator than a reporter; and this mode of settling or reforming the law would not now

be endured, even if another lawyer of his learning and authority should arise."

My Lords, with regard to peerage law, Coke never has been considered a high authority, and, as was observed by Lord Plunket, in the Waterford case, "the strange reasons which he sometimes gives show the unsoundness of his opinions." I will not stop to inquire whether in the passages relied upon he is speaking of a mere dignity for life, irrespective of Parliamentary rights. I will assume his opinion to be that the Crown might create a Peer for life with a right to sit in this House, and I will examine his reasoning. The only limit he puts upon the power of the Crown in creating a peerage is that there shall not be a danger of the peerage coming into the hands of executors or administrators. Therefore "the King may not create a man noble for years, because then it might go to executors or adminstrators." But this would sanction peerages *pur autre vie* (or for the life of another), which I have not yet heard defended ; it would sanction peerages for a term of years, adding the words "if the grantee so long live ;" it would sanction peerages at will, such as was granted to the Earl of March in the reign of Edward IV.; it would sanction peerages for a single night ; for none of these could ever go to executors or administrators. My Lords, this last class of peerages would be exceedingly convenient on a critical division, when the pairing off is not satisfactory, and the book of proxies looks alarming, for the Minister would only have to march into the House before five o'clock the requisite number of Peers for a night to secure his majority, and his object would be accomplished without any permanent addition to the peerage.

The *dictum* is repeated in nearly the sume words by subsequent writers without hesitation, but I believe without examination, merely upon the authority of Lord Coke ; but as that opinion had not been acted upon, as far as sitting in Parliament is concerned, for 150 years before Lord Coke's time, and has not been acted upon for 250 years since his time, the opinion gains little additional authority by any repetition. It certainly had created a pretty general impression that a peerage for life, with all the privileges of the peerage, might lawfully be created. My noble Friend the Lord President did me the honour to read from *Hansard* a few words which I am supposed to have uttered in debate, without any opportunity for consideration, on a sudden proposal irregularly thrown out when there was no Motion before the House, that official peerages might be attached by the Queen to the chiefs of the different Courts in Westminster Hall. I make no doubt, my Lords, that, denying the power to grant a peerage to be held conditionally on the tenure of an office, I did then observe that the Crown might make a Peer for life. But this *dictum* was really hardly worth quoting as the accuracy of Lord Coke's opinion I never till now have been called upon to consider. In the same manner, any lawyer might have said offhand in former times that the Crown might accept the surrender of a peerage, or summon the husband of a Peeress to sit in her right.

But my noble and learned Friend the Lord Chancellor placed great reliance on what might be a much higher authority—Mr. Justice Doddridge. He is not quite accurate, however, in representing the book from which he quotes as the composition of that learned Judge. It is entitled the "*Magazine of Honour*, collected by Master Bird. Revised and enlarged by Sir John Doddridge, Judge of the King's Bench." The book certainly contains the following passage, treating of Barons by patent :—

> "This kind of dignity of Baron shall be of such countenance in descent or otherwise as shall be limited in the Habendum in such letters patent contained, for it may be but for the life of him to whom it is given, or for term *de autre vie* of some other man's life as some hold opinion in 9 *Hen.* VI. 29, for *cujus est dare ejus est disponere*."

But this reasoning is wholly untenable. It proceeds upon the maxim "*omne majus continet in se minus*,"—from which the inference is drawn, that as the Crown can grant a peerage to the grantee and all the heirs of his body, the grant may be for any less estate—not only for the life of the grantee, but *pur autre vie*, for years, or at pleasure. Strange, indeed, would it be, my Lords, if there were a peerage determinable on the death of another person ; for that person might die while the Peer is addressing the House, and then the Peer must instantly be turned out as a stranger and an interloper. Danby, C. J., according to the *Year Book* of 32 *Hen.* VI., 23, does talk as if such a peerage might exist ; but no such peerage ever has existed, and I boldly say that no such peerage can be lawfully created with the right of sitting in Parliament annexed to it. The instance of Richard II. creating Edward, the eldest son of his uncle Edmund, Duke of York, Earl of Rutland during the life of the said

Duke, his father, has no application, as on the death of his father he was to succeed to an hereditary peerage, and this was no more than the practice, still existing, of calling up the eldest son of a Peer to the House of Lords in his father's lifetime. That the Crown could not grant the honorary dignity of a Baron to be so held, or to be held on any other tenure, howsoever fantastical or ludicrous, I am not prepared to say; but the right of sending a person into one of the Houses of Parliament to make laws for the people is a much graver matter, and it can only be lawfully exercised according to established usage. Would there be any absurdity in supposing that, by the original constitution of England, the monarchy being hereditary, one House of Parliament should be composed of hereditary Members, to be appointed by the Crown, but that the Crown should only have the power of sending Members there to sit with a descendible dignity? Once more, my Lords, let me ask, how are we to know what the power is, or what limits can be set to it, except by considering how it has been exercised in a long succession of ages?

What then becomes of the boasted *dicta* relied upon to legalise this innovation?

But are there no *dicta* deserving attention on the other side? In the great Purbeck case, Sir William Jones, to prove that the King might take the surrender of a peerage, argued that peerages for life might be granted. But Lord Shaftesbury, in an admirable judgment, showing that, however defective he might be in legal technicalities, he was exceedingly well versed in peerage law, said, "It is pressed as a known law that honours are grantable for lives,—a point of greater consequence than the thing in debate. It is not a fair way of arguing, nor to be allowed of." This, I think, was a pretty clear intimation that in the reign of Charles II. this point was not settled, although Lord Coke's writings were then published. Lord Shaftesbury having denied the power contended for, it is remarkable that the great Lord Nottingham, then Chancellor, who took part in the debate, did not express any difference of opinion from Lord Shaftesbury, although he supported the power of surrendering peerages, and his argument would have been materially strengthened if the power of creating peerages for life with a right to sit in Parliament could have been established. Sir William Jones himself seems to have alluded only to title and precedency—not to a right of sitting in Parliament: for he argues, "an honour may be created for life, and then none of the posterity or blood of the Peer is thereby ennobled."

Lord Coke's authority, so much relied upon, has been questioned and denied by his own very learned commentators, Hargrave and Butler. My noble and learned Friend the Lord Chancellor has said that he cannot find any note by them upon this subject. I can only say that with my own hand I copied the following note from the nineteenth edition of *Coke upon Littleton*, stated in the Preface to be "Printed from the last edition by Mr. Butler, with the corrections and insertions in Mr. Hargrave's notes from his own copy." Whether it is by Hargrave or Butler is wholly immaterial; they were equally learned—and perhaps the two most learned lawyers of the last generation:—

> "Notwithstanding Lord Coke's position here of the King's power of making an Earl for life, I doubt whether the legality of such creations can be supported. I am rather impressed that the quality of being hereditary is of the essence of our peerage, and that of attributing to the King the prerogative of creating peers for life only, is to invest the Crown with a power of gradually destroying the Peerage in its subsisting state, which I believe is, *de facto*, such as not to furnish an instance of a peer sitting as a Lord of Parliament under a life interest. The point seems to me one of great importance. I am not aware that it ever was judicially determined."

To be entitled to the Committee we ask, all that we have at present to show is, that a grave question respecting the privileges of this House has arisen, which never has been decided, and which a Committee of Privileges is the proper tribunal to decide. For this purpose, surely it ought to be enough to quote the authority of Hallam, who, in his *Middle Ages*, states it to be "a matter in controversy, whether inheritable nobility is necessary to the definition of peerage, or to its incidental privileges." That serious doubts have subsisted upon the subject among those most competent to form an opinion, is shown by the very circumstance that, although upon various occasions the exercise of this disputed power of the Crown would have been very convenient, it never has been exercised. If Lord Somers thought he could have sat in the House of Lords as a Peer for life, he would not have so long occupied the woolsack as "Speaker of the House" without any right to speak. Lord Liverpool's doubts prevented him from making the experiment while he remained minister. Sir Harris Nicolas in vain addressed his Letter to the Duke of Wellington, pressing for the creation of life Peers. In the crisis of the Reform Bill, when it was thought to be the less of two evils to make a large addition to the numbers of this House for the purpose of carrying a measure of vital importance, Lord Grey and Lord Brougham never supposed that they could resort to the creation of Peers for life, although this expedient would greatly have facilitated the *coup d'état* which they had in contemplation.

Following the example of those who have preceded me in the debate, I will now consider (but very briefly) how far the present exercise of the power to create life Peers, suppose it in point of strict law to exist, is constitutional and expedient. And I must say, my Lords, that the course which has been adopted—of suddenly and secretly attempting to revive an obsolete prerogative of the Crown for the purpose of materially altering the constitution of one of the branches of the Legislature—appears to me to be highly unconstitutional. If a declaratory act was not proposed, surely there might have been a sentence in the Queen's Speech, or a message from Her Majesty, intimating that "Her Majesty had been advised that the making of Peers for life, to sit and vote in the House of Lords, which had fallen into desuetude since the reign of Her Royal predecessor King Henry VI., and which had been before exercised with the assent of Parliament, might now be revived for promoting the object ever near Her heart, the better administration of justice." This, it might be said, would be for the Sovereign to consult Parliament as to the exercise of Her prerogative. But, my Lords, it would be easy to show that in the times of the Plantagenets it was no uncommon occurrence for the King, who was then nearly absolute, freely to consult Parliament as to the exercise of undoubted prerogatives. That Parliament should interfere in selecting the objects on whom the Royal favour is to be bestowed, either in the grant of offices or dignities, would be highly improper; but Parliament might surely have been permitted to express an opinion upon a great organic change in the practical working of the constitution, even if this might legally be effected by the sole power of the Crown.

As to the expediency of the measure, it really depends upon this—whether we ought to continue to have a second chamber of Parliament, not elective. Many plausible arguments may be brought forward both against an hereditary peerage and an hereditary monarchy. Wisdom and virtue are not descendible in any family; and hereditary power, either to legislate or to govern, may be considered inconsistent with the maxim that you ought always to have "the right man in the right place." I therefore listen to those who theoretically argue in favour of a pure republic with perfect respect and forbearance. My own belief is, that the liberty as well as the tranquillity of a nation is best preserved under a constitutional monarchy, and that an hereditary aristocracy is necessary to such a monarchy, as well as a representative assembly elected by the people,—the elective franchise being made as extensive as possible. Under such a constitution, I am confident that enlightened public opinion has more sway in England than in the United States of America, where the President, the Senate, the House of Representatives, and the Judges, are all elective. Having served a great many years in both Houses of Parliament, I have had the opportunity of observing the advantage of one of them being without local constituents, as well as being independent of the Crown. This House (although sometimes too slowly) has always followed public opinion, and may be considered the representatives of the nation. Within a few years you have agreed to the repeal of the Test Act, to Catholic Emancipation, to Parliamentary and Municipal Reform, to the Commutation of Tithes, to the Abolition of Slavery in the Colonies, to the establishment of Free Trade, and to the repeal of the Navigation Laws. Since I have had the honour of a seat in this House, there are only two important questions on which you have differed from the other House, and on both, I venture to say that public opinion was with you—the admission of Jews to Parliament, and the marriage between a man and the sister of his deceased wife. On the first of these I have always voted in the minority, and have much regretted the result; but I must confess, that if the nation had then been polled, I fear we should have been in a minority, although I trust that the prejudice against this class of our fellow subjects has recently been much mitigated, and that, under the auspices of my noble and learned Friend at the table, their emancipation may be speedily completed. On the other question, I voted most cordially with the majority—who rejected the Bill—all the women in the United Kingdom, almost all the inhabitants of Scotland and Ireland, and, I believe, a large proportion of Englishmen, applauding our decision. Should that Bill ever again be presented to this House, I hope, for your credit, that it will meet with a similar fate.

On some questions you have been in advance of the other House; and I would appeal to my noble and learned Friend opposite (Lord Brougham), whether several important Bills which passed this House almost unanimously for the improvement of our juridical system—such as the establishment of a General Register of Deeds, and enacting a Law of Marriage for Scotland, where there is none—have not been lost elsewhere by the dread of giving offence to powerful classes of constituents. My Lords, I think it would be well to view the imperfections of this House with some tenderness, to recollect what it has done for public liberty, and not to endanger its existence till you are sure that a better can be found to supply its place.

My Lords, all who concur in these sentiments ought to condemn this measure. The power now claimed of making Peers for life cannot be confined to lawyers with a view to the decision of appeals. Before long it must necessarily be abused by unscrupulous ministers; and even what might be considered the legitimate use of it must inevitably put an end to the non-elective branch of the Legislature. If persons of merit from all classes, military, naval, mercantile, literary, and scientific, who cannot conveniently obtain seats in the other House, are to be introduced here, the selection of them will not, and I think ought not, to be left to the Minister of the day; the public would loudly and justly call out for another organic change by which the Members of the House of Lords might be elected by the people. How long would the Monarchy survive? It has been said, that we who deny this power are attacking the Prerogative and weakening the Throne. Let those who hold such language recollect the saying of Lord Bacon, "To depress the nobility may make a King more absolute, but less safe."

My Lords, I am quite unable to understand this sudden necessity for the multiplication of law Lords, which my noble Friend the Lord-President relied upon as the justification of his measure. Things went on pretty well for several years after the Revolution of 1689, without a single law Lord in the House; and Lord Somers was the only one for the rest of the reign of William III. Lord Chancellor Cowper and Lord Chancellor Harcourt were added in the reign of Queen Anne. From the accession of the House of Hanover it was common, although by no means a universal rule, to create the Chief Justice of the King's Bench, as well as the Chancellor, a Peer. But till very recent times there rarely were more than two law Lords in the House at the same time; and, I believe, never more than two sat together on judicial business. The appeals were satisfactorily disposed of for years by a succession of great men, such as Lord Hardwicke, Lord Mansfield, Lord Thurlow, and Lord Eldon, sitting alone. My Lords, I myself constantly attended the hearing of appeals and writs of error in this House for nine years, Lord Lyndhurst and Lord Cottenham being alternately Chancellor, and Lord Brougham, the ex-Chancellor, ably assisting. I take a very humble portion of the merit to myself; but I will venture to say that the decisions of this House during those nine years were received with respect in England, in Scotland, and in Ireland, and there was no call for the creation of Peers for life. Since I have had the honour to be a common-law Judge, my first duty has been in Westminster Hall, and I have only rarely been able to take a part in the judicial business of this House; but considering the learning and experience of those who do, I am at a loss to understand what can be the foundation for the clamour which, if the Government does not originate, it seems to encourage. My noble and learned Friend the Lord Chancellor does make a mortifying confession, if the measure be his.

But, my Lords, if there be a necessity for remodelling the appeal department of this House, I solemnly warn you against the scheme proposed for that purpose. In addition to ex-Chancellors, we are told that there ought to be legal Peers for life—seven for England, the Lord Chancellor, the chiefs of the three superior courts in Westminster Hall, the two Lords Justices, and the Master of the Rolls; two for Scotland, the Lord President and the Lord Justice Clerk; and of course four for Ireland, the Lord Chancellor and the three chiefs of the superior courts—making a baker's dozen. The first objection is, that each and all of these functionaries have work of their own in their own courts, which must engross the greatest part of their time and attention. But if they were all in conclave together, they would make the worst court of appeal that ever sat. No court of appeal should consist of more than three or four members. A greater number, by dividing responsibility, lessens anxiety and devotedness, and even raises a danger of precipitation, one starting off and all the rest gregariously following him. Our English appeal system in the Exchequer Chamber upon the whole works well, but I believe that it would work still better if four only, two from each Court reviewing the decisions of the third Court, with a competent chief, were to attend; but your thirteen, constituting this imperial tribunal, would make confusion worse confounded. The law would be unsettled, and even the victorious party would go away dissatisfied.

My Lords, I should indeed be sorry to see you surrender your appellate jurisdiction. I still approve of a Bill which I laid upon your table in the year 1842 for transferring to this House the appeals now heard before the Judicial Committee, having one supreme court of appeal in the last resort constantly sitting except in the long vacation. This, I believe, might be easily effected without any organic change in the constitution, and the chief novelty would be to summon the Equity Judges when necessary, which, as they are Privy Councillors, the *lex et consuetudo Parliamenti* would sanction.

My Lords, I feel it my duty likewise to warn you of the inconvenience which may arise to yourselves from the invasion of the horde of legal Peers with which you are threatened. From their morning wranglings you may secure yourselves by absence, but it must be remembered that—unlike the King's ordinary Council of old, who were confined to taking a part in forensic business—they will be entitled to bring forward whatever Bills or Motions they please, and to take a part in debate on all subjects, political, ecclesiastical, military, or commercial. Now, my Lords, I have a great respect for my own profession, to which I owe so much; but there may be too much of a good thing. I remember my noble Friend the noble Earl, the head of the late Government, when myself and one other law Lord had got into a little contest with him about a Bill to regulate the Kirk of Scotland, exclaiming with some warmth, "The House must take care not to be lawyer-ridden." But what will become of him when he has got fifteen English, Scotch, and Irish law Lords down upon him at once? Lord Coke speaks very indignantly of the *Parliamentum Indoctum*, which met, I think, in the reign of Henry VI., all lawyers being excluded by directions from the King to the Sheriff in the election writs. He says truly that "there was never a good law made thereat." But, my Lords, I am filled with apprehension at the prospect of a *Parliamentum doctissimum* or *perdoctum*. The number of lawyers in the House of Commons has been considerably increased since I left that Assembly, and I do not find that the progress of law reform there has been by any means proportionably accelerated.

There is only one other topic for which I beg a moment's indulgence. If the proposed life-peerage system is established, henceforth no lawyer, however eminent he may have been as an advocate, whatever services he may have rendered to the state in the House of Commons, whatever fame or fortune he may have acquired, can aspire to an hereditary peerage, or to become the founder of a family. To make a distinction between the Chancellor and the Chief Justice—between one Chancellor or Chief Justice and another, when coming into this House, as to the tenure of their honours, would be intolerable. All must be under the same rule—"no son of theirs succeeding." If this rule were to have a retrospective operation, about one-third of the present nobility of England, including Earls, Marquesses, and Dukes, would be degraded. But, my Lords, what I regard more is, that the change is an injustice to the middling and humbler ranks of society, to whom a prospect has hitherto been held out of mixing with the ancient nobility through the profession of the law. My Lords, by the favour of the Crown, for which I am most grateful, I am beyond any interest in this question for my own family; but I should have thought that I acted a sordid part if I had been contented with joining the band to whom hereditary honours are secured, delighting in the monopoly we are to enjoy,—and if I had assisted to kick down the ladder by which I myself have risen.

My Lords, I have now only to thank you for the indulgent hearing with which you have favoured me. The part I have taken in this affair has been painful to me, and it can be imputed to nothing but a sense of duty. A friendship which never can know abatement has long subsisted between me and the Right Honourable Baron in whose person this experiment has been made, and it would have given me unmixed pleasure to have seen him regularly introduced into this House, to which I doubt not he would be found an ornament. I have a sincere desire to support the existing Government in all their measures as far as I conscientiously can, believing that their stability at the present moment is essential to the public welfare. Above all, I desire on all occasions to show my good will to the Lord Chancellor, my ancient colleague as a law officer of the Crown, who is not, I suspect, the real father of this measure, but who has boldly stood forward to defend it as his adopted child. Although I cannot be blind to what I must call the infatuation which has induced him needlessly to deny the jurisdiction of this House to judge of its vital privileges, I consider him one of the most honourable and amiable of men. Still *magis amica veritas.* I see great reason for believing that the measure is illegal; I am sure that it is unconstitutional, unnecessary, and inexpedient; and strongly entertaining this opinion of it, I should be unworthy of a seat in this House if, at any sacrifice of my personal feelings, I did not most resolutely oppose it.

Earl GREY: My Lords, I do not mean to say anything upon the question of the legality or the illegality of the patent granted to Lord Wensleydale. It would be unpardonable in me to do so after the conclusive argument of my noble and learned Friend on the woolsack; and, I am the less tempted to make such an attempt, because, if I rightly understood the noble and learned Lord who spoke last, he has felt so strongly the force of that able argument that he has not ventured to lay before your Lordships, distinctly and clearly, his opinion, in opposition to that of the Lord Chancellor. The utmost he has ventured to say is, that the question is open to doubt, that it is one for further consideration, and that the legality of the patent has not been established. In that he only followed the example of the noble and learned Lord who introduced the subject in a speech of such extreme ability and interest. That noble and learned Lord most carefully avoided the position that the patent of Lord Wensleydale is illegal; nay, he even went further, for, by implication at least, he seemed to show that the patent was legal. I will confine my observations, therefore, to these two questions—first, the real nature of the measure which the Government have adopted; and, next, the consequences which might follow if we agree to the Motion before us. With regard to the first, I heard with extreme surprise from the noble and learned Lord Chief Justice, that this was a measure for effecting an organic change in the constitution of this House more important than that effected in the constitution of the other branch of the Legislature by the Reform Bill. Where, I ask, are the schedules abolishing a great part of the hereditary peerages which now exist, and supplying their places by Members appointed for life by the Crown? What is there in this measure to effect that great transfer of political power from one class of society to another which was accomplished by the Reform Act? Here a single patent only is given, creating a peerage for life in favour of Lord Wensleydale. Every one admits that in the case of Lord Wensleydale it is of no consequence whether a peerage is given to him for life, or with remainder to his successors; the importance of the question is derived solely from the precedent which it is supposed the Government intend to establish. Is that precedent one which is intended or is calculated to make an alteration in the character of this House? What I understand to be contemplated is that, now and then among the hereditary Peers two or three Peers without the right of transmitting their honours to their descendants should be introduced. The noble and learned Lord who opened the debate said that, although the grant of a peerage of this kind might not be illegal, it might still be unconstitutional. I entirely concur in that opinion. The distinction is a sound one, though I might find fault with the word "unconstitutional;" and I ask your Lordships to judge of what has been done from the supposed case which has been put by the noble and learned Lord. He says there is nothing illegal in the Crown granting any number of hereditary peerages; the prerogative of the Crown is not limited by any law—there would be no breach of the law if the Crown were to create 100 hereditary peerages in a single day; but he maintains it would be unconstitutional and fatal almost to the dignity and power of this House.

I agree with him in that opinion, and I say that, if Her Majesty were advised to swamp this House by the creation of 100 life peerages, that also would be unconstitutional and a gross violation of duty on the part of the advisers of the Crown, but that the noble and learned Lord brought forward no argument to show that if life peerages were created with due moderation and upon proper grounds, any more injury would result to the character of this House than from a similar creation of hereditary peerages. The prerogative of creating Peers for life is, no doubt, capable of being abused; but there is no prerogative of the Crown—there is no high power possessed either by the Sovereign or by any other authority in the State, which is not capable of being abused. Nevertheless, I repeat, that creations for life, moderately and judiciously made, imply no injury to the character of this House, and no departure from the essential principles of the constitution. But, then, we are told that Peers sitting for life would be inferior to those who sit under an hereditary creation. I think that is entirely unfounded. Look at the Members of the right rev. Bench. Does any man feel that any of those right rev. Lords is in any respect inferior to other Members of this House because he is called for his own life only, by the appointment of the Crown, to a station which gives him a right to sit here? Is their influence and authority in this House not quite as high as that of any one of your Lordships? With regard to Lord Wensleydale, when he takes his seat in this House, will any man contend that his authority and influence, the consequence of his high character, knowledge, and experience, would be in the slightest degree diminished by the fact that his patent does not contain the usual words of continuing his dignity to his descendants? On the other hand, will any man say that great advantages to the country, and to this House in particular, would not result from a moderate and judicious creation of Peers for life? There are two things which this House has to fear. One is, that its benches may become overcrowded by Peers not possessing adequate means for the maintenance of their rank; the other, that it may sometimes want among its Members a sufficient proportion of those who have raised themselves to the dignity of the peerage by their own talent and industry. It is absolutely essential to the continuance of the high character of this House that a certain number of those who obtain an hereditary seat in it should be raised to the dignity of the peerage for their services to the State; it is of the utmost importance that we should have men in the House of Lords who have distinguished themselves by their personal services. But I by no means think that this distinction should be exercised in favour of lawyers only. I think other descriptions of services—naval, military, and political—ought to be so rewarded—in my view the distinction should be extended to men who have distinguished themselves in every walk of life. As to political services, would it not be of advantage that a Gentleman who in the other House of Parliament has raised himself to distinction, and has acquired great knowledge and experience of the affairs of the country, should be raised to the peerage, and be able to bring to this House the benefits of a matured judgment? Is it desirable that in cases where lawyers and generals, and admirals might have access to this House, they should be precluded from coming here, unless they have what may be called a proper endowment for the support of their dignity and rank? There may be men who are well fitted to take their places in this House who may have large families and small fortunes, quite sufficient for themselves, but who are nevertheless unable, with justice to their families, to leave such a fortune to the person who is to succeed to the peerage as might be desirable for the due maintenance of its rank and dignity. Yet that they are often so excluded is proved conclusively by the letter of Lord Eldon, which has been read this evening, which shows that an hereditary peerage has often proved an injury to the individual, and to the public. Men whom it is desirable to bring into this House may often possess means amply sufficient to support their rank during their own life, but from having only a life income or a numerous family to be provided for may be unable to accept an hereditary peerage, without injury to their family. In such cases, it would be most desirable to grant peerages for life only. I may be asked, are we then to refuse to grant hereditary honours as heretofore to those who have rendered distinguished services to their country? By no means. Those services have frequently been rendered by men who have acquired a fortune quite sufficient to make a provision for the peerage. In other cases, Parliament may be justified in making a sufficient provision for the person who receives the honour, and for his descendants. In all such cases, it is desirable that an hereditary peerage should be granted. It is of advantage that the titles of Marlborough, of Nelson, and of Wellington, should recall to distant generations the achievements of the great men by whom they were won, and of the glory they have gained for their country. But will any man tell me that it does not often happen that an hereditary peerage cannot be granted to persons who have a fair claim to it, because they have not sufficient means to maintain its dignity, while the Government of the day do not feel justified in asking Parliament to make a permanent provision for their descendants? In these cases, is it not an evil that admission to this House should be denied to them? The effect of creating peerages for life would be the more easily to open the doors of this House to men who it is desirable should be admitted. But we are told the practice might be abused. No doubt; but I see no reason for believing that it would be more likely to be abused for the purpose of increasing the power of the Minister in this House than the creation of hereditary peerages. It is practically found to be impossible for any Minister to create peerages to support his tottering power. This House is now so numerous a body, and so large a proportion of its Members are so entirely independent of the Crown, that any abuse of the prerogative of creating Peers would be sure to create as much opposition to the Minister as would more than counterbalance the support he obtained—the votes lost to the Minister would be quite as many as he would gain. I think, then, that we have the same security against abuse in the case of life peerages that we have in the case of the hereditary peerage. That security is derived from the power of public opinion, and the opinion of this House, in restraining such abuse, and also from the control exercised by the Crown, for in creating new peerages the Sovereign is not expected to accept without question the advice of the Minister. The Sovereign is bound to exercise a discretion on that point; and so sound is the feeling of the country on this subject that I am convinced, in the event of injudicious advice being given by the Minister, the Sovereign would be supported by the people in refusing to receive it. As to the Motion before the House, even if I were convinced of the illegality of the patent, and that the practice of creating life peerages would be more dangerous than I believe it would prove, still I should think that the course proposed by the noble and learned Lord (Lord Lyndhurst) is not that which we ought to adopt. If the noble and learned Lord had simply asked your Lordships to appoint a Select Committee, in terms implying no previous opinion on the question of the legality or illegality of the patent, but to inquire into the whole subject and report to the House, I should have thought it a Motion which the Government ought not to resist. I at least should not have thought it my duty to support them in opposing such a Motion. Considering how long it is since any life peerages have been created—considering that persons whose opinions are entitled to the greatest weight regard the legality of the step as being at least doubtful — considering, also, that a much greater number of persons, while they admit the legality of the course taken, are of opinion that it is a dangerous exercise of the prerogative, and if admitted, at all, ought to be subject to some restriction—considering how generally those opinions are entertained, I do think that the patent which has been granted to Lord Wensleydale might properly have been inquired into by a Select Committee. Such a Committee would have been able carefully to consider whether the patent is legal or illegal. If they came to the conclusion that it was illegal, then they might have been able to advise your Lordships as to the steps which it would be proper to adopt; because, even if you are convinced that the patent is illegal, it is not easy to say what course you should take. Then, if the Committee were to find that the patent, though not at variance with the strict letter of the law, was yet a dangerous exercise of the prerogative, which required to be guarded, it might have recommended whether legislative measures, or an Address to the Crown, or what other means, should be adopted. In this matter the advice of a Select Committee might have been of the greatest advantage; and, I believe, that a small number of your Lordships, meeting in such a Committee, would have been competent to consider the question, and to throw great light upon it. But that is not the course the noble and learned Lord has asked us to follow. He calls upon us to adopt a Motion for referring the patent to a Committee of Privileges, and that in terms which prejudge the question, because the Motion speaks of a patent "purporting" to confer a life peerage in favour of Sir James Parke. But a Committee of Privileges is a Committee of the whole House, and in such a Committee there is no greater opportunity for deliberation than there is in this House. The noble and learned Lord Chief Justice said, "Let us refer this question to a Committee of Privileges because it is impossible to consider it by rambling speeches made in the whole House,"—but there will be an equal opportunity for rambling speeches when we are in a Committee of Privileges. In a Committee of Privileges deliberation is impossible. If we go into such a Committee we must discuss "ay" or "no" whether we shall adopt some particular course which may be recommended. The noble and learned Lord who asks us to go into Committee must, I presume, have decided what resolutions he will move in that Committee. I wish he had intimated what those resolutions are to be. I wish he had told us what course he proposes to adopt when we are in Committee; because it will not conduce either to the dignity or the character of this House if, having got into a public Committee of Privileges, and, having implied our opinion that the patent of Lord Wensleydale is illegal, we find no course suggested to us which is not open to very grave objection. I am as anxious as those who support the Motion to maintain the character and dignity of this House. I regard the present aspect of public affairs as not a little threatening, and I know nothing more important—no greater safety for the future—than that this House should preserve its character, its dignity, and its moral influence in the country; but the adoption of any rash or hasty course in a matter of such extreme importance as this is not calculated to accomplish that object. The noble and learned Lord has not given us any information as to the course he will propose in Committee, and he has thereby given a significant intimation of the difficulty which he feels there will be in deciding on that course. I can only, therefore, suggest to the House the different resolutions which, in my opinion, may possibly be submitted to the Committee. Will the noble and learned Lord move a resolution declaring that this patent is illegal? I think it would be extremely difficult, in the face of the authorities cited from the woolsack, to support such a resolution. But even if you are convinced that, in point of law the patent is not good, what will be the result of a discussion in a Committee of Privileges? What is the authority of such a Committee in law? Will you, upon the strength of its decision, when Lord Wensleydale presents himself at the table, refuse to permit him to take the oaths? I think that is a somewhat difficult point.

Lord CAMPBELL: Certainly; most certainly. If the Committee decided that the patent did not give a right to sit in this House, the House would be bound to refuse to allow him to take his seat.

Earl GREY: My noble Friend says, "Certainly." Does he mean, then, to go this length, and to say that, if there had been no patent whatever, if, by the authority of the Crown, a writ of summons had been sent to Lord Wensleydale, and he had presented himself with that writ of summons only, and without any patent, you could have refused to permit him to take the oaths and his seat?

Lord CAMPBELL: You could not.

Earl GREY: My noble and learned Friend says you could not; but does a writ of summons recite the patent? If it does not, and you prove the patent to be a nullity, in what different position does Lord Wensleydale stand from that in which he would be placed if no patent had been issued, or if it were thrown into the fire, and he came to the table with nothing but the writ of summons? I cannot but think that your Lordships would be placing yourselves in a position before the country which would be not a little dangerous and questionable, if you were to take upon yourselves, on this nice construction of law, to say that you refuse to admit a writ of summons, issued by Her Majesty's authority, as sufficient to enable Lord Wensleydale to take his seat in this House. Suppose that, in order to test the question of Lord Wensleydale's being a Peer or not, some person—without any ground for the charge, but for the mere purpose of settling the point—should charge him with treason or murder. A court of law would then have to decide whether he was or was not a Peer. The opinion of the Judges might be contrary to the opinion of this House, and the subject might even be brought before the House, which might find itself called upon to decide, in its appellate capacity, a question which had previously been irregularly and improperly decided by a Committee of Privileges. You might in this way find yourselves at issue with the Judges of the land; and is that a position in which we ought to place ourselves, or the character and dignity of this House? Will it be proposed that an Address be presented to the Crown, begging that a new patent may be issued, according to the ordinary form, to Lord Wensleydale? Would that be a safe course? What might be the course taken by the other House of Parliament? Is it desirable that, upon a question of this nature, we should bring ourselves into a dispute with the Crown and the House of Commons? Those who are wellwishers to the authority of this House would, I think, most carefully avoid placing themselves in such a position. What other course is there to pursue? You might come to a resolution that it is desirable legislation should take place on the subject; but do you think the success in the other House of any Bill that might be proposed would be rendered more probable from the circumstance of its having been originated by so irregular a tribunal as a Committee of Privileges? Before you adopt any step which may lead to most serious consequences—the ultimate issue of which no man can foresee—I would say, refer the question to a Select Committee of this House, by whom it may be calmly and deliberately considered, not in public, not before strangers, but without that excitement which necessarily attends debates in large assemblies. These are the grounds upon which I cannot concur in the Motion of the noble and learned Lord. I am far from venturing to give a positive opinion as to whether it is upon the whole expedient to create life peerages or not. I see many advantages in connection with such a measure, but I am not insensible to the existence of some disadvantages. Still less am I prepared to give an opinion whether, in order to create life peerages, the Government have taken the course which it would have been most desirable to adopt; but, whatever judgment we may form upon these points, I think the Motion for referring the question to a Committee of Privileges is one to which we cannot safely give our assent.

The Earl of DERBY: My Lords, exhausted as your Lordships must be, and exhausted as this subject has been, by the long and laborious and very learned debate which has taken place—and fully conscious that it is utterly out of my power to add anything to the force of the able arguments by which the Motion of my noble and learned Friend has been introduced and supported by learned Members of this House, although I shall only detain your Lordships for a very few moments, I cannot reconcile myself to give a silent vote upon a question which, whatever may be the opinion of the noble Earl who last spoke, appears to me to involve nothing less than an organic change of a most extensive description in the constitution of this House. I cannot reconcile it to myself to give a silent vote, as having the honour of being the organ of that great Conservative party in this House, which never more fitly and appropriately discharges the duties which belong to it than when it defends the rights of the constitution against violent and forcible encroachment, whether on the part of the Crown or of the people. I cannot, therefore, permit myself to remain wholly silent—as feeling a deep interest in this question, and having myself the honour of being the fourteenth representative in this House of an hereditary earldom, which now for 400 years has, in hereditary succession, sent representatives here—when I find that the privileges of the House are attacked by an exercise of the prerogative for which the faintest shadow of a precedent must be sought at a period antecedent to that at which the earliest of my ancestors had the honour of a seat here. Let me entreat you to consider what, in these days, is meant by the prerogative of the Crown. We live not in times when the Lords or the Commons have to protect themselves against capricious and arbitrary encroachments. Those days are long past and gone; and the prerogative being the power of doing that which is beside the law, it is not now vested practically in the person who wears the Crown, but, as we all know, in the responsible advisers of the Sovereign. Consequently, the extent of the prerogative at the present day is practically the extent of the irresponsibility of the advisers of the Crown. Therefore, on every ground, we are bound to see that not only is the prerogative not carried to an illegal, but also that it is not stretched to an unconstitutional extent. But we are met at the outset by a strange objection from the noble and learned Lord on the woolsack, which, if it prevails, there is certainly no use in the House of Lords further discussing this question. He, paying a deserved compliment to the person on whom it is proposed to confer this life peerage, at the same time frankly admits that this is the most favourable opportunity for trying the question. Favourable opportunity for trying what question? The question of the constitutional power of the Crown to grant a patent limited for life, conferring on Lord Wensleydale the power to sit and vote in this House. But when we propose to try this question, the noble and learned Lord turns round on us, and tells us that it is a question with which we have nothing to do —that we have no right to inquire into it— that supposing the noble Baron appeared to take the oaths and his seat under the writ of summons, and under the writ alone, would we then dispute the power of the Crown to grant that writ? No; we do not mean to dispute it; but is the writ to convey a peerage for life, or a peerage with remainder? "Then," says the noble and learned Lord, "you may undoubtedly discuss that question, but this is not the right time to argue it. It should rather be done after the noble Baron has spent the remainder of his days in this House, and, when the son of his daughter comes to claim the succession, then we may contend that he ought not to have sat at all." That would certainly be a strange mode of proceeding. It has been held at all times that the summons by writ confers a barony by inheritance; but, when the learned Baron appears in this House, and presents his patent limiting his peerage to his life, and upon that patent presents his writ, the patent overbears the terms of the writ, and either the patent is null and void, and the writ consequently equally so, or else it is within the power of the Crown to confer this description of peerage. In short, we must discuss the validity of the writ at the moment that it is attempted to act upon the patent, or we must for ever after hold our peace. Of all the extraordinary arguments I have ever heard, that of the noble Earl who has just sat down is the most extraordinary. Differing altogether from the noble and learned Lord, who tells us it is no business of ours—that we have no right to inquire into the validity of the patent —the noble Earl opposite says, "You are adopting a rash and precipitate course in seeking to refer the patent to a Committee of Privileges." He admits there is much to be said, not about the legality, but about the constitutional nature of the creation of life peerages; he thinks that the Government has not taken the most convenient mode of raising this question; but to refer it to a Committee of Privileges, who, by the terms of the Resolution, have a preconceived opinion on the question at issue, would be a most irregular proceeding; and, moreover, such a Committee would be a wrong tribunal. I know not, however, that that course would be more precipitate or unreasonable than the one recommended by the noble and learned Lord on the woolsack, namely, that without inquiry we should by Resolution declare the patent illegal and unconstitutional. We propose a much more prudent and moderate course than either of these alternatives; because, certainly, if you were to declare the patent illegal, and that under it Baron Parke can have no right to take his seat, the noble and learned Lord would have denounced it as a monstrous proceeding, without inquiry, without examination of documents, without consideration of precedents, to pass a Resolution declaring the illegality of the patent. My Lords, I rather desire to have the question fairly considered and argued at the bar by counsel, bringing to bear upon it the highest degree of legal learning, and sifting the subject thoroughly, before this House pronounces a decision upon it. But the noble Earl (Earl Grey) having, to my extreme surprise, condemned this course as "precipitate," what was the course which he was prepared to recommend? To refer the question to a Select Committee, instead of to a Committee of Privileges. My Lords, all I can say upon that is, that as the noble Lord who should move the Committee would regularly have the right of nominating it, such a course would scarcely be so respectful to the Crown, and certainly not so much in accordance with precedent and authority as that which is now proposed, to refer it to the Committee of Privileges. For, although the reference of a specific patent creating a life peerage to a Committee of Privileges has never before taken place, yet there are on record proceedings very analogous to such a reference. For example, the validity of a patent issued by the Crown has been disputed in the House of Lords, and has been afterwards referred to a Committee of Privileges for examination. That is really the only case at all bearing on this question. In the reign of Charles I., in the year 1627, a case arose in which a patent of precedence above all other barons was granted to a certain Peer; but the House of Lords refusing to acknowledge its validity, what course was adopted? Why, it was sent before a Committee of Privileges. Here is a patent which we believe to be illegal, and wholly unconstitutional. We do not, however, call on you now to pronounce upon that question; we simply say, "Do not recognise the validity of this patent until, by reference to, and collation of, former precedents, you have verified its validity." After the display of learning we have listened to to-night, I will not enter into a discussion of the legal questions now at issue. I shall pass over the whole of the old precedents with this one observation, that, having listened from first to last to the entire series of authorities which have been adduced on both sides, I have arrived at the conclusion—which will not be disputed—that there is not more than one instance, and that a very doubtful one, in which the Crown has conferred a patent on a Peer for life, under which that Peer has sat and voted in this House without his patent receiving the previous sanction of Parliament. But I say frankly that I have no respect for any precedent affecting the prerogative of the Crown that dates further back than the year 1688; and I confess I should have thought that that doctrine would have been in strict consonance with the feelings and principles of a Whig Administration. And when I find, my Lords, that we are dealing with the precedents of an exercise of the prerogative of the Crown that has never been sanctioned or ventured upon by any Ministry under the House of Hanover—that was never attempted by any Sovereign of the House of Stuart—that was not even acted upon under the not very scrupulous rule of the Tudors, but for which we must go back to the dark days of the Plantagenets and to the troublous period of the civil wars—I say that to adduce such precedents, even if you can cite a single one bearing directly on the point (which I dispute), is a sheer waste of time and words. I cannot draw a distinction, in matters of prerogative, between what is illegal and what is unconstitutional. I understand it is intended to argue that that alone is illegal which is forbidden by direct enactment, and that all not so forbidden may be highly unconstitutional, but is not illegal. It is not worth while to discuss that argument; but it satisfies me and destroys the validity of this patent, that, although within the letter of the law as expounded 200 years ago, it is at variance with the practice of the constitution, and is highly unconstitutional in its bearing upon this House. I defy noble Lords to deny these two propositions,—first, that there never has been, since the constitution was settled—nay, not for 400 years—an attempt to establish such a precedent as this; and, next, I defy you to deny that this precedent being granted would establish a material and serious alteration in the character of the House of Peers. I am prepared to lay it down as a proposition which cannot be controverted, that from the very earliest period the very essence of the peerage has been that it was hereditary. I do not mean to say that in the early days of our history that principle has been kept very closely in view; but it will not be denied that, originally, the great Barons of the realm, holding their privileges by tenure of their lands, to which they had the right of hereditary possession, were in consequence of that tenure hereditarily entitled to sit in Parliament as the great Council of the nation. We know that the issue of writs summoning the Barons to their seats in the Legislature first became necessary in the reign of Henry III., immediately after the battle of Evesham, by which the Crown, after a long series of civil wars, succeeded in crushing the rebellious Barons. At the period of which I speak the necessity of attending in Parliament was felt to be an onerous burden and not a privilege—a duty exacted by the Crown, and not a right claimed by the subject. From the indifference of the Barons to receive such honours, and from the troubled state of the times, it became necessary for the Crown to summon the Barons by writ to sit in Parliament, as well as about the same time to summon also the Commons by writs issued to boroughs. All examples drawn from those times are quite inapplicable to the present question, and any precedents that may be drawn from them are unworthy of practical consideration. But in later times, when the constitution came to be better understood, a rule was laid down which declared that notwithstanding the absence of all words conveying inheritance in the body of the writ, the writ of summons and the sitting in Parliament under it conferred, and always had conferred, an inalienable right of sitting in Parliament by inheritance. As early as the reign of Henry VI. claims were made to sit in Parliament by descent, under a writ of summons, containing no words conveying a right of inheritance, and were admitted. The Crown took upon itself to issue patents limiting and altering the character of the inheritance, but I believe in the vast majority of cases, where the inheritance was limited at all, the patent did not proceed from the Crown alone, but was issued by the Crown with the advice and assent of Parliament. That the Crown, with the assent of Parliament, may limit a patent and the right of sitting to any extent, no human being will for a moment deny. The celebrated case of the peerage of the Duke of Cornwall was settled in a manner opposed to the common law of the land, and it was recited by the charter that, being contrary to the common law of the land, it could not be granted by charter, and consequently was granted by consent of Parliament. There is the remarkable case of Thomas of Woodstock, made Earl of Bucks in the first year of the reign of Richard II. The patent was granted without the assent of Parliament; but a few years afterwards a new patent of the same peerage, to the same person, by the same Sovereign, was issued with the authority of Parliament—the patent reciting that it was granted for the security of the grantee and by special requisition. In the reign of Elizabeth it was distinctly laid down that writs without any form of words conveyed inheritance. Now upon what principle was that decision arrived at? evidently upon the principle that from the earliest period the right of inheritance had been deemed an essential constituent of the peerage. I do not say that that essential qualification might not be dispensed with by the overruling power of Parliament—which power no one has pretended to deny—but this I do say, we are called on to assent to the doctrine, if the present Lord Chancellor is to be relied on, that, without the power to argue or question, and without exercising any authority, we are bound to consent to the introduction, *sub silentio*, of a practice not acted upon or recognised for a period of 400 years, and that, too, in violation of what is impliedly laid down even in the earliest instances—that the peerage itself carries with it an hereditary character. This, I say, my Lords, is a question which we ought not to pass over in silence. The first question is, whether, according to constitutional history, the Crown can exercise this prerogative without the assent of Parliament? I believe it cannot. I believe it can no more do so than it can reappoint the High Commission Court, or revive any other thing which may have actually belonged to it, but which has fallen into desuetude; and I think this is not the moment to attempt an extension of prerogative which no Minister has ever ventured to recommend. And now as to the question of expediency, the question is not whether it is expedient that Mr. Baron Parke and two or three other eminent Judges should have seats in this House during their lives, for the purpose of assisting your Lordships in the discharge of your judicial functions; but whether it is expedient that the Minister of the day shall have the indisputable power of swamping the House of Lords by creating peerages for life. It is said that the case in which the question is to be tried is in itself an unobjectionable one. So much the more dangerous; for almost all the evil consequences in our history have resulted from precedents which were not at first objectionable in their exercise. But this is in reality an attempt to alter the character of this House by infusing into it the element of a number of nominees of the Crown in the creation of peerages for life. If the noble and learned Lord on the woolsack thinks it desirable, for the sake of transacting the judicial business of this House, that there should be an addition to the legal strength of the House, let the Ministers of the Crown bring in a specific measure regulating, declaring, defining, and restricting the prerogative, and let Parliament and the Crown know the precise extent of that prerogative. Mr. Justice Blackstone declares that the constitution has established certain auxiliary subordinate rights of the subject which serve principally as outworks or barriers to protect and maintain inviolate the three great and primary rights of personal security, personal liberty, and private property. These subordinate rights Blackstone defines to be, first, the constitution, powers, and privileges of Parliament; and secondly, the "limitation of the King's prerogative by bounds so certain and notorious that it is impossible he should either mistake or legally exceed them without the consent of the people." Thus, the limitation of the prerogative by bounds certain and notorious is one of the three barriers and outworks which Judge Blackstone considers essential to the three great and primary rights of personal security, personal liberty, and private property. But can we say that the prerogative of the Crown, as now claimed, is so well known and defined that it cannot be doubted? I apprehend, my Lords, that the prerogative of the Crown must be fixed by the practice and custom of the Crown, and of the Parliament, and if the Ministers of the Crown seek to alter it they must alter it by law, and obtain the assent of Parliament to a measure declaring and restricting the prerogative. But do not let them assume a power which is negatived by the entire absence of any precedent since the present constitution of Parliament. We have heard the case of Lord Somers quoted, and the painful position in which he was placed has been brought forward as an argument in favour of life peerages, and the prerogative of the Crown to create them. But the high merit of this individual is the very strongest argument, to my mind, that can be used to show that the Government of that day never dreamt of such an exercise of the prerogative of the Crown. The noble and learned Lords who commenced this discussion carefully confined the question to the legal functionaries who might be introduced into your Lordships' House to assist us in the performance of our judicial duties. But the noble Earl who has just sat down very naturally extended the question much further. If this precedent be allowed, why should not men who have served with distinction in the army and navy—men of science too, for aught I know—who labour under the impediment of poverty, be placed in this House to exercise co-ordinate jurisdiction with your Lordships? The noble Earl's argument is perfectly logical. If you admit this claim of Baron Parke you admit the power of the Crown to grant a patent similarly limited in all cases. The noble and learned Lord on the woolsack said that the danger of a Minister swamping the House was perfectly visionary. But although the House consists, as he said, of 450 Members, of what does a majority of the House consist? Will the noble and learned Lord tell me that no influence might be exercised by the introduction not of 100, not of twenty, but of nine Members? Might not twelve or fourteen Peers, introduced with the peculiar qualification of poverty, and, therefore, the more under the influence of a Minister, with peerages held during the good pleasure of the Crown (because, if they are admitted for life, they may also be admitted upon those terms), altogether alter a decision of this House? Would a Minister obtain no undue influence by being able, as one of those peerages dropped off, or as an hereditary peerage became extinct, to supply its place with another peerage for life? You say there is no danger, because every Minister must be guided by public opinion. But that is the greatest of all dangers if, by public opinion, you mean the opinion of the other House of Parliament. Suppose the Lords oppose a measure which a Minister desires to carry, and which the Commons have passed by a large majority—what more easy than to create a sufficient number of Peers to carry the measure through the Lords? The Minister would run no great danger of impeachment, for he would have acted in deference to public opinion—that is in deference to the House of Commons—and the consequence would be that this House would become an absolute cipher in the Legislature. My Lords, if you admit the power of a Minister to introduce even one life peerage at his discretion, and to keep that peerage dangling from father to son as a bait for further services, I tell you that the hereditary character of this House is gone—its usefulness in legislation is gone—its independence is gone—and you had better abdicate your functions and intimate your readiness to assent to anything the House of Commons may please to dictate. This is not a visionary apprehension. I am putting a case which must arise, in the struggle of parties, whenever we have either an unscrupulous Minister, or a weak Minister, who, being dependent upon a narrow majority, and wishing to strengthen it, chooses to appeal to the worst feelings of the House, and by overbearing your Lordships, obtain for himself a temporary renewal of power. You cannot argue from the merits of the individual you propose to elevate. Even if Baron Parke or any other equally learned Lord were willing to submit—as I think few men would be—to the comparative inferiority of a peerage for life, the precedent must inevitably lead to abuses, the introduction of less worthy individuals, to a serious increase in the power of the Crown, and to the degradation of your Lordships' House. It has been said that there is no danger of the Crown granting its favour to unworthy persons; but by whom will the selection of the individuals in whose favour the prerogative of the Crown is to be exercised be made? With that it may be said that this House has nothing to do; but if you admit the principle that the Crown may create Peers for life, but subject to control as to the qualifications and merits of the individuals by the Government of the day, then you immediately introduce a doctrine not only dangerous to the prerogative itself, but which will expose the whole monarchical constitution of the country to destruction. From the moment you determine to act upon this principle you will have signed the doom of the House of Lords. It may not be this year, or the next five years; but if you admit that principle, and it must be carried to its legitimate consequences, my belief is that the hereditary aristocracy, which is the support of an hereditary monarchy, will be shaken to its basis, and that if we ourselves should be spared the sight, our sons will witness the fall of that monarchy, which may for a time be upheld by the personal virtues of the individual who possesses the Throne, but which must fall the very first time its possessor become obnoxious to public censure or distrust. To suppose that the relations in which the different branches of the constitution now stand towards one another—when the Crown, the House of Lords, and the House of Commons are each exercising their legitimate powers—to suppose that such a system of things can subsist in conjunction with the principle now sought to be introduced is contrary to all reason, and contrary to all experience. What have we seen in our own Colonies? We have had men sitting for life in the Council, and have concluded that, because they had appointments for life, they would be independent of the Minister of the day. And what has been the consequence? Why, every colony in succession has declared against the nominee system. It has been abandoned by the House of Commons, and the Colonies are rejecting and casting to scorn the very system which you are now seeking to introduce at home. An upper chamber may rest upon one of two great bases; it may rest upon the hereditary character of the House—giving to it a stability and firmness, and, at the same time, giving to the Government of the country a stability and firmness which, in my conscience, I believe no other constitution can confer; giving to every individual of the House, by whatever means he may have obtained his seat, an indefeasible interest in the perpetuity of that House which can never be felt by nominees, who are here to-day and gone to-morrow; it may rest upon that principle upon which the British constitution has rested for centuries—or you may rest that upper chamber upon the elective principle, but upon an elective principle varying somewhat in its character and in its constituency from the lower House. But between these two constitutional modes of government, by means of an upper chamber—namely, by the hereditary succession of its members who shall be independent of the Crown—or by an elective chamber, there is no alternative. If you seek to depart from either one of these two bases it will be a most delusive work, and one which will inevitably come to pieces in your hands. My Lords, I hope that neither we nor our children are to live to see the time when this great country shall degenerate into a republic, however well suited such an institution may be to other countries; but of this I am sure, that if you desire to maintain an hereditary monarchy with a balanced constitution of the three Powers, to this you must cling as one of its main essentials—the hereditary character of the House of Peers. For one, I will not consent without a struggle to see the House of Peers swamped. I hope, therefore, that the question will be referred to a Committee of Privileges. I desire deliberately and carefully to consider the whole matter, and, if possible, to act with that Committee; but, at the same time, with a firmness which becomes this House, I will not consent that the Crown shall have the power of calling Peers to this House by the mere exercise of the prerogative, or that we shall be denied the right of discussing and deliberating upon the manner in which the power of the Crown has been applied in the exercise of its prerogative. I will not consent that we should deprive ourselves, by our own act, of that with which the House of Commons will not part—of that which is essential to every legislative body—namely, the power of being the judges of our own privileges, and the interpreters of the laws which regulate the rights of those who have the honour of a seat in your Lordships' House. I cordially concur in the Motion of my noble and learned Friend. I admire the ability with which he has brought it forward, and the temper with which he has stated his case. And as I think the proposal he has made is the most moderate and constitutional course that can be adopted, so I hope it is a course which, without reference to party feeling or politics on the one side or other, will secure for his proposition the approval and assent of a very considerable majority of your Lordships.

THE DUKE OF ARGYLL said, that he would not detain their Lordships by many observations at that period of the night. He found it very difficult to believe that the latter part of the able speech they had just heard came from a noble Lord who was himself somewhat mixed up in the transactions of 1832, which had been more than once referred to. The noble Earl said that it was not with the particular instance he found fault, as Baron Parke was a person they all respected, neither did he object to the object the Government had in view; but he said that he objected to the Motion, not so much on the ground that the creation of life peerages was illegal, though he thought that the precedent for creating life peerages was too ancient to be valid now; but he objected on account of the consequences—the dangerous consequences—that would flow from it to the independence of their Lordships' House, which he thought required previous investigation. Now, he (the Duke of Argyll) wished to point out that the danger of swamping the House of Lords by the exercise of the prorogative was quite as great from the creation of hereditary Peers, as from the creation of Peers for life. The noble Earl admitted that it was not in quiet times that the exercise of the power for this purpose was to be dreaded, but in times of great popular excitement, when there might exist a reckless Minister, or one placed in a situation of great strength, as in 1832. Now, they had the testimony of one of those Ministers in 1832 as to the motives which withheld them from attempting to swamp the House of Lords. The noble and learned Lord opposite (Lord Brougham) in his *History* of 1832, stated—

> "When I went to Windsor with Lord Grey, I had a list of eighty creations, framed upon the principle of making the least possible permanent addition to our House and to the aristocracy, by calling up Peers' eldest sons—by choosing men without families—by taking Scotch and Irish Peers. I had a strong feeling of the necessity of the case in the very peculiar circumstances in which we were placed. But such was my deep sense of the dreadful consequences of the act, that I much question whether I should not have preferred running the risk of confusion that attended the loss of the Bill as it then stood."

The noble and learned Lord said, that the Government had prepared a list of eighty Peers, by means of whom they might have swamped the House of Lords without making any considerable permanent addition to the House of Peers—by choosing the eldest sons of Peers—Peers without families, and Scotch and Irish Peers. But the noble and learned Lord said, that such were the dreadful consequences apprehended from the adoption of the measure that he should have probably preferred the worst alternative rather than have agreed to it. Did not that prove that the undoubted prerogative of the Crown, of making hereditary Peers, might be used for swamping the House of Lords? Were not the same motives which prevented the noble and learned Lord and Earl Grey from making a large creation of hereditary Peers always operating as a check upon any Government which might wish to swamp this House with life Peers? A Minister attempting any such measure would be threatened by dangers so manifest and so manifold, that he could not believe any Government, except, indeed, in times of most unusual emergency, would be persuaded to adopt that course. Their Lordships, however, were now called upon to affirm the principle that none but hereditary Peers should be created. The only result of such a resolution would be that in times of great excitement the Ministry would become utterly reckless, and would not even take the precaution alluded to by the noble and learned Lord in the extract he had just read, namely, that of choosing the eldest sons of Peers, men without families, and Scotch and Irish Peers, so that no permanent addition should be made to the House. He believed there was not one of their Lordships who would object to the moderate exercise of this prerogative; but they objected to it simply because they feared it might be abused at some future time. On this principle, however, they might object to the exercise of any prerogative whatever, because it was possible that all might be used in excess.

LORD BROUGHAM said, that in his position, with regard to the events of 1832, and referred to as he had frequently been in the course of the debate, he felt it necessary to trouble their Lordships with a few words before they went to a division, especially after what had just fallen from the noble Duke, as well as from his noble Friend the Lord President, at an earlier period of the evening. He denied altogether that either he or his noble Friend near him (Lord Derby) were precluded by the fact of their having been Members of the Government of 1832, from expressing a clear opinion against the creation of peerages for life, which he held to be inconsistent with, and dangerous to, the constitution. It was certainly his opinion, in which many others concurred, that, at the crisis alluded to, a large creation of Peers was not only justifiable, but required; and now, after the lapse of above twenty years, he retained the same opinion of its necessity at that crisis. It was not true, as had, from misapprehension of his meaning, been stated, that he had ever represented himself, and his revered and lamented colleague, to have shrunk from the measure, but only that, casting his eye back upon its probable consequences, he now doubted whether had the grievous necessity arisen they would have embraced the measure—whether they would have found it to be their only alternative. But whatever might —speaking at the present time—be his doubts upon that point, of one thing he entertained no doubt whatever from his distinct recollection of all that then passed, he meant the exceeding great relief which it would have been in their difficulties, the great facility they would have had in executing the measure, if they could have had recourse to life peerages. The noble Duke said that he (Lord Brougham) had been ready with an expurgated list of creations. It was true; but with all the expurgation that could be effected for the purpose of confining the intended creations so as not to make a permanent increase of the peerage, he most distinctly recollected that the number was exceedingly small of those whose creation would not have made the permanent increase so much to be avoided; and the possibility of life creations would at once have removed this the greatest of the difficulties in the way of that wholesale creation to which reference has been made. It had been argued that this sudden and extensive addition to the peerage is such a chance as can hardly ever arise; that such a violation of the constitution is hardly within the number of probable occurrences. But our political system might be violated gradually as well as suddenly; it might not be mangled by the sabre—it might be assailed by the stiletto, or exhausted by poisonous drugs; his noble Friend whispered homœopathic doses. Parties being nearly balanced, a Minister might turn the scale by a few life Peers, when the Sovereign, or his own alarms at encountering the great evils, and the greater risks of permanent additions, would prevent hereditary creations from being resorted to. But independent of this manifest tendency of life peerages, there are other and insuperable objections to that change in the essential character of the peerage—its hereditary nature. A class of Peers would be introduced less independent, more subservient to the pleasure of the Crown, or rather of the Minister of the day. In conferring with those who had founded the French constitution of 1830, among others the exalted personages at its head, he remembered objecting to the great change just made in the Chamber of Peers. The answer was, hereditary Peers are all very well in England, but here they will not do; the Ministers could never depend on such for support. He regarded this as a great inroad upon our constitution, and a most perilous extension of the prerogative. Upon the hon. and learned individual in whose person it had been deemed advisable to make this experiment upon the constitution of England, he need not say one word, heartily agreeing in all the panegyrics which had been lavishly, but not too lavishly, bestowed upon him. He entertained for him all the affection of an old and intimate friend, and all the respect which was felt by the whole of their common profession. But the experience of all ages showed that it was in such cases of high individual merit that the most perilous things were tried. This truth had been declared by a famous statesman, and great practical authority of ancient times, the words, at least, were given as his by the historian, and their substance was in all probability correctly recorded as a warning to us — *Omnia mala* (said Julius Cæsar), *ex rebus domesticis orta sunt; sed ubi imperium ad ignaros aut minus bonos pervenit, novum illud exemplum ab dignis et idoneis ad indignos et non idoneos transfertur.* Into the question of its legality, he deemed it unnecessary that he should stop to consider. He confessed that the leaning of his opinion had been in favour of its strict legality, but he had, upon a closer examination of the authorities, found reason to entertain considerable doubts, and he agreed with the Chief Justice in desiring time and opportunity for further inquiry, especially into the precedents. He, however, would beseech their Lordships to consider upon what they were now called to decide, on what they were about to pronounce an opinion, and in what circumstances. Upon a great question of constitutional law, by far the most important that had arisen in our day, they were to decide with the opinion plainly indicated by two law Lords, and decidedly pronounced by a third, that life peerage was contrary to law. The noble Mover clearly showed that this was the opinion to which he inclined, though he deemed it unnecessary to decide the question. The Chief Justice declined now to pronounce decisively, but declared that, if he must decide, he held the creation illegal. The third noble and learned Lord, who had ably and elaborately gone through all the precedents, had no hesitation whatever, and at once declared that, in his opinion, the creation was contrary to law. The Lord Chancellor alone maintained it to be legal. But the step had been taken without the ordinary precaution of consulting the law officers of the Crown, a precaution always used where the matter was of any importance, and the least doubtful; not that their report is to bind the Government, but their assistance is required for greater security against rashness and oversight. He had a right, therefore, to assume that his noble and learned Friend on the Woolsack had formed his opinion without the ordinary consideration which, in so grave a matter, should have been given. Then let their Lordships reflect what they were about to do. They were, if they rejected the Motion, to pronounce, finally and irrevocably to pronounce, their judgment that the creation of Peers for life is legal, when all the law Lords hold it illegal, except one, who has not maturely considered the question, and his humble self, who confesses that the more he inquires the more he sees reason to doubt, and to agree with his learned brethren. Were their Lordships prepared to take this alarming step? By agreeing to the Motion, they pronounced no opinion either way; they only resolved that the question should be examined, and disposed of in the usual and satisfactory course, after full argument, it may be with counsel at their bar. By rejecting the Motion, they gave judgment, and finally on this great question of constitutional law, against the whole body of their legal members. Of such an ill-considered judgment they would speedily repent. If they only decided to go into the Committee, they never would have to blame themselves for having hastily overruled by their decision that of the authorities best entitled to their respectful consideration, and among them the Chief Justice of England.

Lord Brougham

On Question, their Lordships divided—Content: Present 79; Proxies 59; 138: Not-content: Present 53; Proxies 52; 105: Majority 33.

Resolved in the *Affirmative.*

List of the CONTENT.

DUKES.

Buckingham
Manchester
Montrose
Northumberland
Wellington

MARQUESSES.

Bath
Clanricarde
Exeter
Salisbury
Winchester

EARLS.

Beauchamp
Bradford
Cardigan
Chesterfield
Cathcart
Cottenham
Carnarvon
Cawdor
Dartmouth
Delewarr
Derby
Desart
Donoughmore
Eglintoun
Essex
Erne
Enniskillen
Ellenborough
Hardwicke
Lanesborough
Lonsdale
Lucan
Longford
Mornington
Mayo
Malmesbury
Nelson
Pomfret
Romney
Sandwich
Selkirk
Strathmore
Stanhope
Shaftesbury
Verulam
Vane
Wilton
Winchilsea

VISCOUNTS.

Bangor
Canterbury
Dungannon
Exmouth
Falmouth
Hawarden
Lifford

BARONS.

Abinger
Brougham
Berners
Colchester
Colville of Culross
Cloncurry
Campbell
Congleton
Churchill
Dinevor
Denman
Feversham
Lyndhurst
Polwarth
Redesdale
St. John
Sondes
Southampton
Tenterden
Templemore
Walsingham
Willoughby de Broke
Wynford
Ward

PROXIES.

Heytesbury
Combermere
Tweeddale
Cleveland
Ferrers
De Saumarez
Huntingdon
Tankerville
Berwick
Buckinghamshire
Ranfurly
Aylesford
Onslow
Northwick
Limerick
Lauderdale
Marlborough
Sandys
Kenyon
Poulett
Abergavenny
Bolton
Guilford
Beverley
Hawke
Doneraile
Bateman
Bandon
Orford
Clancarty
Crawford
Douglas
Gray
Sidmouth
Braybrooke
Leven
Gage
Melville
Strathallan
Harewood
Stradbroke
Grantley

Ailsa
Howe
Plunkett
St. Vincent
Ravensworth
Jersey
Bayning
Manvers
Drogheda
Forester
Downshire
Dunsandle
Bathurst
Orkney
Farnham
Sinclair
Clarina
De L'Isle

List of the NOT CONTENT.

Lord Chancellor

DUKE.

Argyll

MARQUESSES.

Ailesbury
Breadalbane
Huntly
Lansdowne
Townshend

EARLS.

Aberdeen
Abingdon
Albemarle
Bessborough
Burlington
Chichester
Clarendon
Cowper
Craven
Durham
Elgin
Fortescue
Grey
Granville
Harrowby
Kingston
Portsmouth
St. Germans
Somers
Spencer

VISCOUNTS.

Enfield
Falkland
Sydney
Torrington

BISHOPS.

St. David's
Manchester

BARONS.

Byron
Camoys
Dacre
De Mauley
De Tabley
Dufferin
Erskine
Foley
Glenelg
Keane
Leigh
Lurgan
Mostyn
Overstone
Petre
Panmure
Poltimore
Stafford
Stanley of Alderley
Wodehouse

PROXIES.

Bedford
Devonshire
Roxburgh
Sutherland
Anglesey
Bristol
Conyngham
Donegal
Normanby
Westminster
Camperdown
Carlisle
Clare
Cork
Ducie
Fingall
Gainsborough
Glasgow
Granard
Kintore
Lindsay
Leicester
Minto
Morley
Ripon
Radnor
Rosebery
Stair
Scarborough
Yarborough
Zetland
Massarene
Chester, Bishop of
Durham, Bishop of
Ashburton
Cremorne
Carew
Dorchester
Dunfermline
Godolphin
Harris
Howard de Walden
Holland
Howden
Kinnaird
Londesborough
Lovat
Methuen
Portman
Rossmore
Stuart de Decies
Sudeley

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 7, 1856.

MINUTES.] NEW MEMBER SWORN.—For Leeds, Right Hon. Matthew Talbot Baines.

PUBLIC BILLS.—1° Charitable Uses; Dissenters' Marriages.

2° House of Commons' Offices.

INSPECTION OF PRISONS—QUESTION.

MR. ADDERLEY said, he begged to ask the Secretary of State for the Home Department, why there had been no Report made by the Inspector of Prisons in the home district for five years past; and when any Report, such as the Act requires annually, was likely to be made by that inspector?

SIR GEORGE GREY said, he regretted to say that the Inspector of Prisons in the home district was five annual Reports in arrear, directly contrary to the terms of the Act of Parliament, which required that the Reports should be made annually. For months past he had endeavoured to impress on Captain Williams the necessity of making up those Reports, and, though Captain Williams had given repeated assurances that he would do so, none of the Reports had yet been received. Measures, however, had been taken effectually to prevent the recurrence of such neglect, and to insure regularity in future.

THE CRIMEAN ARMY (COMMISSARIAT)—QUESTION.

SIR JAMES FERGUSON said, the Report of the Commission of Inquiry into the Supplies of the British army in the Crimea having appeared, he begged to ask the Under Secretary of State for War, whether it was the intention of Her Majesty's Government to make any change in the direction of that department; and whether it was their intention to place that department of an army in the field under the charge of a superior military officer, as recommended by the said Commission?

MR. FREDERICK PEEL said, the suggestion referred to was, that a staff officer should be appointed to determine how the army should be supplied, and the nature of those supplies; and the effect would be to devolve upon such an officer the most important part of the duties of the Commissary General, and a portion of the duties also of the Quartermaster General.

The suggestion appeared to be a valuable one, but it had not yet been determined to act upon it.

CORRUPT PRACTICES AT ELECTIONS—QUESTION.

Mr. H. BERKELEY said, he begged to ask the First Lord of the Treasury the following question:—Seeing that the Corrupt Practices Prevention Act expires this Session, and that a strong and general opinion prevails as to its inefficiency, whether it is the intention of Her Majesty's Government to bring in a Bill to renew that Act, or to submit its operation to the inquiry of a Select Committee?

Viscount PALMERSTON said, the question was still under the consideration of the Government. They had not yet made up their minds whether it was best to bring in a Bill to continue or amend, if necessary, the Corrupt Practices Prevention Act, or to propose to refer the subject to the consideration of a Select Committee. When they had made up their minds he would inform the House what course they would adopt.

FOREIGN ENLISTMENT (PRUSSIA)—QUESTION.

Mr. H. BAILLIE: I wish, Sir, to ask the First Lord of the Treasury, whether he has any objection to lay upon the table of the House the correspondence which has taken place with the Prussian Government, relative to the employment of agents for the enlistment of troops, and in reference to the arrest of Her Majesty's Consul at Cologne upon the charge of being engaged in such proceedings; also any communications which may have been made by the authorities of the Hanse Towns with reference to the subject of enlistment?

Viscount PALMERSTON: Sir, I certainly shall object to produce to the House the correspondence with regard to our Consul at Cologne. There were charges brought against Mr. Curtis which Her Majesty's Government had good reason to believe were supported by evidence not entitled to credence. A great deal of communication passed between Her Majesty's Government and the Prussian Government. The trial at Cologne and the condemnation of Mr. Curtis followed, which, in our opinion, was not just; but we could not expect the Prussian Government to acquiesce in our opinion, as they were entitled to place confidence in the judgment of their own tribunal. Nevertheless, as a matter of courtesy towards Her Majesty's Government, the King of Prussia pardoned Mr. Curtis as soon as the final sentence of the Court was delivered. The correspondence involved a good deal of controversy. The transaction has ended satisfactorily and amicably, and I think no public advantage would arise, but the contrary, from laying the papers on the table of the House. With regard to the other question, there has really been no correspondence on the subject. Representations were made to the Government of Hamburg with respect to enlistment going on, and a communication was made by the Hamburg Government to Colonel Hodges, but it did not need any reply. At Hamburg five or six persons were tried and convicted of enlisting contrary to law. No communication has, however, been made to Her Majesty's Consul General at Hamburg, and there consequently is nothing to produce on the subject.

POSTAL SERVICE TO IRELAND—QUESTION.

Mr. CAIRNS said, he begged to ask the Secretary of the Treasury whether, in the contemplated postal arrangements with Ireland, the Treasury had considered the requirements of trade in the provinces as well as in Dublin; and whether any communication on the subject had been made to any of the Chambers of Commerce in Ireland except that of Dublin, or whether any such communication would be made before any tender was accepted?

Mr. WILSON said, no communication was made to any other Chamber of Commerce than that of Dublin, but the careful attention of the Government was directed to the interests and convenience of the provincial parts of Ireland; so much so, that he had no doubt they would derive the greatest benefit from the new arrangements.

ECCLESIASTICAL COURTS JURISDICTION.

Mr. COLLIER said, he rose to move for leave to bring in a Bill "To transfer the Testamentary Jurisdiction of the Ecclesiastical Courts to the Superior Courts of Common Law and to the County Courts." He did not attempt to conceal that he approached with much diffidence and anxiety a subject that had hitherto baffled all attempts at legislation. When he considered that these Ecclesiastical Courts had been condemned by a Commission more than twenty years ago, which condemnation had since been confirmed by other Commissions and Committees, and by the unanimous voice of public opinion—when he remembered that Bills to the number of fifteen had been introduced to take from them this jurisdiction, but from some cause or other had all failed — when he remembered, how many younger and robuster abuses had sunk beneath the reforming spirit of the age, while these Gattons and Old Sarums of our judicial system were still suffered to survive, he could not but entertain a superstitious fear that, like the Struldbrugs of Laputa, they were destined to an immortality of decrepitude and decay. But he trusted the House was not yet prepared to give up the question. His plan, at all events, had the recommendation of novelty, and he believed it was almost the only possible plan which had not yet been tried and failed. He had introduced a similar measure three years ago, on which occasion he made a statement of some of the principal evils of the existing system: the truth of that statement was recognised by his hon. and learned Friend the Solicitor General, and the First Minister of the Crown, then Home Secretary, promised that the Government would lose no time in cleansing this Augean stable. Under those circumstances he left it in the hands of the Government, but nothing was done in that Session. In the next Session a Bill was introduced for transferring the jurisdiction of the Ecclesiastical Courts to the Court of Chancery. That proposition did not meet with any very cordial reception, and failed. In the following year another Bill was introduced, giving the jurisdiction to a separate tribunal, neither exactly in the Court of Chancery nor out of it. That also failed, and he therefore trusted the House would consent to the introduction of the measure he had prepared. The proposition from which he started was this, that the Ecclesiastical Courts were past mending, and it was necessary that they should be abolished. It was true that his Bill only dealt with their testamentary jurisdiction, whereas these Courts also possessed jurisdiction in divorce and Church discipline. How these jurisdictions came to be centred in one set of Courts, it would be more curious than useful to inquire; it was enough to say that there was no necessary connection whatever between them. If all possible jurisdictions were shaken up in a bag, and the first three which came to hand taken out, there would probably be fully as much connection between them. The law of divorce was in a state most discreditable to this country. As it now stood it was a law for the rich, and not for the poor. The qualification which a man must possess to get rid of his wife was a mere property qualification. If he had £1,000, he might do so; if not, though she might be a notorious prostitute, and the paternity of her children an open question, there was no possibility of getting rid of her, but he was tied for life to a loathsome and degraded creature. If he married another he was guilty of felony; but a humane Judge, in such a case, would perhaps sentence him to only a day or a week's imprisonment, on consideration that, although his nominal offence was bigamy, his real offence was, not possessing £1,000. The law relating to Church discipline was not in a much better state, and it therefore was necessary that these jurisdictions should be dealt with. But as he knew the difficulties in the way of a private Member passing one Bill, he had not incumbered himself with three. Should this Bill, however, which dealt only with the testamentary jurisdiction, pass into a law, he was prepared to deal with the other jurisdictions, if the matter should not fall into abler hands. He should not have thought it necessary to say one word on the evils of the present system, had not an attempt been made last Session by the hon. and learned Member for Wallingford (Mr. Malins) to show that the Ecclesiastical Courts were the victims of a popular prejudice, and that in reality they were perfect models of purity and despatch; indeed, as far as he understood his hon. Friend, if there was any institution of which he was more proud than another, and which he would point out with greater satisfaction to foreigners, it was our Ecclesiastical Courts—however high his respect for Common Law, however profound his veneration for Chancery, still, in his opinion, the pure well of justice undefiled was to be found in the dark and sequestered precincts of Doctors' Commons. In the first place, he would observe that this testamentary jurisdiction of the Ecclesiastical Courts was usurped by the ecclesiastics from the old County Courts of the country on the pretext that they were more conscientious than laymen; and this they showed by appropriating the effects of deceased persons to themselves, until they were compelled by Statute to make a more equitable distribution of the property. The exercise of this jurisdiction was altogether worthy of its origin. At present we had 372 Ecclesiastical Courts in this country—episcopal, archiepiscopal, diaconal, archidiaconal, rectorial, manorial, and peculiars of every description—presenting such a grotesque and motley array as was disgraceful to the country. The characters of the Judges were equally varied, comprising bishops, lawyers, old women, rectors, lords of manors, colonels in the army, boys and girls, exercising their functions by deputies and deputies' deputies, and with their offices settled in remainder two or three deep. In the present state of the law, a will was, *primâ facie,* provable in the jurisdiction where the testator had dwelt at the time of his death; but if it turned out that he had *bona notabilia* to the extent of £5 out of the district, the probate so obtained was utterly worthless, and it was necessary to take out a probate in the Court of the Archbishop of the province. For that purpose a person could not apply himself or by his attorney, but must employ a proctor, one of a class of persons who had a monopoly of that business, consequently he had two bills to pay. But when he had got the metropolitan probate, if it turned out that there were *bona notabilia* out of that jurisdiction, he must get the other Archbishop's probate; and even then that probate was not good for Scotland or Ireland. When a will was proved, it was not necessarily in a place of safe custody. Many of these register offices were scattered throughout the provinces; and a Commission had reported that the register office of the Prerogative Court was not fire-proof, that it was inconvenient, and in every respect defective. Indeed, although the Registrar of that Court had received upwards of £300,000 for doing nothing, he had never thought it his duty to provide a proper registry for the safe custody of the wills in his charge. But the testamentary jurisdiction of these Courts was not only cumbrous and costly, but limited and inefficient, for it dealt only with personal property. Where real property was concerned, proceedings frequently became necessary in the Court of Chancery; and in many cases that Court directed an issue to be tried by the Courts of Common Law. Thus three jurisdictions were brought into play, it might be, in one single case; three sets of legal machinery were grinding, crushing, and tearing in pieces the unfortunate estate. He might mention a case of *Nicholls* v. *Remigo,* where the Ecclesiastical Courts found the testator to be insane as to disposition of his personalty—a jury to be sane as to the disposition of his realty by one and the same will—Nicholls took possession of the realty because he was sane, Remigo of the personalty because he was insane: but the costs had swallowed up the whole of the property; and the end of it was that the lawyers turned out both Remigo and Nicholls, and took possession of the property; and then they only got 10*s.* in the pound of their bills. That was a case going on at this moment. Now this was a state of things permitted to exist in the middle of the nineteenth century. The House would surely agree that it was high time to put an end to it. It was discreditable to the country, and not very creditable to the House. His next proposition was that there was no necessity for any new tribunals, but that the existing Courts of the country were sufficient to deal with this jurisdiction. The common complaint was, not that we had too few, but too many Courts, and it was owing to the conflicting jurisdictions of our Courts that much of the complexity of our law arose. We had Courts of Common Law, and Courts of Chancery, which, by the bye, ought never to have existed, for the Common Law Courts ought to have exercised both jurisdictions. In addition to these we had another set of Courts recently established by Parliament—the County Courts; and with these three sets of Courts, it would be very discreditable if we were not able to deal with all the judicial business of the country. It was most important to deal with this question on broad and general principles. One principle of most general application in the law was, that when claims or disputes related to small amounts they should be settled by local tribunals. On that principle County Courts had been established—certainly against the wishes of many eminent members of the legal profession—yet no experiment in modern legislation had been more successful, or had given more general satisfaction to the country. Instead of sneering at those Courts, let them accept, and improve, and extend their jurisdiction; and the proper mode to extend that jurisdiction was, not so much to give them jurisdiction over matters of large amount, as over every matter of small amount. Above all, it was a matter of much importance that the right men should be appointed Judges of these Courts. Let not the County Courts be made a shelf for superannuated practitioners. There were in Westminster Hall a large class of able men, well versed in the theory and practice of their profession, and not too old to adapt themselves to a new system, who would be disposed to barter for the prospect of high professional eminence, or a possible peerage for life, immediate competency and independence. If such men were selected, there was no species of minor jurisdiction with which the County Courts might not be safely intrusted. Why should not justice, in matters testamentary, be brought home to the poor man by means of the County Courts as well as in other matters? It had been stated on behalf of the proctors, that questions relating to wills involved such a degree of difficulty and intricacy that it was necessary to have peculiar Courts and a body of practitioners whose attention was confined to such subjects to deal with them. A kind of manifesto had also been issued by those gentlemen last year, in which they set forth an array of difficulties attending even the common-form jurisdiction—unable to defend their position, they sought to conceal it by a cloud of dust—for example, they dwelt on the difficulty of deciding what documents constituted a will if it was written upon more than one sheet of paper, or if the signature was at any other part than the bottom of the instrument. But there were equal difficulties in every branch of the law. Why should a will be more difficult to deal with than a contract or lease or policy of insurance, or any instrument by which a man disposed of property during his life? What was the law with regard to wills in other countries? Nearly thirty years ago the Commissaries' Courts in Scotland were transferred to the Sheriffs' Courts, and he had never heard that the latter had been found incompetent to exercise jurisdiction in this matter. There were no proctors or Ecclesiastical Courts in America, and he had never heard that any inconvenience was experienced from the want of them. In India there were no Ecclesiastical Courts, and he would appeal to his hon. and learned Friend the late Chief Justice of Bombay (Sir E. Perry) whether any difficulty or inconvenience had been felt in that country from the absence of this peculiar jurisdiction. In the jurisprudence of no other country was there any institution similar to our Ecclesiastical Courts. It was a mere prejudice to suppose that there were any peculiar Courts, or any set of special practitioners required for dealing with the subject of wills. He was aware that the Commissioners reported against transferring this jurisdiction to the County Courts, but they did not examine a single witness as to whether or not those Courts would be competent to exercise jurisdiction of this kind. Now, he had consulted a great number of Judges of County Courts on this point, and their unanimous opinion was, that the County Courts were fully competent to exercise this species of jurisdiction. His Bill, therefore, proposed to give the Judges of the County Courts jurisdiction in all cases where there was no dispute about the will, or where the property in question was of small amount. He also proposed that the circuit of each County Court Judge should be a district for the proof of wills, and the Registrars of the present Ecclesiastical Courts should be appointed Registrars under his Bill, for the purpose of securing experienced men to superintend the new system at its commencement, and to avoid the necessity of giving them compensation. He likewise proposed that every will should be proved in that County Court district in which the testator lived at the time of his death—that it should not be necessary to employ either proctors or attorneys for that purpose, and it entitled a poor man to go with the will he sought to prove, to require a form of affidavit, and to prove it without any expense, unless there was an objection made to it. He further proposed that every original will should be sent for registration to Somerset House, where an extremely complete system of registration existed, where there was room for the deposit in fire-proof offices of all the wills of the kingdom for the next 500 years, and there every will could be inspected in a few minutes. These arrangements presented a striking contrast with those which existed at present in Doctors' Commons. He proposed that wills relating to real as well as personal property should be proved in these Courts in all those cases where the will was undisputed, and that one probate should be good throughout the whole kingdom. Provision would be made for proving the wills of persons who died abroad, in the Metropolitan County Courts, which would be consolidated for purposes of probate. All the provisions would apply to wills relating to real as well as to personal property. In cases above £300, the Bill provided that any person interested might require to have the will proved in one of the Superior Courts; but in cases where the property was under £300, the County Courts would decide every dispute regarding them; for not to allow them to do so would practically amount to a denial of justice to the poor. These Courts were to have full legal and equitable jurisdiction, where the amount of property was under this sum. These were the provisions of the Bill with regard to the County Courts; he believed they would have the effect of bringing this part of the administration of justice to the door of the poor, and he trusted they would meet with the approbation of the House. The next question that arose was, what was to be done with the jurisdiction over property above £300 in amount, as to which there was a dispute. That might be transferred either to the Courts of Common Law, or to the Court of Chancery, or to a new Court. The amount of litigation in such cases being small, he thought it would be unnecessary to saddle the country with the expense of a new tribunal for the purpose of adjudicating upon it; and as between the Courts of Common Law and the Court of Chancery, he preferred the former, for the following reasons. In the first place, the Courts of Common Law were not fully employed, and if this new class of jurisdiction were transferred to them they would have less business to deal with than they had before the business which was now decided by the County Courts was taken away from them. The Court of Common Pleas especially had a good deal of leisure time; and if it was thought advisable to transfer the testamentary jurisdiction to one of the Common Law Courts only, his Bill might be easily adapted to that end. If, on the other hand, it was transferred to the Court of Chancery, it would be necessary to appoint another Vice Chancellor. But the Courts of Common Law were moreover peculiarly fitted to have jurisdiction in such matters, because they now determined the validity of wills, as far as they disposed of real property, and his proposition was that they should determine it also with respect to personal property. The House, perhaps, recollected the case of *Hopwood* v. *Hopwood*, which was tried at Liverpool a year ago, in which the question of the competence of the testator to dispose of land was decided by a Judge and jury. But as the law now stood, the validity of

the will as to personalty might be disputed in the Ecclesiastical Courts, who might come to a decision opposite to that of the jury. If his plan was adopted, the verdict of the jury would be conclusive of the validity of the will, not only with regard to real but to personal property, and nothing more would have to be done than to apply to a Common Law Court to grant probate. The Common Law Judges also visited the provinces by going circuit, which the Chancery Courts did not; this was an additional reason for giving this jurisdiction to the Courts of Common Law rather than to the Court of Chancery. It might be said, that as the Court of Chancery had the power of administering the assets and dealing with trustees and executors, it was right it should also decide cases of probate. The Commissioners had not adopted that view, for they had not recommended it; and the argument itself, though plausible, was not satisfactory. What he proposed was, that the Courts of Common Law should decide all questions relative to the validity of wills, and grant probate or refuse it. The questions on which the granting or withholding probate depended were these—did the testator execute the will? was he sane or insane? was fraud practised on him? was the will a forgery? what documents constituted a will? With the exception of the last, all these questions were now dealt with by a jury, and could not be satisfactorily dealt with by a Court of Chancery. Even if the jurisdiction were transferred to the Court of Chancery, that Court would still send these questions to be tried by a jury, and therefore could not determine the whole matter relating to wills. It was true that where probate or administration were granted in the Common Law Courts the aid of Chancery might, in some cases, be required to assist in the administration of the assets, or to deal with the executors and trustees. But these constituted a totally different class of questions. The aid of Chancery might be required if there were no dispute as to the will, and if there were a dispute the aid of Chancery might not be required, the Court of Chancery possessing the machinery for determining one set of questions, and the Common Law Courts for determining the other. What he proposed was, that when the Court of Common Law decided whether the will was valid with respect to the realty, it should also decide with respect to the personalty; and that the Court of Chancery should at the same time retain its jurisdiction with respect to trustees and executors; and this arrangement was consistent with the principle of division of labour, as long, at least, as separate Courts of Law and Equity continued to exist—and if we waited until Law and Equity were perfectly combined, we should be granting the Ecclesiastical Courts a new lease of indefinite duration. On the subject of fusion of Law and Equity he would only say, that it appeared to him that the proper direction of Law Reform was rather to give to the Common Law Courts that equitable jurisdiction which they ought never to have parted with than to increase the jurisdiction of the Court of Chancery. There were also provisions in the Bill for the compensation of those persons whose offices were taken from them, and for permitting the advocates of Doctors' Commons—a most able and accomplished class of practitioners—to practise in the Common Law or Equity Courts, where he had no doubt their ability would secure for them a full share of the business, especially in the class of cases with which they were so familiar. He also proposed that the proctors should emerge from the darkness of Doctors' Commons into the full light of day, and exercise their profession in a more enlarged sphere and with greater benefit to themselves as well as to the public. These were the outlines of the Bill he desired to introduce. He had endeavoured to deal with the question broadly and comprehensively, and upon principle. Seeing no reason why justice in testamentary matters should not be extended to the poor as well as to the rich, he had given the minor jurisdiction to the County Courts; and he trusted that in that respect he should have the concurrence of his hon. and learned Friend the Solicitor General, who, in an able and comprehensive speech, had before proposed that this very jurisdiction should be given to the County Courts; but for some reason or other that proposition was not carried into effect. He proposed to give the superior jurisdiction to the Courts of Common Law, because deciding as they did the validity of testamentary jurisdictions of real property, it seemed convenient that they should also decide as to dispositions of personalty; and because they could exercise this jurisdiction without any additional burden to the country. He believed that if these provisions were adopted, much saving, both of expense and litigation, would be effected; and that the plan would constitute an important step towards the simplification of the law, and rendering symmetrical and harmonious the administration of justice.

MR. HADFIELD, in seconding the Motion, said, he did not understand whether the hon. and learned Gentleman had stated whether the Bill would extend to Ireland and Scotland, and make one probate or one confirmation operative throughout the United Kingdom.

MR. COLLIER said, he intended to have stated, that the Bill would extend to Ireland and Scotland.

MR. HADFIELD said, that provision, he considered, was highly necessary, for it appeared to him a most profligate mode of administering the law, that at present no less than five probates might be required to entitle an executor to administer the personal estate of his testator throughout the United Kingdom. He deeply regretted the present state of the law with regard to our Ecclesiastical Courts, but he was afraid there were influences at work adverse to reform beyond the power of any Government. He never went amongst professional men anywhere without being asked "How do you get on with the Probate Bill?" And sometimes the inquiry was made by sufferers amongst commercial classes. It was allowed that this measure of law reform was more pressing than any other. In Manchester if a person took out administration to a will in the diocese of Chester, the effect would be that, if a five pound debt were discovered to be due to him in Durham, that circumstance alone made the probate at Chester null and void. What a state of things was that? The hon. and learned Gentleman, the Solicitor General, about three years ago, had promised a measure which was allowed by everybody to be a very good one, but the hon. and learned Gentleman had not been able to carry it into effect. The comptroller of legacy duty, Charles Trevor, Esq., stated in his examination before the Chancery Commissioners—

> "It has occurred to me to be desirable that one grant of probate should be sufficient for the whole United Kingdom. It is necessary that there should be a grant, because it is right that the executor should have a title; and whether there be one court of probate only, or many courts of probate, one grant should, I think, be a sufficient title for an executor for the whole of the United Kingdom."—*Answer to Q.* 341.

And when (Q. 342) he was asked, "You think that whenever a will is proved it should be once for all?" he replied, "Yes; that an executor may get a title, by which he shall collect all his testator's estate." The Return prepared with respect to the Ecclesiastical Courts in 1852 made an Englishman perfectly ashamed to look at such a document. The patronage in those Courts was bestowed in a manner which was scandalous, and ought not to be endured for a moment. A lady was appointed a Registrar; babes in the cradle were appointed Registrars; and persons, without being called upon to perform any duties worth the name, were paid an enormous amount of income—an amount which it was perfectly shameful to think of. But the influences that prevailed were ecclesiastical, and he supposed it would be said the Church was in danger if they were to take away the Ecclesiastical Courts. The higher the patronage went in the department of ecclesiastical authority, the worse the case was. With regard to the sinecure enjoyed by the Rev. Mr. Moore, that gentleman happened to be the son of an Archbishop; and he was appointed in 1799, at the age of twenty-two, and, therefore, for fifty-seven years he had received an enormous income — £7,000 or £8,000 a year — without rendering any services whatever. These were the kind of evils which stood in the way of improvement. The next Archbishop appointed his grandson, aged sixteen, to the reversion, and if the Rev. Mr. Moore had then died that youth would have come into the possession of the income at that age. In 1849, the very year after his appointment—the present Archbishop nominated his son as second reversioner to this enormous income. It was stated in the Return that the age of that son was not known, but surely his father must know the age, for he had baptised him on the 23rd December, 1824. He had obtained from a friend a register of this young man's birth, from which it appeared that he was twenty-four years of age when he obtained the second reversion of that lucrative office. It was argued that the reform now proposed would inflict a serious injury on the proctors, but they were by no means a numerous body. In London there were only 120 proctors altogether. In Lancashire, the most populous county in the kingdom, there would be no damage done to that profession by the present Bill; for there was not, and never had been, a single resident proctor in all that county. In Yorkshire there were only some eight or ten proctors; and in Chester only three or four; and in point of fact, among a population of 5,219,590 in the province of York there were not more than thirty proctors for all these persons. Where he (Mr. Hadfield) came from they did not resort to proctors in proving wills, but the management in proving wills was given into the hands of surrogates—clergymen who knew not their right hand from their left in matters of law. There were not, he believed, in Great Britain more than 160 to 170 proctors altogether, and these were the gentlemen whose exclusive rights were insisted upon, and some of whom said in their examination that it would be unsafe to take this practice out of their hands, and intrust it to the care of about nine thousand solicitors in various parts of England. These were the difficulties which were in the way of all attempts at reform of the Ecclesiastical Courts. He should have liked the present Bill to have been in the hands of the Government, but under the circumstances he would give it his humble support. The grievance was one that extended into so many ramifications, that if he (Mr. Hadfield) were to occupy the House for days, he could not give them all the existing information of the bitterness and the wrongs, and confiscations of property which had taken place under the present mode of granting probates. The expenses were frightful, especially to small estates, and the losses sustained by persons who had to take out probates were enormous. Let it be remembered that these expenses had to be borne by bereaved families, by widows and by orphans. He spoke from personal knowledge when he mentioned one case in which the whole amount of the estate did not exceed £6,700. Of this sum £6,200 was in the province of York, with £500 and a small arrear of interest, in consols, in the province of Canterbury. The executors paid £120 duty, which was enough for the whole estate, which did not amount to £7,000; but because £500 and interest had to be administered to in London, there was £11 duty more; the full duty (£120) had to be paid in Yorkshire, and the special duty (£11) in London. The probate expenses in Yorkshire were £16 5*s.*; and in London, upon £500 and interest, the executors had to pay £42 14*s.* 4*d.* The whole expenditure consequent on both probates was near £200; of which sum, £70 were for legal and incidental expenses, and £42 and upwards by reason of administration in London. A profit of £250,000 a year was made by the Government, in consequence of the way in which those wills were dealt with, by obliging persons to prove on the amounts of the testator's estates without deducting debts due by them. This was shown in Mr. Trevor's examination, in reply to Questions 238 to 246. He had in his possession a Return showing that no less than £80,000,000 had been taken from personal property alone, before real estates had been subjected to any duty whatever. What could be more galling to a Scotchman or an Irishman than to be dragged into an English Ecclesiastical Court, if any of the property to which he had to administer happened to be in England? In some cases property changed dioceses even after administration had been granted; and in consequence the will had to be proved in another Court. It would be ludicrous, but for the losses and vexations consequent on these transactions, to describe the state of the law. A short railway between Sheffield and Rotherham, of the value of many thousand pounds, was one day entirely in the diocese and province of York; but, next day, it became amalgamated with the Midland Railway, and, consequently passed into the diocese of Lichfield, and in the province of Canterbury. A professional friend told him of a probate having been taken out at Chester, for an estate including shares in the Manchester and Crewe Railway, in that diocese, but before those shares could be sold the railway had become part of the London and North-Western Railway, and his client had to administer again for the same property in Doctors' Commons. In small properties he could prove cases where the expenses of administration exceeded the value; and he had been assured by the chairman of a considerable railway, that his company had been induced to allow transfers under an indemnity, in order to save the ruinous expenses that would have been otherwise incurred. Was it more than an act of justice that Her Majesty's Government should relieve the people of England from the harpies who now preyed upon them; and, by adopting a measure such as that now before the House, or that proposed by the hon. and learned Solicitor General in the last Session of Parliament, enable them to prove a will economically, and honestly to account for the duty due to the State without being subjected to unnecessary and exorbitant charges? The present taxation for probate and legacy duties, was, probably, £3,000,000 per annum, or would amount to that sum in a short time; and he appealed to Her Majesty's Government to shield this class of the people from vexatious and burdensome charges, imposed by ecclesiastical authorities, which rendered no adequate services for which these great expenses were imposed. He contended that it was alike the interest of Government, and of the people, to abolish the present system of extortion.

MR. G. BUTT said, the speech of the hon. and learned Gentleman who had brought forward the measure did not appear to bear upon the question then under consideration, which was a Bill to transfer testamentary jurisdiction from the Ecclesiastical Courts to the superior Courts of Common Law and to the County Courts. It certainly was most desirable that it should not be needful to take out many probates when one probate ought to be sufficient, and that facilities should be given for trying issues of fact by juries. He was surprised, therefore, that the hon. and learned Gentleman should have dwelt upon abuses which every one admitted and every one deprecated. However, the real question was, whether the present Bill should be entertained. He presumed the noble Lord at the head of the Government did not object to the introduction of the Bill. [Viscount PALMERSTON intimated that he did not disapprove of it.] He regretted, however, to say that he despaired of any good whatever being accomplished by the Bill. He believed the plan too crude to be productive of any benefit. For his own part, he wished to see matters put upon a better system, litigation cheapened, but so that it might be good and safe, for cheapness alone did not comprise all that was desirable. As there might, however, be some provisions in the Bill that would be useful, he would not oppose its introduction.

THE SOLICITOR GENERAL said, he was too sensible of the difficulty of encountering the evils against which this Bill was directed, and too much mortified by the recollection of the failure of his own attempts to deal with the subject, to reject assistance from any quarter, especially from his hon. and learned Friend the Member for Plymouth (Mr. Collier). At the same time, his hon. and learned Friend must not think that he regarded the measure as by any means one which was sufficient to attain the end which all had in view. In his opinion, its effect would be only to transfer the evil from one jurisdiction to another. That evil was not confined to the fact that a matter having in its nature nothing spiritual was administered by an ecclesiastical jurisdiction; there was the further grievance that it was often necessary to go to several tribunals to accomplish what should be done in many cases without the intervention of any Court at all, and, in all others, by the authority of but one. He was happy to announce that the Government had determined to introduce not merely a measure for the extinction of the testamentary jurisdiction of the Ecclesiastical Courts, but a series of measures having for their object the utter abolition of all these tribunals. Nothing less than this would satisfy the requirements of the case, and apply an effective remedy to the evils inherent in the present system. He hoped that the Government would find it possible to gird itself to this important task, keeping also in view the necessity of completely remodelling the law of marriage and divorce. With respect to probate, he entirely concurred in the propriety of having one for the whole of the United Kingdom, and a provision to that effect should form a prominent feature in any measure he might hereafter submit to the consideration of the House.

Mr. H. S. KEATING said, he was sure the country would hear with satisfaction the announcement of the hon. and learned Solicitor General that he was about to deal with this question on a scale and with the completeness far exceeding that of any measure hitherto introduced. He saw with great satisfaction that the Bill to be introduced by the hon. and learned Member for Plymouth proposed to give the County Courts jurisdiction in testamentary matters. For he was sure that the want of this jurisdiction in these Courts was the source of a moral injustice. He could not agree with the hon. and learned Member for Weymouth (Mr. Butt) that these Courts could not advantageously administer such a jurisdiction. Nor could he agree in the remarks which had been made to show that the transfer of the jurisdiction of the Ecclesiastical Courts to a Court of Common Law would not succeed. He had never heard a valid argument against such a proceeding, and it would indeed be strange if tribunals which were daily in the habit of construing instruments of the most complicated character should find themselves "at sea" in attempting to interpret a will. But, come what might of these suggestions, he hoped that the hon. and learned Solicitor General would be warned by the bitter experience of last Session against the folly of inserting in any Bill that he might hereafter introduce on this subject a provision for transferring to the Court of Chancery the testamentary jurisdiction at present residing in the Ecclesiastical Courts. He hoped that the Bill would receive the careful and candid consideration of the House, and that it would not be met by alleged practical difficulties, which had never been proved in the working of this jurisdiction through the medium of a Court of Common Law.

Mr. MALINS said, that it was agreed on all hands that great evils existed in the present system of the Ecclesiastical Courts, and the object which he had in view in objecting to the present and other similar Bills was not to retain those Courts, but to establish a fitting tribunal in their place. He had objected to the proposal which was made the year before last, substantially to transfer the testamentary jurisdiction to the Court of Chancery, a tribunal which he believed to be quite unfitted for such business. The hon. and learned Member for Reading (Mr. Keating) was of opinion that a Court of Common Law was best qualified to receive the testamentary jurisdiction, but he (Mr. Malins) thought a worse substitute for the Ecclesiastical Courts than a Court of Common Law could hardly be found, except perhaps the Court of Chancery. If the Government was really anxious to settle this question satisfactorily, they should adopt the recommendation, nearly unanimous, of the Commission of 1853, for the establishment of a distinct court of probate, to which should be transferred the business of the Ecclesiastical Courts. In England there were annually 25,000 wills and letters of administration at present proved in the Ecclesiastical Courts, involving an amount of some £50,000,000 in personal property alone; and, considering that such vast interests were involved in the question, Parliament, before abolishing the present jurisdiction, ought to take care that the most fitting tribunal should be selected to administer such important matters. Complaints had been made, and justly, of the evil of having to prove the same will in several jurisdictions, an evil which would be cured by the creation of one court of probate with complete jurisdiction throughout the kingdom. The hon. and learned Gentleman, the Solicitor General, appeared to hope that a portion of the testamentary business of the country would be intrusted to the County Courts, but he (Mr. Malins) regarded such a step as most unadvisable. The County Courts were already fully occupied, and it was impossible for the Judges of those Courts, sitting only occasionally, and being mostly selected from the Common Law bar, quite unacquainted with the subject of wills, to deal satisfactorily with such delicate questions as testamentary disputes involved. It was certainly true that out of 12,000 wills and administrations taken out of the Archiepiscopal Court of Canterbury only forty were contested, but those which were not disputed required careful examination, in order to ascertain that the requirements of the law had been fulfilled. If a single court of probate were established, it would be able to ascertain whether the particular forms and acts required by law had been complied with before admitting any testamentary paper to proof. At present contested cases were heard in the Ecclesiastical Courts upon written evidence, a system which certainly ought to be terminated, and *vivâ voce* evidence taken before a jury. He would urge upon the Government that, if there was any desire to settle the question speedily, they should adopt the recommendation of the Commission, and bring in a Bill to establish a court of probate, by doing which, with only a slight concession in those who opposed the present proposal, they would command almost universal assent, and completely remedy the evils which every one admitted now to exist. If they did not, but persevered in the attempt to transfer the jurisdiction either to the Courts of Common Law or Chancery, he warned them that they would meet with another in addition to the many difficulties which had attended previous attempts to deal with this subject.

MR. ATHERTON said, he should support the Bill. Everybody in the country, including Doctors' Commons, admitted that some change was necessary in the present system of testamentary jurisdiction, and it was a matter of surprise with him that a jurisdiction, not only most inconvenient, but usurped, should have been so long tolerated, after the ideas in which that system had originated had become obsolete. For himself he approved of the substitute of existing Courts, as proposed by his hon. and learned Friend (Mr. Collier), as being competent to deal with the subject, and as saving the expense attending the creation of a new jurisdiction. He was not of opinion that there was that magic attaching to a Government Bill which the hon. and learned Member for Wallingford (Mr. Malins) seemed disposed to think belonged to it. Why, the Courts of Common Law had frequently devolved upon them the duty of determining every possible point that could be raised in reference to wills—namely, the competency of the testator, proper execution, and the question of undue influence or fraud. The hon. and learned Solicitor General seemed, however, to think that inasmuch as it was the intention of Her Majesty's Government to attack the Ecclesiastical Courts in the amplitude of their jurisdiction, and to devise a substitute for that tribunal, that the particular branch of their jurisdiction referred to by the present measure could not be satisfactorily dealt with in a piecemeal fashion. Now, for the life of him, he could not comprehend why a proposal for conferring the testamentary jurisdiction of the Ecclesiastical Courts upon the Courts of Common Law should not be accepted simply because Her Majesty's Government intended to grant still more extensive jurisdiction to the Courts of Common Law. He hoped, therefore, his hon. and learned Friend would proceed with his measure.

MR. ROBERT PHILLIMORE said, he imagined that the House would now see that the prolonged resistance of the Ecclesiastical Courts to the siege which had been laid to them, arose in some degree from the various opinions of lawyers respecting their substitute—the Common Law lawyer saying there was nothing like the Common Law Courts, and the Equity lawyer that there was nothing like the Court of Chancery; both concurring that the Ecclesiastical Courts ought to be destroyed, but differing extremely as to who should seize the spoils. It would be well if the hon. and learned Member for Plymouth (Mr. Collier) endeavoured to tread in the footsteps of that great law reformer, Sir Samuel Romilly, who warned young law reformers against being betrayed into exaggeration, by telling them they diminished whatever they exaggerated. The hon. and learned Member had made at least three statements of the grossest inaccuracy. The first was, that the Ecclesiastical Courts were condemned by a Commission twenty years ago, when, in fact, so far from condemning, they suggested assimilating probate on realty to the same system of probate on personalty as prevailed in the Courts of London. The second inaccuracy was, that colonels in the army, old women, and boys were Judges; when there was not a single Ecclesiastical Court in the country the Judge of which was either a colonel in the army, an old woman, or a boy. [Mr. COLLIER: I should have said Registrars.] The judicial office and the office of registration were very different things. It was true, however, that great abuse prevailed with respect to the persons who filled the office of Registrars. The third misstatement was, that there were grave defects in the custody of the wills; when, in the report of the Committee, to which the hon. and learned Member (Mr. Collier) had referred, Mr. Freshfield, the solicitor to the Bank of England, stated that, in searching for wills of old dates, in the Prerogative Court of Canterbury, it was an extreme case if they were not found within half an hour, and it would be fanciful to suggest anything in the form of improvement. The hon. and learned Solicitor General, in a most emphatic and solemn statement to the House, had said, that it was the intention of Her Majesty's Government not merely to deal with the subsidiary question of testamentary jurisdiction, but with the far graver questions of marriage and divorce, and the discipline of the clergy. He ventured to express a hope that the Government, if they introduced such a measure, would stand or fall by it—that they would pass it, and not withdraw it. It was not creditable to Parliament or to the Government that year after year—now for nearly thirty years—measure after measure should be proposed, that abuse and exaggeration should be applied to the existing law and to those who ministered it, and that at the end of every Session the whole measure, with many apologies, should be withdrawn. He thought it expedient, both for the State and the Church, that the temporal and ecclesiastical jurisdictions of these Courts should be severed, and to such a measure he would give his hearty support; but he did not think it desirable, expedient, or creditable that measures should be brought in year after year, and not one of them passed into law.

MR. MUNTZ said, the House knew very well that he was no lawyer, but as he had suffered all his life from the abuses of which the hon. and learned Member (Mr. Collier) had complained, he thought it was his duty to rise and confirm his statements. It was idle for the legal Members of that House to talk of one branch of the law as being better than another. What cared the public whether justice was administered to them by this Court or that?—all that they asked, and were entitled to, was that their cases should be dealt with by the Law Courts ably, cheaply, and expeditiously. He hoped that the hon. and learned Member would not withdraw his Bill, but that he would press it forward in order to urge the Government to take some steps to prevent the robberies which were at present committed upon the people by the Ecclesiastical Courts.

SIR ERSKINE PERRY said, the Bill contained two distinct propositions—that the County Courts should exercise jurisdiction over wills to a certain amount, and that for wills above that amount the Court in London should have the same jurisdiction as one of the Courts of Common Law. He trusted that the jurisdiction of the County Courts would be extended to wills, for there was nothing in cases of small amount that could not be cheaply and easily decided by the Judges of the County Courts, with the aid of a jury, when the parties wished it. A more important question was, whether the probate business of this great metropolis ought to be intrusted to a Court of Chancery? He was not insensible to the importance of maintaining a bar able worthily to administer the civil law of this country, and at the same time devoting its attention to matters of international law. He thought that if the County Courts had a contentious jurisdiction in cases where the amount did not exceed £300, and if all the grave cases came up to be decided by a separate Court of Probate in London, we should have an excellent Court for the poor man, and we should be able to perpetuate a bar such as he had described.

MR. M'MAHON said, it was manifest that the Ecclesiastical Courts were indefensible. Every question which came before them with reference to wills might be, and ought to be, dealt with by a Common Law Court. Equity had nothing to do with such questions. In the State of New York there was a County Probate Court, which granted probates available for every county throughout the States, and why should there not be in England a court of probate with a jurisdiction similarly extensive? He hoped that this measure would be extended to the Ecclesiastical Courts of

Ireland, the practitioners in which were regarded as the robbers of widows and orphans, and as no better than undertakers. He regretted that the question of marriage and divorce had been introduced on the present occasion. If the Bill were not proceeded with simply as a measure to abolish the testamentary jurisdiction of the Ecclesiastical Courts, another thirty years might pass away without any alteration taking place in that universally condemned jurisdiction.

MR. J. G. PHILLIMORE said, he hoped the hon. and learned Solicitor General would not be deterred from bringing forward the sweeping measure he had stated he intended, and thus rescue the law of marriage, the law of divorce, and the law of the Ecclesiastical Courts from the disgraceful state in which it had been. He hoped that in a question of such weight as the one before them, the House would not be influenced by any private consideration. He believed that much of the present mischief was to be traced to the egotism of the bishops. That evil had not existed to any great extent in London, for there it had been kept down by the influence of public opinion. Many of the evils of the present system arose from the frightful nepotism of the bishops, who had the power of appointing local Judges, and who in many instances appointed their own relations and persons totally unfit for those offices. The custody of wills was at present in a shameful state. His hon. and learned Friend the Member for Reading (Mr. Keating) was aware of a case which had lately occurred there, which was a case of forging a will. The wills were kept in a loft, wrapt up in baskets. A person took a will from amongst these, altered it as he desired, kept it for nearly two years, and then replaced it. Was that the way in which wills should be kept? He thought archbishops and bishops should not be permitted to name these important functionaries. The Archbishop of Canterbury had the power of nominating the Judge of the Prerogative Court, but he trusted such an anomaly would not be allowed to continue, for he thought a great portion of the present evil was occasioned by the ignorance of the persons who were appointed to those important offices.

MR. COLLIER said, he desired to express his thanks to the House for the kind manner in which they had received his Bill, and the satisfaction he had felt on hearing the statement of his hon. and learned Friend the Solicitor General, in favour of giving this jurisdiction to the County Courts, of allowing probate of wills without the intervention of a proctor or attorney, and of the probate being valid through the whole kingdom. He had introduced this Bill for the solution of a difficult question, but if the Government intended bringing forward a great measure, he should be happy to merge his Bill in theirs, and give the Government every assistance in his power. The statement to which his hon. and learned Friend (Mr. R. Phillimore) had objected—that the testamentary jurisdiction of the Ecclesiastical Courts had been condemned by a Commission more than twenty years ago—was founded upon the recommendation of that Commission to transfer the jurisdiction to Chancery. He had not intended to say that old women, colonels, and boys and girls were Judges in these Courts, but that they were Registrars. He must reassert his statement that wills were kept in an improper manner in the Prerogative Court of Canterbury, and his authority for it was the Report of a Commission to the effect that they were deposited in a building which was not fireproof, and was situated next to a chandler's shop. His hon. and learned Friend had also said that it was discreditable to go on year after year meddling with this question without settling it. But why had it not been settled? Because its settlement had been opposed by his hon. and learned Friend and the Proctors. [Mr. R. PHILLIMORE dissented.] His hon. and learned Friend had certainly opposed the Bill he had brought forward, and all the fifteen measures which had been introduced at various periods had been defeated in consequence of the opposition of interested parties. The hon. and learned Member for Wexford (Mr. M'Mahon) was desirous that the Bill should be extended to Ireland. He hoped that this would be done. Again he begged to thank the House for their kind reception of his Bill.

Leave given.

Bill *ordered* to brought in by Mr. COLLIER and Mr. HADFIELD.

NAVAL ADMINISTRATION.

CAPTAIN SCOBELL said, he rose pursuant to notice, to move for a Select Committee to inquire into the state of the naval administration, and the efficiency of the service in all the grades belonging to it. He trusted that as the House had just displayed such great commiseration for those who had been the victims of our judicial system, they would by the same rule extend their spirit of clemency, and now evince at least a little pity for the numerous body of officers whose cause he was about to plead. From his experience of men in power he believed their great faith was, that they invariably held the existing state of things to be only what was just and proper. He would, therefore, appeal to Gentlemen on both sides of the House to allow the question which he was about to raise to be dealt with by a Committee. For if things were found to be perfect it would be most satisfactory to the Government to have that declared in the Report of a Select Committee; while, if the case were otherwise, and if, as he (Captain Scobell) thought he could show, cruel hardships had been inflicted upon a large number of officers, why, then, he would appeal to the House, would it not have used its discretion wisely in dealing with such injustice? Already, towards the close of the last Session, he had attempted to move in the matter, but by the amiable manœuvre sometimes had recourse to, the discussion was brought to a close without a Vote being taken. His treatment on that occasion he did not hold to be personally disrespectful to himself, but he must say he held it to be a great insult to the navy of England. If the House of Commons had not patience enough to listen to the complaints of the navy, why, then, let them take to Beer Bills and such trivial matters. However, he was replied to by the First Lord of the Admiralty, whose errors on that occasion he was unable to address himself to, but on the present occasion he would take an opportunity of correcting. The right hon. Gentleman, at the head of the Admiralty, appeared to think that the officers of the navy were very admirably treated by the Board of Admiralty, and, in reference to the inquiry that took place on the subject, in 1848, the right hon. Gentleman said it was one conducted by as fair and as able a Committee as had ever been appointed. Well, in the first place, it was eight years ago when that Committee had sat, and their Report, together with the evidence taken, occupied 1,000 pages. He (Captain Scobell) believed that he was one of the few Members of that House that had read that Report from beginning to end. It was most voluminous, and referred to dockyards, contracts, shipbuilding, and a thousand things of that sort. That Committee was, no doubt, a very able one; but it was an extraordinary circumstance that there was not a single naval officer a member of it. Now he must assert that in that respect the navy officers upon that, as well as other occasions, were treated exceedingly ill. But, as able and as elaborate a Report as that Committee had made, it was a curious fact, that at the end of it they recommended further investigation, and therefore his present Motion was not without justification. In August last the First Lord of the Admiralty, in reply to his Motion on Naval Government, said that "the House of Commons was apt at one time to take a view totally different to that which they took of a subject on another. The House of Commons would perhaps say at one time that they could not do enough for the naval profession, while at another they might complain of the advancements or promotions made." He, however, knew that the country loved the navy, and wished it to have fair play. The House, as well as the country, wanted to see real merit pushed on at a quick rate; and inexperience and inefficiency advanced by very slow degrees. But the right hon. Gentleman again said, "What, would you have the Admiralty commission ships for the mere sake of employing the officers?" Certainly not, such a notion was ridiculous. He (Captain Scobell), however, contended that when ships were commissioned, the Admiralty should give the able men every chance of getting fair play, and not allow themselves to be influenced by family or Parliamentary interest. The right hon. Gentleman then said, that "if any one man could devise a better system of promotion than that which existed, he would be a public benefactor." Well, upon these terms he (Captain Scobell) offered himself as a public benefactor. If the House would but grant him the Committee which he asked for, he would undertake to suggest the establishment of a much better system than any that had been in existence during the last fifty years. Although he had not been afloat for a considerable time, he had watched all naval subjects most carefully, having always the welfare of that service greatly at heart. The right hon. Gentleman also said, "it was indispensable to promote young officers for distinguished services." Well, no one would find fault with such a course. What, however, was complained of was, the promotion of men undistinguished by any services at all. The right hon. Gentleman again said, "that if he

(Captain Scobell) took the aristocratic names in the navy, he would find that, with the exception of Lord Dundonald, they were almost exclusively on the retired list." Now, that assertion, he had no hesitation in saying, was preposterous, and he would show that it was so. He would first take the admiral's list, and see what time elapsed from their being promoted from the rank of midshipman or mate to that of post captain. There was first a Fitzroy, and he was thus advanced in four years. Then there was a Percy, who was so promoted in two years; a Cadogan, in five years; a Radstock, in three years. [SIR C. WOOD: But that was fifty years ago.] Yes; but the system had not changed since. Then there was a Gordon promoted from mate to post captain in four years and three-quarters; a Crofton, in three years and a half; a Berkeley in four years; a Dundas in three; a Fitzclarence in two and three-quarters; a Stopford in three and three-quarters; and a Grey in four years. Now, take the other side of the picture, and see how it fared with those who had nothing but merit to depend on. There was Pigot served ten years; Brown, twelve; Stroud, thirteen; Hornby, sixteen; Dillon, sixteen; and others equally in proportion, whose names it was not necessary to trouble the House with, but the average time was, that while the favoured class attained the rank of midshipman to post captain in three years and three-quarters, the unfavoured was twelve and one-fifth, or nearly four times the period. The Earl of Dundonald had, no doubt, won honours, not because he was an aristocrat, but that he deserved them. He won them at the cannon's mouth, and there was not a finer career in the British navy, taking him from his youth, than that of Lord Dundonald. He (Captain Scobell), however, believed that on a late occasion he was not handsomely dealt with, in not being called into the presence of the Admiralty, or the Committee, who had before them a plan of his for the benefit of the country. Then, if he took the list of post captains, the result would be just the same. Aristocratic names got on rapidly from the list of commanders, while others advanced but slowly. He would take the first twenty from each class of names, and what was the result? The aristocratic names arrived from the list of mates to that of a commander on an average of three years, and the whole twenty served, in the aggregate, seventy-four years, while the other class attained the same rank on an average of thirty-three years, and served, in the aggregate, 700 years. A gallant officer, now one of the Lords of the Admiralty, and who, during the last two years of war, had done signal service to his country, had, when out of office, declared that the Executive would never do anything to effect a reform in the naval service, and that men in office, or expecting office, were "tongue-tied." The question then arose whether, since 1844, the remedy had been applied. He thought not. He considered the constitution of the Admiralty, in the first place, most faulty. In the last four years and a half they had had four First Lords of the Admiralty, and three of them were civilians. Now, how could an office, the head of which was subject to such rapid changes, work well? Or how could its affairs be conducted properly by men who knew little or nothing of the profession which they governed? They might as well expect him (Captain Scobell) to make a good Judge or an able physician at a moment's notice. The great principle abroad now was, "the right man in the right place;" but they were surely not carrying out that principle by putting a civilian at the head of the Admiralty? The present First Lord had been Chancellor of the Exchequer—head of the India Board—and now ruled the navy. Which of these three places is he the right man for? They had been told, on high authority—that of the First Lord of the Treasury—that the army ought to be commanded by a soldier, and that it would be wrong to place the patronage of the army in the hands of the Treasury bench. Surely the same rule applied with equal, if not greater force, to the navy, and the direction of the fleets of Great Britain should be given to a sailor, as much as that of her armies to a soldier. Why was that system of distributing patronage which, if it were to be adopted with regard to the army, would be open to such great objection, to be persisted in in the case of the navy? The manner in which the patronage in the navy was dispensed was anything but satisfactory; many promotions were made from motives of mere favouritism, and he was afraid that there were some officers—not many perhaps—who had got on so rapidly, from one rank to another—and that, too, in a time of peace—that they were really not fit for the situations which they now filled. Such rapid promotions were unfair to the officers themselves, for they did not give them time to learn their duties. A solemn and remarkable circumstance occurred upon the death of Sir George Cockburne, who was an Admiral, and seventeen years in the Admiralty. When Sir George Cockburne died he left a paper, with his will, in which he denounced the constitution of the Admiralty, although when living he had never opened his mouth on the subject. The words used in this paper, upon this point, were as follows—namely, "I have no hesitation in stating I consider the present establishment of the Board most unsatisfactory, and the least efficient for its purposes that could possibly be devised." The right hon. Gentleman the Member for Kidderminster (Mr. Lowe), before he had attained to his present high position in the Government, condemned this system of public patronage, and observed that our statesmen were not identified with the public interests. A noble Lord, some time ago Secretary for Foreign Affairs, said that if the army was, like the navy, subject to Government control, it would be the hotbed of jobbery and trickery. The hon. Secretary to the Admiralty was a soldier. He (Captain Scobell) did not complain of him, but he did not think that it was paying a high compliment to the navy to appoint a soldier to such a position. He had pronounced the system of the Horse Guards to be "rotten." The navy was in as bad a state. He remembered a lieutenant general (the Earl of Mulgrave) at the head of the Admiralty, and a Cornet of Dragoons (the late Duke of Beaufort when Marquess of Worcester) once a Lord of the Admiralty. The late lay Lord of the Admiralty was bred a soldier. The private secretary to the right hon. Baronet the Member for Carlisle, (Sir J. Graham) when first Lord of the Admiralty, was a soldier also. Is all this seemly? He considered that he had made out a case for the inquiry for which he asked. He had also received numerous communications from naval officers who were personally unknown to him; and he could assure the First Lord of the Admiralty that, however well the favourites with whom alone he habitually came in contact might be satisfied with the existing state of things, the feelings entertained in regard to it by five-sixths of the officers of the navy were those of disappointment and chagrin. To these suffering men an inquiry into the state of the navy list and the system of promotion would give the greatest delight. From a Return which he obtained towards the close of the last Session of Parliament, and the results of some further investigations, he had compiled some important facts in regard to the different classes of officers which he would state to the House. In the year 1800, with 167 line-of-battle ships, in commission, and 120,000 seamen and marines, there were ninety-nine admirals, of whom twenty-five were employed. In 1855, with forty-four sail of the line and 50,000 seamen and marines, there were 100 active and 216 retired admirals, of whom eighty were from sixty to ninety years old. From Jan. 1, 1850, to 1855, there were forty-four active admirals made, and 141 retired from not being six years afloat. It was very proper that a man, after a long period of service, should be promoted, but it was a great hardship for the majority to be told that they had not served the required six years as a post captain; although they might have been asking for employment all the time that they had been on shore. An example of the present system was, that of four officers promoted to the rank of admiral last year one, who was made an active admiral, was seventy years of age, while three who were only between fifty and sixty years of age were placed upon the retired list. The remedy for this state of things would be to count a man's years of service not in one, but in all grades; a course for the adoption of which there was the greater reason, because it was in the lower ranks that a man learnt the most of his profession. Of post captains he might tell much the same story as he had related of admirals. There were upon the list many men bearing aristocratic names who had got on excessively fast, while the holders of such common names as Johnson, Kidd, or Brown got on equally slowly. In the years 1847, 1848, and 1849, fifty officers were made post captains, of whom thirteen had served as commanders only from two to five years, while seventeen had served in that rank from thirty-two to seventeen years, and of these fourteen had medals. In 1846, 100 captains were allowed to retire. They had most of them been some thirty years or more commanders, and their half-pay was 10*s*. a day. They retired with the rank of a lieutenant colonel, and colonel, in the army, and an additional 6*d*. a day half-pay. A marine officer of similar rank obtained, upon his retirement, a half-pay of from 14*s*. to 17*s*. a day. Was that just to the navy? There was also another list on which the more favourite and younger commanders were retired, and they received an addition of 2*s*. or 2*s*. 6*d*. a day to their half-pay. In the years 1847, 1848, and 1849, eighty officers were promoted to the rank of commanders. Of these forty-three had served as lieutenants only from two to seven years, while twenty-three had served from twelve to fourteen years, and of these eleven had medals. There were now 549 officers, on the commanders' list, of whom only 196 were employed. Some of the best men were shelved on this list, and never got further. A memorial had been lately addressed by the commanders to the Admiralty, and he hoped that it would receive the serious consideration of the First Lord, and that his advocating that memorial would not injure their temperate claims. The lieutenants were also a most numerous body of officers, and the state of their list was most disheartening. He knew that nothing could be done to improve the condition of the old men, except a step in a retired rank, with the half-pay of that rank; but he wished to avoid the continuance of such a state of things for the future. He could mention many cases in illustration of the heartless treatment to which naval lieutenants were subjected, but no case was more glaring than that of Mr. John Green, a most deserving officer, who, having entered the service in 1800, and distinguished himself by his gallant bearing in several engagements, was appointed to a lieutenancy in 1809, and, never having received a single step of promotion from that hour to this, had the honour of being a lieutenant at the present moment. There were in a similar position some 600 or 700 other officers—men whose promotion had been brought to a deadlock, and whose service as lieutenants ranged from thirty to fifty years. Last Session he called the attention of the House to the fact, that there were then afloat twelve first-lieutenants, each of whom had on an average been a midshipman and lieutenant for thirty years. He was happy to add, that the allusion he had made to their cases had not been without its effect, for all of these officers had been since promoted—a circumstance which he had learnt with extreme gratification, and for which much credit was due to the First Lord of the Admiralty. Were it not that he feared to trespass on the attention of the House, he could read a list of officers whose service averaged from fifty to fifty-five years each, but who, not having family interest or political influence, had failed to obtain that advancement to which, from their merits, they were entitled. It was to be hoped that the claims of these ill-used gentlemen would receive the attentive consideration of the Admiralty. By a late order from the Horse Guards officers in the army and the marines were, under certain circumstances, allowed to retire with a stop in rank and half-pay. Now, why should not that order be extended to the navy? He found by a return which he had obtained, and which included the whole of the year 1854 and half of the year 1855, that during that time 216 midshipmen had been admitted into the navy. Now, what would be the consequence of such a proceeding? Why, that some half of this number would be post captains in some half-dozen years, while the others would not reach that rank for thirty years to come. Indeed, some of them would never be higher than lieutenants. As for himself he never had asked, nor never should ask, any office or favour from any Government; but justice compelled him to plead the cause of his brother officers. He had heard that some proposition would be adopted by the Admiralty for benefiting old officers of the navy. He hoped the case was so; for any officer who, from infirmity, or ill health, was unable to serve when called upon to do so, should no longer have his name on the "active" list. Such men should pass off and make room for others who could do duty. The first fifty active commanders—had been in the aggregate 2,000 years in the navy; which gave an average of forty years' service for each of them. An examination of the list of superior officers of other grades would show similar results. It was a miserable thing that one-tenth of the entire number of officers who entered the navy should be enjoying the honours of promotion, while the other nine-tenths were suffering from want of employment and want of notice. His Motion finished by asking that the Committee he wished to have appointed should inquire into the efficiency of the service in all its grades; and of course "all its grades" would include the seaman. During the last war, though the Government pressed for seamen (he thanked God impressment was at an end), they gave the seamen who entered after being pressed, bounty. Of course those who entered without being pressed got bounty too; but now, though England was again at war, no bounty was given to the seaman. And what was the consequence? Why, that the first time our fleet went to the Baltic, though it might have been fit to meet the Russian fleet, it certainly would not have been so to meet an equal American or French naval force. He held in his hand letters from men who could not be mistaken on that subject. Indeed one flag officer had said to him, "I would not accept a command in the Baltic fleet, for I would be afraid that I should lose my reputation." On board that fleet there were "lubbers," dockyard-riggers, a few revenue servants, and some coast guardsmen, whose presence there had injured one service to benefit the other; but there was a great want of able seamen, because no bounty was given. The coast guardsmen afloat had 3*s.* or 4*s.* a day pay, whilst the entered able seamen had but one. The extra pay to the former for three years would pay a £5 bounty to each of 35,000 seamen. There were landsmen, too, whom the Admiralty fondly imagined they could convert into skilful mariners in a single year. He wished the First Lord of the Admiralty would go to sea for a year, if only to discover how little of a seaman he would be at the end of that period. It was merchant seamen that were required to man Her Majesty's fleets. To such he would offer a liberal bounty; but he would not give sixpence for a landsman, for the true qualities of a seaman were only to be acquired in youth. Let us retrace our steps—do justice to the navy, or we should rue the day when another war might come on with a more active naval power than Russia. As to Russia as a naval power, she was not to be compared with some other countries which might be our enemies. If her fleet in the Baltic, where we last year had 100 pennants waving over steamers, had ventured to come out, we should have blown her ships to atoms; but if, unhappily, we should be at war with America, who had some 20,000 English seamen in her service, what steps must we take to get them back? Sailors did not willingly turn their backs upon their country; but their very calling gave them general ideas of nationality, which illiberality on our part would convert to our prejudice. In the last American war it was notorious that many British seamen fought against their own flag, and yet we now took no steps to prevent a recurrence of such lamentable conduct. It must be remembered that, although the United States was comparatively unprepared for naval war at present, seeing how rapidly we had constructed a fleet of gunboats, it could not be doubted but that in two years' time she could produce a most formidable fleet. During Lord Derby's Government a Commission was appointed to inquire into the subject of manning the navy, which even in time of peace recommended a small bounty to be given, but no attention had been paid to the suggestion. He charged, advisedly, the late First Lord of the Admiralty with an act of injustice, and want of judgment, in not having at the beginning of the present war procured good seamen, as he might, by the offer of a bounty, such as was given to soldiers. It was a difficult matter for an independent Member of the House to propose remedies in a case like the present; but he would suggest that the bounty should be £5 in money and £4 in clothes: and he would further suggest that some certain sum—say £1—should be added to the annual pay of a seaman after six or seven years' service. The increase might perhaps be more or less, but that was a matter of opinion. That plan of progressive pay was adopted in the civil service, and there was no reason why it should not be acted upon in the naval and military services. Then, again, although the allotment of prize money had been lately altered, he thought it might be still more extended in the seaman's favour. With regard to punishments, without discussing the propriety or necessity of flogging seamen, he was clearly of opinion that no lash ought ever to fall on the back of a petty officer, and, unless for mutiny or some other grievous offence, no A.B. should be flogged. An Act, in the passing of which he had made the proposition, was now in force to prevent petty officers from being flogged; but he believed that some captains, perhaps, evaded that Act, by first degrading the officer, and then flogging him. [Sir C. NAPIER: No, no.] Well, perhaps not. Then, again, the Articles of War were continually read on board ship, and although they were not acted upon in all cases, yet were most alarming to seamen, who heard the penalty of death awarded to one-half of the offences mentioned in them. He would suggest that an alteration should be made in that respect, and that the penalty of death should only be attached to those more serious offences for which alone it was now inflicted. He was sorry he was not able to read to the House the Articles of War and the Naval Instructions, but he had applied for the latter to the Secretary of the Admiralty, who, no doubt, acting upon the directions of his superiors, had refused to supply him, a naval officer, and a Member of the House, with a copy. He could not think that was a proper way for the business of the country to be carried on. The Admiralty was a despotic government—a very despotic government. In despotism Russia could scarcely equal it. He knew it well. A naval man must mind what he wrote and what he said. He could not give an open opinion upon an open question. It was a harsh government, and all naval men, but the favourites, felt its harshness at some period of their service. He knew nothing officially of the last three First Lords of the Admiralty, but the only man who received him most kindly was the late Duke of Clarence (William IV.). His Royal Highness was a naval man, entered into naval feelings, knew the service, and, if he dismissed an applicant without granting his request, at all events he received him kindly, and feelingly, as an officer and a gentleman. He (Captain Scobell) had nothing to reap from this Motion. He was a retired officer, and could get on no further. But his strongest feelings were bound up in the welfare of the navy, and the advancement of his brother officers and brother seamen. If there were not sufficient grounds for inquiry, so much the better for the authorities; but they knew that, if the Committee were granted, officers would come forward and give evidence of the harshness and coldness exhibited by the Admiralty towards the great body of naval officers for a very long period. He did not blame the men, who met in Cabinet Councils and exchanged favours, the East against the West Indies, the Customs and Colonies against the Army and Navy, but he was convinced the sooner the system was destroyed the better for our country and our countrymen. Before they negatived this Motion, they would, he trusted, take it into their most serious consideration. The civil service and the army had received abundant attention. The navy, however, had been passed over; yet, if we were involved in a war with a naval country, and did not maintain our supremacy of the ocean, the glory of England would have passed away, and all the armies we might raise could not restore it. He committed the case of the navy to the hands of the House of Commons, the representatives of the people, with the hope that they would do it justice.

Admiral WALCOTT: Sir, in seconding the Motion submitted to the House by the hon. and gallant Officer, I may express my belief that every hon. Member present will agree in opinion with me that he has brought his subject forward with considerable ability and in a very temperate manner. Now, Sir, the Army, the Ordnance, and the Commissariat Departments having been subjected to the censorship of administrative reform, I should regret that a needless indulgence were to exempt the navy from a like ordeal. I approach the Motion now before the House, it is true, with diffidence and a sense of personal difficulty; but I must not, on this account, permit myself to be deterred from the expression of how sincerely I deplore the system of discouragement offered to naval officers. I concur, speaking generally, in all the views and opinions which the hon. and gallant Officer has promulgated, and if in part I differ, it is to such an inconsequential extent that I will not trouble the House by treading over ground already trodden. What I claim for the navy is, that some better security for the administration of its patronage shall be established than that which can be obtained by the present faulty system. Let the present absolute power of the First Lord of the Admiralty, to give employment, to promote, and to recommend to the Sovereign for decorations to the Order of the Bath be made subject, at least, to the check of professional opinion—let no employment, promotion, or reward in decoration be conferred until they have been submitted to the naval advisers of the First Lord of the Admiralty, and their approval or rejection formally placed on record. This will be no other than an act of justice, and one of sterling good for the service. To neglect the claims of old officers was not to encourage the younger, or provide for the future. In vain have tried officers repeated their readiness to serve their country, be the station never so unhealthy, the danger never so hazardous, the command never so unequal to their just pretensions—and what reply did they obtain to offers made in the frank zeal and warm energy of a sailor's heart? A cold curt answer, administered in dull routine and undiscriminating formality, utterly devoid of consideration and sympathy, and so ingeniously devised as to prevent the future application and break the spirit of honourable ambition, as though the importunity was unwelcome—nay, impertinent—and the natural desire of advancement inherent in man was in the sailor a just cause for reproof. The voice of the country fully condemned this destructive system, irreconcilable with justice and sound policy, calculated, I will say, to paralyse exertion and damp all ardour. Why, Sir, many an officer, who would have won distinction under his Sovereign's colours, had been compelled to seek a kindlier reception in the mercantile navy. Many a gallant officer, from the culpable and cruel disregard of his claims, had returned to his family with crushed feelings and a broken spirit; but let me not be misunderstood—far be it from me to incur a prejudice unfounded, or suspicions I do not deserve. Let me say this, that I neither disparage the service, nor grudge the good and better fortune of any brother officer. In singleness of purpose, I rise to lift my voice against the system of discouragement unworthy of a country which professes to love independence of character, to reward the discharge of duties, and boasts that it opens the door of advancement, without consideration of birth or means, to the best and worthiest of her sons. Nevertheless, in instances innumerable, it is a fact established that unless a naval officer had the advantage of high connections, or could command political interest, or could evoke the compassionate consideration and sympathy of the Members of this or the other House of Parliament, he might hope on, and on, for ever. Still I repudiate the phrase so often quoted of fighting under "the cold shade of the aristocracy." I only bespeak impartiality for good and meritorious service, remembering, as I do, that the coronet was the reward; and the rolls of the nobility, in their turn, ennobled by the names of men like Mulgrave, Howe, Duncan, Rodney, Hood, Bridport, St. Vincent, Saumarez, Exmouth, Collingwood, and Nelson. My desire is only that the naval Lords of the Admiralty should be constituted, in fact and reality, the responsible counsellors of their political chief, as those best fitted to sympathise and to encourage, to deal gently with the disappointed, and to award justly by the successful; in a word, to propose to themselves but one motive of thought or action to secure the welfare of the whole profession, and consult without partiality for every individual member in it. I may not live to see it. I may not and I care not to benefit by the tardy justice and success of right, but I feel assured the day is close at hand when claims will be impartially considered, and the one beaten path to employment, promotion, and recommendation to the Sovereign for honours will be by good and meritorious service. I will only add the words of Mr. Burke, which were most appropriate—

> "Of all the public services that of the navy is the one in which tampering may be of the greatest danger, which can be worse supplied upon an emergency, and of which any failure draws after it the longest and heaviest train of consequences."

I thank the hon. and gallant Officer for having brought forward his Motion in so able and temperate a manner, and I give to it my hearty support, because I believe, if carried, it will inflict no loss on any of the national interests, whilst it will confer incalculable benefits upon my brother officers; and I therefore, should he press his Motion to a division, will be ready to follow him into the lobby.

Motion made, and Question proposed—

> "That a Select Committee be appointed to inquire into the Naval Administration, and the lists of officers, patronage, promotions, and retirements, and the efficiency of the Service in all the grades belonging to it."

SIR CHARLES WOOD: Sir, though I cannot concur in the conclusion of the gallant Admiral to go into the lobby in support of this Motion, I entirely concur in almost every sentiment he has uttered, and cordially join with him in complimenting my hon. and gallant Friend (Captain Scobell) on the able and temperate manner in which he has brought forward this subject. Now and then my hon. and gallant Friend has had a sly hit at the First Lord of the Admiralty, for which I assure him that I will bear him no grudge, and he has done himself, in my opinion, great credit by the speech he has just delivered. I do not think, however, that he has shown much grounds for the Committee he proposes. He says to us, "Have a Committee, and, if you are right, so much the better for you; if you are wrong, the wrong will be set right." This is not reason enough for the serious step of appointing a Committee of this House. I think, before a Committee is appointed, he is bound to show the existence of some practical evil for which a remedy is required, and I think I shall prove that the subject has been fairly inquired into by an able and impartially-constituted Committee in the year 1848, and that their recommendations have been carefully carried into effect. My hon. and gallant Friend says there were no sailors on that Committee, and that soldiers are always put on Committees in any matters relating to the army. But the Committee was appointed to inquire into the affairs of the Army, the Navy, and the Ordnance, and there was not on that Committee a single soldier, a single sailor, or a single artillery officer. That Committee was presided over by the present Duke of Somerset, whose authority is deservedly high in this House; it contained some of the most eminent Members from all quarters of the House, and I do not remember ever to have seen a Committee entitled to more weight from the ability and character of its Members. My hon. Friend says that the Committee, after going into the lists of the navy, recommended that further inquiry should be instituted into the subject. But he will forgive me if I say that he is wrong in that assertion. The Committee, towards the end of their Report, say that "a more minute inquiry may with advantage be made into the whole system of contract and dockyard labour," thus limiting their recommendation to a further inquiry into those particular subjects. My hon. and gallant Friend commenced his speech by answering a speech I made last Session. But, after hearing my hon. and gallant Friend to-night, I am disposed to re-assert everything that I then stated, and I do not think my hon. and gallant Friend has shaken in the least the validity of the arguments I then used. I said then, and I say it again now, that, although there may be certain occasions on which such a course may be advisable, it is not desirable that this House should constantly interfere with the administration of any public department. It is in the very nature of all popular assemblies to be somewhat changeable in their opinions. They are too apt to be swayed by temporary circumstances, and to take different views of the same subject, according to the feeling of the moment. But if the course pursued in reference to any class of persons is to depend upon such variable views, it necessarily leads to hardships and injustice. It is far better, and more just to all parties, that a more even and more uniform course should be adopted. When one of the most able Committees appointed of late years by this House has gone into this subject and recommended a course to be thenceforward pursued, it would not be wise to disturb the arrangements thus recommended if they have been carried into effect. Having had some experience in Parliament, and having been connected with the Admiralty some years ago, I can recollect that on this very subject of the promotion of officers three or four changes have occurred in the feeling of this House. At the end of the war, when our navy had swept every other flag from the sea, and when there were no ships of war upon the ocean but those carrying the British flag, a very large number of officers were necessarily employed. At the end of the war the number of men voted was between 140,000 and 150,000, and the number of officers was, of course, in proportion. Peace came, and in three years the number of men was reduced from 140,000 to 42,000. Subsequently, in the year 1835, the number of men employed was reduced to 26,500. These numbers in all cases include seamen and marines. It is evident that the same number of officers could not be required for 42,000 or for 26,000 men as had been employed for 140,000. Nevertheless, in 1830, there were, within a very small number, as many officers of all ranks, after fifteen years of peace, as at the close of the war. Not without some reason, the House of Commons complained that a disproportionate number of officers had been kept up. In consequence some restriction was placed on the promotion of officers. One officer was to be promoted to each rank, on the occurrence of three vacancies in the number of that rank, and this rule was acted on for some years. Before long, however, the feeling of the House underwent a change, complaints were made of the undue slowness of promotion, and in 1837 or 1838 Motions were brought forward calling for a change of this system. A Joint Commission of naval and military officers was appointed, who reported on the whole subject, and the rule of 1830 was relaxed. In 1847 the feeling of the House was, that the rule ought not to have been relaxed, and the rule of "one in three," as it is called, was restored. In 1848, the Committee, to which I have before referred, most ably presided over by the noble Lord the Member for Totness, now the Duke of Somerset, recommended a strict adherence to that rule, and it is now enforced by an Order in Council; excepting, however, special promotions for distinguished service. The re-establishment of this rule was, however, accompanied by the introduction of a large measure providing for the retirement of officers of different ranks. It was framed, and it was carried out by my right hon. Friend the Member for Portsmouth (Sir F. Baring) with great success. This measure, however, principally affects one branch of the service, and is, therefore, I think, inadequate to meet the fair demands of the service generally. I propose to carry it further with respect to commanders and lieutenants. My gallant Friend complains, that many gallant officers who had distinguished themselves in the war, some of whom have since received a medal for their services, have been passed over and left unemployed. He proceeds to complain further, that this is entirely owing to the favour shown to those who possessed aristocratic or political influence. I will advert to the latter assertion by and by. I confine myself now to the number of officers who have not been employed, and I say, without fear of contradiction, that it was perfectly impossible to employ even the greater part of the officers who had served during the war. In truth, it never could have been contemplated even at the time. When, at the close of the war, the number of officers to which I have referred existed, large promotions had been made as a reward for past services. In the year 1815 1,000 promotions to the rank of lieutenant were made. I ask my hon. and gallant Friend how it was possible, with the reduced numbers of the fleet, that any reasonable proportion of the officers in question could ever be employed again? These promotions were therefore, in fact, given to enable these officers to enjoy pensions in the shape of half-pay. I repeat that, with the number of officers of different ranks at that time, and the number for whom there was employment, to have employed all those officers was a perfect impossibility. In 1817 there were 4,000 lieutenants on the list, and 400 only were employed afloat. Supposing that these 4,000 officers had lived, and had been employed in their turn during the usual term of three years of sea-service, without favour, favouritism, or partiality, what would have been the result? It would have taken ten terms of three years to employ them all, and assuming their average age to be twenty, the last batch of 400 left to be employed would have been forty-seven years old, and would have been twenty-seven years on shore. The case of the commanders was worse, since they were still more numerous in proportion to the number employed. At the end of 1817 there were 800 commanders on the list, and the number employed was then forty. To employ them in their turn, would have taken twenty terms of three years. The last batch of forty would have been fifty-seven years ashore, and, assuming the average age of these officers at twenty-five they would have been eighty-two years old. Will anybody who gives the matter his consideration for a moment, say that it was possible by any arrangement with the number of ships then in commission, to employ the whole of those 800 commanders? It is obvious that, with the small number of ships which were required in the first years of peace, there was no room for more than a very small proportion of officers on the list of the navy. When my hon. and gallant Friend says that these officers ought to have been employed, and that it is unjust that old officers were not employed, does he mean that ships that were not required for the defence of the country ought to have been commissioned in order to give employment to these officers? He complains of this question, which I put to him last year, as an absurd one. I confess that I do not see what other means there were for doing what he says would have been right. I do not, therefore, deny the fact that many old officers who cut out ships and performed other services during the war and who were on the list of lieutenants and commanders were not employed, but I assert that it was perfectly impossible to employ the greater portion of them until a period of life when it would be an insult to employ them in the rank they held. The non-employment of these persons cannot, therefore, be regarded as a case of hardship and neglect. My hon. and gallant Friend states that there was no promotion for officers after the war; but so far from this being the case, promotion went on for some years during peace as rapidly as it did during the war, and in 1830, when peace had been concluded fifteen years, the number of officers on the list was very nearly as large as it was at the end of the war, and although some check was given to promotion in 1830, the number of officers had very little diminished even in 1835. In 1830 the number of post-captains on the list was 850, while there was not employment for more than fifty, a fact which is, I think, abundant proof that there had been no desire on the part of the country to neglect the war officers. But the number of officers employed must bear some proportion to the requirements of the service, and I do not think, even taking the present list, that it will be found that any greater reduction has taken place than was necessary. There are now ninety-nine admirals on the list, of whom only eighteen are employed (and this, it must be remembered, is a time of war); 396 captains, of whom 140 are employed; 569 commanders, of whom about 200 are employed; and 1,200 lieutenants, of whom not quite 900 are employed. Thus the number of officers employed bears a very small proportion to the number who have been promoted, and it is obvious that promotion has taken place far beyond the demands of the service, even in time of war. I do not say that this ought not to be so; on the contrary, I think the promotions ought to have been made, in order that officers may be fairly rewarded for their past services, and it would be most unjust and impolitic to deprive them of that inducement to exertion which is given by promotion. The number now on the list is beyond that recommended by the Committee of 1848, for they recommended that the number of captains should be 350, of commanders 450, and of lieutenants 1,200. The actual number on the captains' list is 396, that on the commanders' list is 569. The number of lieutenants has been reduced to about the amount recommended by the Committee; because, although the list contains only 1,180, the number of 1,200 is a little more than made up by officers who have actually been promoted, but who, being on foreign stations, have not had an opportunity of passing their examinations, and cannot be placed on the lieutenants' list till they have done so. Until a few years ago, also, the number of captains employed was between fifty and sixty, while the number of commanders employed afloat was under 100. I have now, I hope, stated sufficient to show that promotion has taken place beyond the requirements of the service, having been intended, and most properly given, as a reward for past services; and I trust that the House will be of opinion that in this respect the successive Boards of Admiralty and the country have not been neglectful of the claims of officers. But the hon. and gallant Gentleman says that promotion has been most unjust and partial. Now, Sir, it is very easy to make, and very difficult to prove, that assertion, but I did not hear it with surprise, because whenever you adopt the principle of selection you will be open to the charge of favouritism. If, on the other hand, you adopt the principle of seniority, the certain result will be inefficiency in the higher ranks. I am not now defending the abuses of the system of selection, but I assert that, if it is properly carried out, it gives you the best officers. Everything, of course, must depend upon the selection being properly made, and it is the bounden duty of every Board of Admiralty not to allow themselves to be swayed by any partiality or improper motive. But it is impossible to escape such a charge. It is very natural for disappointed people to make a charge of favouritism, for no man likes to think he has been passed over because some one else is better than himself. I defy the most honest administrator of patronage not to lay himself open to that charge, because in many cases there may be four or five candidates for an office any one of whom is competent to fill it. In several cases I have hesitated long between four or five applicants, and when I have made my selection, I fully admit that if the choice had rested with the gentleman on my right hand, and he had taken the second man, or if it had rested with the gentleman on my left hand, and he had taken the third man, on the list, I could not have said that either of them would not have had good grounds for the choice which he made. One only, however, must be selected, and it is so gratifying to the self-love of the disappointed men to suppose that favour and not merit led to the selection of that one, that it would be absurd to expect that they should not make such a complaint. The hon. and gallant Gentleman said, there were few admirals on the list under sixty years of age. It is quite true; but the list is gradually improving in that respect. You must, however, remember that if you promote lieutenants and commanders by seniority you cannot possibly have young admirals. I am surprised at the suggestion made by my hon. and gallant Friend, that admirals and captains should be subjected to a medical survey, to see which of them were fit and which unfit for service, for I cannot imagine any proceeding more insulting to officers of that age and station. I have not unfrequently heard it suggested that all officers should be placed in retirement after a certain age. I do not think that this would be advantageous for the service, as even age is a very uncertain test of efficiency—and any limit which I have heard named would have excluded some of those officers who have done the best service. But I am firmly convinced that the most unpopular and galling regulation to old and gallant officers would be, that if the Admiralty entertained a doubt of their fitness, they should be ordered to appear before a medical board, and be surveyed as to their capability of further service. The hon. and gallant Gentleman says, that patronage is invariably bestowed from political reasons; I do not mean to say that such things may not have occurred, but they are the exceptions, and I maintain that the Government generally has not been influenced by such motives, and, speaking for myself, I declare that in no employment I have given or promotion I have made have I allowed political influence to bias me in the slightest degree. I hold in my hand a list of the promotions of ten captains and ten commanders, which I have made since I have been at the Admiralty, and I had never before heard of the name of one of them. To the best of my recollection, too, I never have had an application in favour of one of them. Looking to the extent in which officers serving in the Baltic and Black Sea obtained promotion by special services, and knowing how hard officers on other stations felt it not to be employed at the seat of war, I have thought it right not to overlook the claims of the latter, and generally the officers I have promoted have been officers of other stations who have been recommended for their service, or by the good state in which their vessels were brought home. I have made no promotions without consultation with the naval Lords of the Admiralty, or without their full concurrence, and I believe that those who have been promoted were the best officers on their respective stations. My hon. and gallant Friend has misunderstood what I said last year about aristocratic influence. What has been stated by way of complaint was, that aristocratic influence procured employment and promotion for some men, while others were not employed or promoted; and I observed in reference to that complaint, that, inasmuch as admirals placed on the retired list were placed there in consequence of not being employed, then if the assertion made were true, there would be a great number of the aristocracy on the active list and very few on the retired. But the fact is precisely the reverse. It is difficult to draw a line for aristocratic influence, and therefore I took the Peers on the two lists. Taking the number of Peers on the active list of admirals, I find the names of three—Lords Dundonald, Radstock, and Cadogan. I turn to the list of reserved and retired admirals, there I find Lord Carysfort, Lord Byron, the Duke of Northumberland, Lord Egmont, Lord Spencer, Lord Hardwicke, Lord Colchester, Lord Talbot, Lord Waldegrave, Lord Leven, Lord Somerville, eight or ten Peers placed on the reserved or retired lists, simply because they had not been employed. If aristocratic influence had been the sole passport to employment, would these officers have been passed over? The best proof, however, that the appointments and promotions are generally properly made is the general efficiency of the navy. I do not mean to say that faults are not occasionally committed, or that there may not be at times some partiality or abuse of patronage, but I maintain that those instances have always been the exceptions, as is proved by the general efficiency of the navy; and I maintain that the navy never was in a more complete state of efficiency in all respects. I am, I confess, astonished to hear the hon. Gentleman, a sailor, throw a slur on the efficiency of the navy in any quarter of the globe. I certainly know not on what occasion the navy has failed in any service they have been called on to perform. I will not refer to the admirals or older captains. They may be supposed to have attained their rank by war service. The selection, however, for employment of these officers who have done their duty so well, is pretty good proof that merit and not favour led to their being appointed to the command of fleets and of ships. But I will refer to the younger officers who must have been both promoted and selected for employment in recent years. Look at their admirable performance of the duty of transporting troops, and indeed their excellent execution of every service required of them. Could anything be more brilliant than the exploits of Captain Lyons and of Captain Osborn in the Sea of Azoff? Could anything be better than the conduct of lieutenants, the list of whom is too long to enumerate, who have been promoted for special service in the

Black Sea? Has any service ever been more honourable than that of the officers and men of the naval Brigade? What can have been better in all respects than the conduct of the officers and men of the whole Black Sea fleet, from Sir Edmund Lyons, its commander-in-chief, to the brave seaman Trewavas, who cut the hawser of Ghenitch Bridge under the heaviest fire; or Shepherd, who rowed himself alone down the harbour of Sebastopol, till his progress was intercepted by the numerous Russian boats, whom he had some difficulty in avoiding?

Has the service of the Baltic fleet been less honourable to the officers employed there? Could anything be more creditable to everybody employed in it, than the arrangements and the execution of the bombardment of Sweaborg? Could more skill and gallantry be displayed than that shown in many of the attacks upon forts and in the harbours and fiords of the Russian coast? Where have our officers and men failed, when they have had an opportunity of attempting any service?

I know of no instance, in which they have not deserved well of their country. If, then, it is true that on all occasions such young officers, who, it is now said, were promoted and appointed for the purpose of patronage, have acted in such an able and glorious manner, is not that the best proof that the administration of the navy has been on the whole sound and good? I claim no credit for this myself. The credit is due to those who promoted and selected these officers. A year ago, when I accepted the office of First Lord of the Admiralty, I found, to the honour and credit of the right hon. Gentleman who had preceded me, the machine perfectly ready and in complete working order; and that is a proof that those who had administered the affairs of the navy had administered them well. I will quote on this point the words of an authority to which my hon. Friend, as well as the Committee, may be inclined to pay attention:—

> "The well-being of the navy depends so much on the manner it is administered, that to be acquainted with the merits of the Board of Admiralty, we have only to observe the condition and discipline of our ships. If we see good ships built and those ships in high order, well commanded, well officered and well manned, the officers and men diligent, and doing their duty with zeal and alacrity, we may reasonably conclude that the navy has been conducted by just and experienced men."

These are the words of the hon. and gallant officer whom I see opposite to me (Sir Charles Napier). I am willing to abide by any one, or by all of the tests which he there proposes, and if the ships are good, the officers and men good and efficient, I claim the testimony of his opinion that the Admiralty has done its duty well in administering the affairs of the navy. I will now shortly go through the recommendations of Lord Seymour's Committee, and show how far they have been carried into execution. The recommendations of the Committee of 1848 were, that there should be permanent lists, comprising a certain number of officers of each rank, and that this number should be attained partly by placing some officers on retired lists, partly by limiting the promotions, till the necessary reduction of numbers had been made. It would, of course, be unwise to have on the active list of admirals a very large number of officers who never could have any chance of being employed; but not even the hon. and gallant Gentleman himself can complain that ninety-nine or 100 is too small a list; neither can he say that 350 captains are too few to have on the active list of captains. In avoiding one evil there is always the danger of running into another, and if a number of officers whom it is impossible to employ are added to the active list, the amount of discontent and heartburning would be greatly increased; and I think, therefore, that the regulation of 1848, which limits the numbers to be permanently maintained on the list, is a wise one. The hon. and gallant Gentleman, while allowing that some promotions were made by merit, and he was good enough to do the Admiralty the justice of praising the promotion of some twelve old lieutenants, whose claims he mentioned last year, contended that these were only a small part of the whole. But what is the fact? If he would take the trouble to look over the list of promotions during the last two years, he would find that of sixty-six promotions from the rank of commander to that of captain, thirty-five were special promotions for distinguished services; and that, of the 142 lieutenants promoted in the same time to the rank of commander, 110 were promoted for distinguished services. These were all special promotions, made solely on the ground of some distinguished and gallant service, by the Board, and most of the other promotions are those of old and deserving officers, who have been promoted on the ground of long and meritorious service. I quite agree with him, however, that the case of the commanders is one which deserves consideration. I quite concur in the commendation which the hon. and gallant officer has bestowed upon the tone of their memorial to the Admiralty, and I shall have to propose to the House, when the Navy Estimates come before them, a measure of retirement, which will, I trust, fairly meet the case of the commander. The list of commanders is one which is always liable to be overburdened by the number of officers accumulating on it. There are about 1,200 lieutenants in the navy, and 450 commanders; and though there is employment for nearly all the lieutenants, there is employment for a small number only of commanders. But the step to this rank from that of lieutenant is the one which is most anxiously looked for, and the one which there is the greatest number of opportunities of earning by gallant service. It would be unjust not to give them their well-merited promotion; and yet, though I always feel bound to reward the gallant conduct of lieutenants by making them commanders, my pleasure is alloyed by the knowledge that there is but little chance of employment for them as commanders for some time at least. During the past year, the actual number of lieutenants promoted to be commanders exceeds the whole number of commanders employed in sea-going ships. The House will judge from this simple fact how many more commanders there must be on the list than it is possible to employ. Officers unemployed naturally become discontented; some turn to other pursuits, and become unfit for service, and many grow too old to serve. It is necessary, therefore, to provide large means of retirement from the commanders' list, and I only wait for the sanction of the House to a small increase of expenditure to apply a measure which would to a great extent remove the not unfounded complaints of officers who are now placed in a rank in which it is impossible that they should be employed. The terms "frightful" and "disheartening," which have been used by the hon. and gallant Gentleman, might well have been applied to the lieutenants' list at the time that there were upon it 4,000 officers; but since then it has been so reduced, partly by retirements and partly by promotions, that it has about reached the limit fixed by the Committee of 1848. I propose, however, to provide for the retirement of fifty additional officers from this list. My hon. and gallant Friend has complained that the admission into the navy has been indiscriminate and unjustifiably large. While it is satisfactory to be able completely to answer, it is a little provoking to have to listen to such a statement—a statement which is utterly and completely unfounded. Were it true, there would necessarily be in the navy an excessive number of mates and midshipmen. So far, however, is this from being the case that, while the number of mates and midshipmen allowed the ships in Commission, according to the reduced complement, is 1,085, the number actually borne on the books is only 408. The number of cadets allowed is 360; and, there being a deficiency in the mates and midshipmen, sixty-seven cadets more than that number are borne. Taking, however, as it is fair to do, mates, midshipmen, and cadets, together, the service is 600 short of the number which ought to be borne upon the establishment. The reason for keeping the numbers so low is to avoid as much as possible the admission of officers whom, on the conclusion of peace, it would be impossible to employ. I trust that, after this statement, my hon. Friend will not repeat his assertion of the excessive entries into the navy. With regard to the condition of the masters in the navy, there cannot be a more meritorious class of officers, or one more deserving the consideration of the Admiralty or of this House. I do not, however, agree in the view advocated by the hon. Member for Aylesbury, that the appropriate reward for them is, except in very special cases, to promote them to the rank of commander. I have already shown the House how overloaded the list of that rank of officers is, and, in fact, it is desirable to adopt any other means, rather than this, of requiting their services. I will not now go through the measures which have been adopted for improving the condition of various classes of officers—of engineers, chaplains, naval instructors, surgeons, paymasters, and others. I shall necessarily have to refer to them when I move the Navy Estimates in Committee of Supply, but I must advert to the observations which my noble and gallant Friend has made in reference to the condition of the seamen, and his complaint that we have given no bounty for entry into the navy. My hon. Friend warns the House against any arguments which I may address to it, as coming only from a civilian. He contrasts the system pursued in the army of giving bounty to the recruits, with that pursued in the navy. I can assure him that as to his comparison between the administration of the army and that of the navy, I will not enter into an argument, but will confine myself to a statement of results. My hon. and gallant Friend complains that, while the bounty paid to the army had been increased, no bounty has been given to the navy. The course adopted by successive Boards of Admiralty has been, not to give bounty, but to improve as to pay, food, and other advantages, the permanent condition of the seamen. I think that in doing so they have adopted a right course; and, so long as seamen can be obtained without bounty, I shall be unwilling to give it. The increase of bounty in the army has produced in too many instances only an increase of drunkenness; and I am of opinion that the improvement of the permanent condition of the sailor is a much better inducement to him to enter the navy than giving him a sum of money as bounty. To test the system by its results, has the measure succeeded? Is the navy short of men? Is the army short of men? The army is notoriously short of men, but the navy is full. There can, therefore, be no better proof of the advantage of the system pursued in the navy, and I hope that these facts are more convincing than any argument. My hon. and gallant Friend said that it was unjustifiable and wrong to take the coastguardsmen and riggers for service in the fleet. For that complaint there is no foundation, as it was a condition in the engagement of those men that, if required, they should serve afloat. The great object of employing as coastguardsmen and riggers men who had been discharged from Her Majesty's ships was, that there might always be at hand a body of men by calling on whom much might be done towards manning ships at a moment's notice. To object to the employment of these men in our fleet on such an occasion is simply to defeat the very object for which they were placed in that situation, and would deprive the ships of many of their best petty officers and able seamen. I will not refer further to the plans for improving the condition of various persons in the navy. Hon. Gentlemen are apt to take up singly the case of different classes; but I must remind them that all such measures require to be prepared with great care, lest in benefiting one class of officers you may do an injustice to others. The hon. Gentleman asserts that nobody but a naval officer can properly discharge the duty of First Lord of the Admiralty. It is a mistake to suppose that the duties incidental to the office of First Lord of the Admiralty are in any large proportion such as a naval man alone is competent to discharge. I took the trouble at the Board to-day to note the questions which came before us. Fully nine-tenths of the questions that pass under our consideration relate to matters on which a civilian is quite as well qualified to pronounce an opinion as the best sailor afloat. The supply of salt meat, for instance, is a subject that has of late engaged much of our attention; and will it be said that, being a civilian, I am incapable of arriving at a sound decision on it? There are other questions—such as those relating to the purchase of stores, of hemp, tallow, iron, and timber, to the victualling of the navy, or to the furnishing it with medical supplies, which constantly are to be considered. Surely, this is a kind of business that does not exact much naval knowledge in the man who transacts it. I might quote many other such cases of purely civil matters, as questions of legal proceedings, the construction or repair of buildings, in which no naval professional knowledge can be of any service. Moreover, it should be remembered that six Lords sit round a table to administer the affairs of the navy, and of these four are naval men, so that the First Lord is never left without the guidance of professional opinion. With respect to the charge of being actuated by personal or political considerations in the conferring of appointments and promotions, I can in all sincerity declare that I am not conscious of having ever permitted my conduct to be influenced on such questions by either political or personal considerations. For this I take no credit to myself. If I had acted otherwise I might indeed have enjoyed the favour of a few, but I should have suffered irremediably in the estimation of the service at large; whereas, by steadfastly adhering, as I have, thank God, been enabled to do, to the resolution I made on taking office, of being swayed by no other consideration than a sense of what was due to my Sovereign and my country, I have the satisfaction of knowing that throughout the navy men will respect my motives, however they may be disposed to call my judgment in question. In conclusion, I can only repeat that the conduct of the Admiralty is best illustrated by the condition of the navy. To this test I do not hesitate to appeal. Whether as regards ships, officers, or seamen, at no period of any war was the British navy in a state of more complete efficiency, or better prepared to meet any enemy that may be arrayed against it than at the present moment. By this criterion I am content that the administration of the Admiralty shall be judged; and if the House believe that such is the condition of the navy at this moment, I ask of them to mark that opinion by resisting the Motion of the hon. and gallant Member.

COLONEL BOLDERO said, he thought that the navy was much indebted to the hon. and gallant Member (Captain Scobell) for bringing forward his Motion, and he was sure that, whether public opinion should be confirmed as to the system of promotion in the navy, or whether it should turn out that it was beneficial to the officers, the appointment of the Committee must do great good. He did not agree with his hon. and gallant Friend as to the manning of the navy. It might appear presumptuous in him to speak upon such a subject, but from what he had seen, heard, and read, he could not help thinking that the manning of the navy was most satisfactory. We were fitting out a fleet which would be ready for the spring, superior to any that Britain had ever equipped—and he had not heard any observations made by men able to express any opinion upon the subject at all reflecting upon the character or efficiency of our seamen. He thought the system propounded by the hon. and gallant Member was objectionable, and that it was unnecessary to give bounties for the navy, for, owing to the great pains taken by the present and two preceding Governments, the position of the men was vastly improved. He believed the pay of seamen in the Royal navy was now equal if not superior to that of the merchant service, and at all the large mercantile ports great difficulty was experienced in getting good sailors, the men having entered the navy through the inducements offered by the present system. The right hon. Baronet (Sir C. Wood) had referred to the Commission which inquired into the systems of the army and navy, and remarked truly enough that the Commission never recommended any alteration in the mode of appointing officers by the First Lord of the Admiralty, but he should have gone on further, and he would have seen what was recommended to be done in the medical department. The Commission recommended, in distinct terms, that the superior officers of the medical department in the navy should be placed on the same footing as the superior medical officers of the army, but that had never been done. This circumstance it was especially which led him to support the Motion of the hon. and gallant Gentleman. He was happy to say, that the efforts which he in common with others had long made for the improvement of the condition of the assistant-surgeons of the navy had been crowned with success, and those officers were now placed in a proper position. Indeed, more had been done for them than was asked. Their pay had been increased by a shilling a-day, in addition to those advantages which the long perseverance of their advocates in that House had at last gained for them. But there had been grievous error in not carrying out the recommendations of the Commission with respect to the superior medical officers of the navy. First, with regard to pay. The surgeons from the period of their first entrance into the navy up to ten years' service had their pay gradually increased, but from ten years' service until twenty years there were no increased emoluments. Those ten years, it must be remembered, were the best years of life. The surgeons had acquired the experience of ten years' practice in all kinds of diseases in all climates. They were a peculiar class of men, highly educated, practising a scientific profession, and, unless they were placed upon the same footing as the surgeons in the army, they would, at the very time when their services were most useful to the service, most likely retire from the navy and settle, as many had done, as physicians, surgeons, or as civil practitioners in the cities and towns of the kingdom, where their skill and experience, gained in the public service, would enable them to gain a competent subsistence. To retain such men should be the object of the Board of Admiralty, and the way to keep them was to hold out proper inducements. Then, again, as to promotion, the Commission wished to place them on an equality with the army officers, but nothing of the kind had been done yet. An inspector of hospitals in the army ranked as a brigadier-general, while an inspector of hospitals in the navy only ranked as a lieutenant-colonel—two grades lower. Now, it was an obvious question to ask, why it was that two educated men of the same rank in sister services should not enjoy the same advantages and privileges? They had lately seen a list of distinctions conferred upon medical officers in the army and the navy. Dr. Hall, the head of the Army Medical Department in the East, received the distinction of K.C.B., while Dr. Deas, the naval medical officer of similar rank, was only made C.B. This difference arose from their respectively ranking as brigadier-general and lieutenant-colonel, and thus one error led to the perpetration of another. But while in the Army Medical Department one inspector of hospitals was made K.C.B., five deputy-inspectors were made C.B., and two staff surgeons of the army were also made C.B.'s, the head of the Naval Medical Department in the Black Sea, whose services were of the same character, both ashore and afloat, as those of the Army Inspector, alone was made C.B. No other naval surgeons were distinguished, because there was not in the navy a distinct class of staff surgeons as in the army, although the country would not forget the noble and willing assistance they had rendered to the wounded and suffering troops on shore. He should support the Motion in the hope that it might be the means of doing justice to a class of men who he considered had great reason for complaint.

Sir MAURICE BERKELEY said, the hon. and gallant Member for Bath (Captain Scobell) had picked out, from a list of 300 names, some dozen persons belonging to the aristocracy, whose promotion, he said, had been gained by interest and favour, and not by merit. Now, it certainly was not pleasant to speak of one's self, but he would ask the hon. and gallant Member for Bath to look at his (Admiral Berkeley's) services, and see if he had not fairly won his promotion by those services. So far from his having any interest in those days, his father was a staunch opponent of the Admiralty by whom he was promoted, and his father never asked a favour for his son in his life. The hon. and gallant Gentleman had also alluded to a friend of his, the hon. Admiral Richard Dundas, who commanded the fleet in the Baltic last year, and was pleased to point him out as one who had gained his present station through interest, and not through his own merit. Now, he most positively asserted, and he could appeal to the right hon. Baronet the Member for Carlisle (Sir J. Graham) for confirmation of the statement, that no one ever asked for the appointment. He was the person who recommended Admiral Dundas to the right hon. Baronet. The right hon. Baronet took great pains to trace the career of the gallant Admiral. He obtained the opinions of men of high rank, among others, that of Sir William Parker, as to his fitness for the appointment, and Admiral Dundas, in consequence of character, and not from interest, was appointed to the command of the Baltic fleet. He wished to say only one word with regard to the manning of the navy. He regretted that naval officers should stir in that matter. They ought to know they were treading on very delicate ground with British sailors. The fleet had been manned without bounty, and supposing bounty had been offered, without embargo, it would have been of no use whatever. In the last war, when recourse was had to bounty and press, an embargo was laid on merchant ships not to go to sea until the men of war were manned. The effect was greatly to embarrass trade. No such plan had been resorted to during the present war, and he was happy to say the fleet, at the present moment, was thoroughly manned. When it was remembered that in two years we had increased the number of men for the navy by 24,000, he thought little fault could be found that bounty had not been given, and the mercantile marine thereby distressed. The hon. and gallant Member for Bath had also quoted some words which he had used on a former occasion when a similar Motion was before the House. Sitting on the Treasury Bench, he was just as anxious for his profession as when he was an independent Member. There was a time when, like most naval officers, he thought the Secretary of the Admiralty ought to be a naval man, but he could only say, with twelve years' experience of the working of the Admiralty, he had completely changed his opinion. Without wishing to disparage the two naval officers who in that period had filled the office, he must say he never wished to see a naval man as Secretary to the Admiralty again. Gentlemen talked of, but hardly knew what were the duties of the Secretary to the Admiralty. There was nothing naval in them, and if they knew the constitution and working of the Board they would perhaps change their opinion, as he had done. He had risen to make those few remarks because he was convinced his hon. and gallant Friend would not wish to say anything to annoy Admiral Dundas, and would not again assert that he (Admiral Berkeley) had been pushed forward through interest, and interest alone.

Mr. LINDSAY said, it might almost be inferred from the speeches of the right hon. Baronet the First Lord of the Admiralty, and the hon. and gallant Member for Gloucester (Admiral Berkeley), that the Board of Admiralty was perfect. Now, he differed altogether from the First Lord of the Admiralty, and thought there were very strong grounds for demanding such an inquiry. Why, the right hon. Baronet had himself stated that out of 800 and more captains he could only find active employment for fifty. Now, that was an evil, and a very great evil, and supplied him (Mr. Lindsay) with a reason for seeking an inquiry. On looking into the subject he found that at the present moment there were some 2,425 officers, from flag officers to lieutenants borne on the Admiralty books, of whom only 1,232 were employed. That, too, was an evil, and a reason why he should vote for inquiry—an evil of which the right hon. Gentleman himself had complained, and complained with great justice—namely, that he could not find employment for half of those on the active list. He (Mr. Lindsay) would maintain that they were perpetrating an injustice towards those gentlemen in allowing them to enter into a service where they had nothing to expect unless they had Parliamentary influence or high connections. But what was the cost to the country of such a system? Why, he found that the half-pay of 993 active officers, who were inactive, cost £186,186 10*s.* a year. The retired list cost the country £298,172, making a total of £484,358 10*s.*, for which no active services were rendered. Surely that also was a very important subject, and worthy of inquiry. If the Government refused the Committee, the rumours out of doors about favour and patronage would be considered too true. In 1817 the House voted 19,000 seamen and marines, while the number of officers on the active list, from flag-officers to lieutenants, was 5,891. He could understand the right hon. Gentleman (Sir C. Wood) when he said that it was impossible to find employment for all those officers, but we should take warning from the past, or we should have the same excess and the same discontent in the service when the present war ceased. The right hon. and gallant senior naval Lord of the Admiralty had spoken somewhat approvingly of the exercise of the patronage of the navy. Now he (Mr. Lindsay) had by him a rather curious statement, which he could not avoid mentioning to the House. When Her Majesty visited Portsmouth in 1842, she was attended by nine admirals, whose united years of service, from the time of their receiving their commissions as midshipmen down to that moment, was only fifty years. Now he did not want to say anything disparaging of those gentlemen—for aught he knew they might have shown considerable smartness in their boyhood—still there they were, nine of them all admirals, clustering round Her Majesty, whose united years of active service were only fifty. On the other hand, he found to the flag ship at Portsmouth there were four lieutenants whose united periods of service amounted to fifty-six years; and in the *Victory*, seven lieutenants whose periods of service reached to 131 years. In the face, then, of such facts of these, how could they refuse an inquiry which must result in a considerable saving to the country, as well as prevent the recurrence of a vast amount of discontent and dissatisfaction?

Mr. BASS said, that attention had not been called to the objectionable mode in which the original appointments to cadetships in the Royal Navy were made. No person had a chance of obtaining one unless he were possessed of political or family influence. A friend of his had obtained a positive promise of an appointment for his son from the late Lord Auckland when First Lord. He devoted two years to the special education of the young man; in the meantime Lord Auckland died, and the right hon. Baronet the Member for Portsmouth (Sir F. Baring) succeeded him; and the young man was removed to his list. Soon after a son of a Member of that House and a near connection of another were appointed to cadetships. Repeated applications were made in favour of the young man he referred to, but without success, the right hon. Baronet stating he could not undertake to carry out all the promises of his predecessor, and at length his name was removed from the list, after he had wasted three years in the pursuit. He objected, therefore, to the irresponsible character of these appointments; a young man had no chance of one without family or Parliamentary influence. He feared the right hon. Baronet the present First Lord would not convince the country that promotion in the navy was carried on without any regard to favour or patronage. The general opinion was, that they were granted, not to political, but to party influence. Soon after the celebrated dinner at the Reform Club, in which the right hon. Baronet the Member for Carlisle (Sir J. Graham) took a prominent part, he was obliged to listen to a conversation, carried on in the precincts of that House. A Gentleman of consideration in that House, said—"At last it is all out. We have long known that promotion in the navy was only given to Whigs and Radicals, but Sir James Graham has at last fairly confessed it." He believed that to be an unfounded aspersion, but he should support the Motion, because a good deal of dissatisfaction prevailed, and because he thought inquiry ought to be made.

Sir FRANCIS BARING said, that having been referred to by the hon. Gentleman who had just sat down, he wished to say a few words in explanation. It was quite true that it was very difficult to get a cadetship in the navy at the time when he was at the head of the Admiralty; but the reason of that was, that there were so few appointments to be made. He had no recollection of the particular case of the gentleman who had received the promise of Lord Auckland. Lord Auckland had left him a list which it would have been impossible for him to work off even if he had confined himself to it. He was, in fact, obliged to make selections; and as to the alleged promise, he would observe that Lord Auckland was in the habit of writing very kind letters which assuredly did not amount to a positive promise. In his own selections he gave the preference to the sons of officers who had special claims on account of their own services, and was not influenced by political considerations. The only persons to whom justice was not done in these debates were the unfortunate First Lords of the Admiralty, who were accused of jobbing and the most scandalous exercise of their functions. Without intending any discourtesy, he must say that if the House believed all that they had heard on that subject from the hon. and gallant Gentleman who brought forward the Motion, they believed what he did not believe. He certainly ought to know his own motives for making promotions, and he positively denied that promotions were made by himself on any other ground than what he considered the public service.

Mr. BASS said, he hoped the right hon. Gentleman would not understand him to find fault with any of his proceedings. He was sure no man could have acted with more integrity than the right hon. Member, but he held in his hand a written promise from Lord Auckland to give a cadetship in the navy to a friend of his.

Sir CHARLES NAPIER said, he had hoped to have brought forward his Motion for a Committee to inquire into the operations of the Baltic fleet, in 1854 and 1855, that night, but he now found it was a good deal too late to attempt it. It was some time since he had the pleasure of hearing a debate in that House, and after hearing the Lords of the Admiralty get up and praise themselves as they have just done, he must confess he thought things had changed since he was last in Parliament. The right hon. Baronet the First Lord of the Admiralty had referred to part of one of his (Sir C. Napier's) letters, written upwards of thirty years ago, but it certainly was not applicable to the navy of the present moment. The right hon. Gentleman had not read the whole of it to the House. Hon. Members who had read Junius would no doubt recognise the style of that author—for his (Sir C. Napier's) letter was taken from that writer. He forgot the precise words which followed the passage quoted by the right hon. Gentleman, but they were to the effect that if they saw bad ships, the navy without discipline, promotions made only from political influences and interests, they might then judge that the administration of the navy had been carried on by corrupt men. The right hon. Gentleman had stated that one in three of the promotions he always gave to the sons of old officers, and he hoped it was correct, but he had always understood that the promotions of one in three were given by the First Lord to whoever he pleased, and generally from political motives. If the right hon. Gentleman had discontinued that system, he begged to congratulate him and the country. The right hon. Gentleman then talked of never promoting an officer without consulting the Board of Admiralty. It was monstrous to hear the right hon. Baronet talk thus. He was, however, delighted to hear it, if it was true, and he hoped the right hon. Gentleman would stick to it. He thought the question of bounty ought to be settled at once. A Bill had been passed, providing that when war was declared, if Her

Majesty called upon the seamen, and they came forward within a certain time, they should receive a double bounty, and that a bounty should also be given to the men in actual service. When he was in Parliament he saw the folly and danger of that; and he, therefore, brought in a Bill to prevent the men actually employed receiving the bounty unless a war took place. The Ministry, however, did not allow his Bill to pass. But what was the consequence? When war was declared the other day, they could not issue the Queen's Proclamation without every man entering the service receiving the bounty, and the consequence was that no Proclamation was issued at all. When he took the command of the Baltic fleet, he thought it right to inform the First Lord (Sir J. Graham) that that fleet was not manned in the way it ought to be. He had no hesitation in saying that never did a fleet go to sea manned as our fleet was in 1854. That fleet was not to start from England until March, when bad weather was expected, and it was quite unequal to contend even with the enemy it went in search of. He managed to scramble into the North Sea and into the Cattegat. It blew a heavy gale of wind, and—would the House believe it?—such was the state of the crews that half of the ships could not furl their sails. Was that a state for a British fleet to be sent to sea in? Many people said he was wrong for crying down the navy. He was not crying down the navy, but endeavouring to prevent the recurrence of those evils. What would have been the state of things if our Baltic fleet had met with an enterprising enemy in the Gulf of Finland? Let it be remembered that the Russian fleet was twenty-eight sail of the line, besides frigates and steamers, though it never went to sea, except for the purpose of affording the late Emperor the spectacle of a naval sham fight. So well were the men trained to their guns, and so well in fine weather did they sail in double line, that only one ship, commanded by a Scotchman (Captain Moffatt), was able to break through the line, whereupon there was an exclamation, "Bravo, Moffatt," and he was appointed to the flag of a Rear Admiral in the Russian service. Now, the last of our Baltic ships manned was the *Nile.* On the first Sunday the men went to divine service—the clergyman and officers were in the poop, the men were on the quarter-deck—to the captain's astonishment; the men took off their hats and showed their bald heads, at the same time putting on spectacles. Some of the men positively did not know their captain. The right hon. and gallant Gentleman opposite (Admiral Berkeley) had undoubtedly made great exertions to man the fleet, but he remembered that before he was appointed the men entered at Tower Hill were so bad that at his request the then First Lord (Sir J. Graham) sent two Lords of the Admiralty to the Tower to see what sort of trash was brought on board ship. The right hon. Gentleman, however, instructed those two Lords not to be too particular. That was not the way to man ships; and he was happy to hear from the right hon. Admiral opposite that the fleet was now well manned. Still he thought it dangerous to give a large bounty to the soldier, and to clothe him, and yet to send the seamen to sea without bounty to enable him to clothe himself. Now, this trash that he had told them of went on board without shoes or stockings, whereas if they had had a bounty, they would have been able to comfortably clothe themselves. When so much money was lavished away in this country, surely some might be spared to furnish a bounty to the seaman, who felt a pride in being well dressed. He would say something for the coast-guard men and riggers. Those who went out in that fleet deserved the greatest honour and credit. They did everything in their power to discipline the landsmen, and had it not been for their exertions the fleet never would have been got into the good order in which it was when brought home. While he had the honour of commanding the fleet, he never saw greater zeal displayed in bringing the men into a state of discipline. The admirals and captains also deserved the greatest credit, and he was happy to see an act of justice done by the present First Lord of the Admiralty to Admiral Chads, who, though dismissed without cause, when he came home, was now rewarded by an appointment at Cork. In conclusion, he begged to say that, not not being able that night to bring on his Motion for a Committee of Inquiry into the operations of the Baltic fleet in 1854 and 1855, he should propose it on the Motion for considering the Naval Estimates.

MR. BERNAL OSBORNE said, he thought that the hon. and gallant Admiral's speech was intended for his Motion, and not for the one that was before the House. [Sir C. Napier: No, no!] If it were not, he would ask, why he introduced the story of the *Nile*, and the bald heads, and spectacles? He would take leave to read to the House a Report sent by the hon. and gallant Officer to the Admiralty, in reference to the very ship referred to, and he would remark that, if all the statements of the hon. and gallant Officer in respect to the Admiralty rested upon the same authority, he would leave the House to form its opinion of their correctness. Here was a Report of the Baltic fleet in 1854, at the very time the hon. and gallant Admiral commanded. He would hand the paper over to the hon. and gallant Officer if he wished it. No, upon second consideration, he would not pledge himself to do so, because he did not know what use he would make of it. Now, let the House hear what he had said about the *Nile*—the ship manned with bald heads, and spectacles. The ship was commissioned on the 6th of February, 1854. Here was the Report of the inspecting officer, transmitted to the Admiralty by the hon. and gallant Officer:—

> "*Nile*—Commissioned the 6th of February, 1854. Very fairly manned, and in a very creditable and satisfactory state as to gunnery, considering short time fitted out. Inspected the 20th of June, 1854."

Sir CHARLES NAPIER: But that does not contradict the fact about the bald heads.

Mr. BERNAL OSBORNE said, he wished to know whether he was to understand that the hon. and gallant Admiral would consider a ship well manned if the crew were men with bald heads and spectacles? [Sir C. Napier: What is the date of that Report?] It was made in June. [Sir C. Napier: Oh! that was six months afterwards.] No doubt. But would six months put on wigs or take away spectacles? A similar testimony was borne in the case of the *Majestic;* and there were other cases on the list which he would not trouble the House by reading now, but which he would state when the hon. and gallant Admiral brought forward his Motion; and he could assure the House that those cases did not at all bear out the case of the hon. and gallant Admiral. He did not think it necessary to go at greater length into the question now before the House; for, in his opinion, no answer had been given to the speech of his right hon. Friend the First Lord of the Admiralty. When a more convenient opportunity presented itself he (Mr. B. Osborne) would be able to show, without referring to recent times, that whenever any able man was First Lord of the Admiralty there was great discontent, not only in the country, but in the profession. The hon. and gallant Member (Admiral Walcott) had quoted words of Mr. Burke, and had warned the House not to tamper with the British navy; but the hon. and gallant Gentleman who had introduced the motion had used language calculated to tamper with the British seaman and had almost implored of him not to join the service. He (Mr. B. Osborne) in his turn besought the House not to tamper with the British navy, for he was convinced that it had never been in such an efficient position as it was at present.

Captain SCOBELL, in reply, said he must complain that the First Lord of the Admiralty had confined his remarks entirely to the state of the navy, or to what had been done by himself within the last year, whereas he (Captain Scobell) had expressly stated that his observations were directed to the whole system as it had existed during the last fifty years. He had not attacked the right hon. Gentleman's administration, the mischief had been done during the forty years of peace. With respect to the manning of ships, when the hon. and gallant Admiral who had lately commanded the Baltic fleet stood up in his place, and stated that the fleet was not well manned, that, he thought, ought to counterbalance all the contradictions of the First Lord. Notwithstanding all that the First Lord had said, he still contended that, though there might just now be a lull, favouritism did exist, and would continue to exist unless the inquiry which he asked for were granted. The right hon. Gentleman the Member for Portsmouth (Sir F. Baring) had thought proper to say that he did not believe him when he said that the patronage of the Admiralty was exercised with favour; but he would tell the right hon. Gentleman that there never was a time when it was exercised without favour, and if he would go into the library with him he would show him in the lists the names of men who had been pushed on during his (Sir F. Baring's) term of office with the most amazing and unprecedented rapidity. The right hon. and gallant Admiral the Naval First Lord (Admiral Berkeley) was mistaken in thinking that he had intended to attack Admiral Dundas. All he had stated was, that he had got on with extreme rapidity, and, seeing that he had only been three years and a quarter in rising from the rank of a midshipman to that of a post captain, he submitted that he was justified in making the observation. He would only say, in conclusion, that he hoped the House would exonerate him from the charge of bringing forward the Motion upon any other than public grounds, and a desire to do justice to, what he believed to be, an injured body of men.

The House *divided* :—Ayes 80 ; Noes 171 : Majority 91.

HOUSE OF COMMONS OFFICES BILL.

Order for Second Reading read.

SIR HENRY WILLOUGHBY said, he wished to inquire whether it was intended that the appointments contemplated by the Bill should be made upon the recommendation of the Speaker?

VISCOUNT PALMERSTON replied in the affirmative. He said the Bill contained no special allusion to the Speaker, but it was distinctly understood that in the conferring of appointments deference should be paid to his opinion.

Bill read 2°.

METROPOLIS POLICE FORCE.

Order for Committee read.

House in Committee.

SIR JOHN SHELLEY said, that there was a very general feeling among his constituents that the Bill should provide that proclamations such as those which were issued at the time of the Hyde-Park riots should be so worded as to bear evidence of their having been signed by the Chief Commissioner under the orders of the Home Secretary. Much of the animosity displayed against the police on the occasion in question was now attributed to the fact that the proclamations were signed by the Commissioner as though he were a Minister of Police acting under his own authority alone.

SIR GEORGE GREY said, he must repeat the explanation he had given on this point when the Bill was introduced—namely, that these proclamations relate exclusively to police regulations, and that before being published they are invariably submitted for approval to the Home Secretary.

The Bill passed through Committee.

House resumed.

Bill *reported* without Amendment.

The House adjourned at a quarter after Twelve o'clock.

Captain Scobell

HOUSE OF LORDS,

Friday, February 8, 1856.

MINUTES.] *Sat First in Parliament.*—The Lord Delamere, after the Death of his Father.
PUBLIC BILL.—1ª Vice President of Committee of Council on Education.

THE FERMOY PEERAGE.

The EARL OF DERBY said, it would be in the recollection of their Lordships that last Session he had taken occasion to raise a question as to the validity of a patent which had been granted to a gentleman named Roche, constituting him Baron Fermoy, in the peerage of Ireland; and the ground of objection he took to the patent was, that there had not then become extinct the three Irish peerages necessary to enable Her Majesty to create a new one. The question involved considerations of great legal and constitutional importance; and he (the Earl of Derby) then proposed that the matter should be referred to a Committee of Privileges. It had, however, been suggested that upon Baron Fermoy presenting his petition in the ordinary way, praying that he might be allowed to substantiate his right to vote for a representative Peer for Ireland, the question would more properly arise. He had waited, therefore, for the commencement of the present Session, and he had been given to understand by the noble Earl the President of the Council, that in the course of a few days Lord Fermoy's petition would be presented. Fortunately the case was now deprived of all personal interest as far as the noble Lord was concerned. Lord Fermoy could not now be affected in the slightest degree by the result of the inquiry; for since last Session another Irish peerage had become extinct, and consequently the only difference the inquiry would make to the noble Lord would be whether his peerage was to date from 1855 or 1856. He (the Earl of Derby) wished to ask his noble Friend whether there was any reason to believe that the petition of Lord Fermoy would in a short time be presented? If it were not so presented before the end of a fortnight, he should move that the subject should be referred to a Committee of Privileges.

EARL GRANVILLE said, that before the opening of the present Session he had received a letter from Lord Fermoy expressing his earnest desire that that question should be brought to a decision as soon as possible, and asking him (Earl Granville) whether he concurred in his feeling upon the subject. He had answered that question in the affirmative, and had requested Lord Fermoy to desire his legal adviser to call on him in London. He had seen that gentleman; and from his interview with him he had found that a petition in favour of Lord Fermoy's claim had been drawn up last Session, but had since been mislaid, and that another would be immediately prepared. He (Earl Granville) was in daily expectation that that petition would be laid before the House; and he took it for granted that their Lordships would receive it previously to the expiration of the fortnight, at the end of which period his noble Friend had given notice that he would bring forward his Motion.

VICE PRESIDENT OF COMMITTEE OF COUNCIL ON EDUCATION BILL.

Earl GRANVILLE *presented* a Bill for the Appointment of a Vice President of the Committee of Council on Education. It was proposed by the Bill that that officer should have a seat in the House of Commons; and on the occasion of the second reading he would take the opportunity of explaining to their Lordships the nature of the changes to be effected by an Order in Council, transferring certain departments at present connected with other offices to the Vice Presidency of the Council.

Bill read 1ª.

BARON WENSLEYDALE—QUESTION.

Earl GREY: In the absence of the noble and learned Lord who moved the Resolution the House adopted last night (Lord Lyndhurst), I beg leave to ask the noble and learned Lord Chief Justice, whether he can give us any information as to the period when the Committee of Privileges which has been voted is to sit, and what is the course that it is intended we should take upon that question?

Lord CAMPBELL: In the absence of my noble and learned Friend it is impossible for me to give any satisfactory answer to the question that has been addressed to me. But I may take this opportunity of expressing a hope that a course will be adopted by Her Majesty's Government which will render the meeting of the Committee of Privileges unnecessary. Of course I cannot take upon myself to give advice to Her Majesty's Government; they can have that advice from other quarters much more entitled to consideration; but as a Member of this House I may earnestly express a hope that they will take a step which would, in my opinion, be of infinite advantage; and that is that they will recommend Her Majesty graciously to confer on the right hon. Sir James Parke, late Baron of the Exchequer, the title of Baron Wensleydale, to be enjoyed by him and the heirs male of his body. That being done, we shall most joyously receive him in this House, and thus put an end to an agitation which seems to me calculated to lead to no good. Nothing would thereby be decided; the question would be still left open; and if a pressing necessity should arise for making a Peer for life, that may still be done as well as it can be done now. I am sure I should rejoice exceedingly if this course were adopted, and I do most sincerely feel that it would be of great service to the nation at large.

The Earl of DERBY: My Lords, I certainly have still less right than the noble and learned Lord opposite to offer any recommendation, or even to make any suggestion, to Her Majesty's Government. But I cannot help feeling that the suggestion of the noble and learned Lord is one that is well deserving of their consideration, inasmuch as I am quite sure it cannot be their object to raise unnecessarily a question which is manifestly one of extreme difficulty as between the Prerogative of the Crown and the House of Lords. Even if there could be no doubt as to the legality of this creation, yet—after what passed in the House last night—after the general opinion expressed upon this subject by the law Lords—by the Lord Chief Justice, who, as far he can take any part in politics, is attached to Her Majesty's Government—by my noble and learned Friends near me, and by all the great law authorities in this House, save and except the noble and learned Lord on the woolsack—after they had all, with that exception, given their opinion that even if this precedent was strictly legal, it is in the highest degree unconstitutional—after noble Lords who usually support Her Majesty's Government have recorded their votes last night in opposition to the course which has been adopted in this case, and thus proved at least how distasteful that exercise of the prerogative would be to this House—I cannot but think that Her Majesty's Government would be consulting the public interest, and also, what I consider identified with the public interest, the rights of the Crown, if they did not unnecessarily raise this question of prerogative, and if they consented—not to cancel the patent—but to issue a fresh patent which would involve no new consequences to the individual immediately interested in the subject. That second patent might be produced with the writ when Lord Wensleydale shall come to take his seat in this House. I am quite sure that those noble Lords with whom I have the honour of acting will gladly receive that solution of the difficulty into which they have been most unwillingly drawn, and that there will then be but one feeling of congratulation among us at the reception in this House of so distinguished a lawyer as Baron Parke. I have not seen my noble and learned Friend who brought forward the question since he left the House last night; I have no idea what course he intends to pursue with regard to the Committee; but on public grounds I entirely join the Lord Chief Justice in hoping that there may be no occasion to have this question considered by that tribunal to which your Lordships last night decided, and, as I think, properly decided, that it should be referred.

Lord BROUGHAM: It appears to me that in the absence of my noble and learned Friend who brought forward the Motion, it would be premature to give any opinion as to the course he would pursue in reference to the question.

Earl GRANVILLE moved, that the House do now adjourn.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 8, 1856.

Minutes.] New Members Sworn.—For Midhurst, Samuel Warren, esq.; for Tamworth, Viscount Raynham.

Public Bills.—1° Ecclesiastical Courts Jurisdiction; Medical Profession; Church-Rates Abolition.

2° Partnership Amendment; Joint-stock Companies; Burial Grounds (Ireland); Juvenile Offenders (Ireland).

3° Metropolitan Police.

ARCTIC EXPEDITIONS—QUESTION.

Admiral WALCOTT: Sir, as I was a Member of the Arctic Committee who unanimously resolved that the spirit of intrepidity and enterprise displayed by every officer and man engaged in the hazardous Expeditions to the North Pole, entitle them to a recommendation to their Sovereign for a special medal in acknowledgment of their services, I put this question to the right hon. Baronet the First Lord of the Admiralty, whether and when it was the intention of the Government to grant a medal to those engaged in the several Arctic Expeditions conformably with the recommendation to that effect contained in the Report of the Select Committee on the Arctic Expeditions in the last Session?

Sir CHARLES WOOD said, the Queen had been graciously pleased to signify Her intention to confer a medal on the officers and men engaged in the Arctic Expeditions, and measures were being taken to carry that intention into effect. There was, however, great pressure at present in preparing the Crimean medals, and it would be some time before the Arctic medal could be prepared.

THE CRIMEAN COMMISSION REPORT—QUESTION.

Lord WILLIAM GRAHAM said, he begged to ask the hon. Under-Secretary for War whether the officers animadverted on in the Crimean Report had sent in any further explanations on the subject to the Government, or the authorities at the Horse Guards; and if not, whether the Government intended to call for any?

Mr. FREDERICK PEEL said, he thought he might call on the noble Lord to state who were the officers he considered animadverted upon in the Report. Some of the officers who might be considered to have been animadverted upon were in the Crimea, and had had no opportunity of seeing the Report, still less of volunteering any statement in their own vindication, if they desired to do so. Others had been relieved from the offices they held at the time, and were no longer in the employment of the Government. He presumed that the Quartermaster-General at the Horse Guards was the principal person alluded to. It was not necessary to call for any explanation of the conduct of that officer, because, feeling that the Report reflected upon his administration under Lord Raglan, he had announced his intention to make a statement in vindication of his conduct. He was also informed that Lord Lucan had made a statement remonstrating against the manner in which he had been alluded to in the Report.

OPERATIONS IN THE CHINA SEAS—QUESTION.

Mr. H. BAILLIE said, the question of which he had given notice in reference to the conduct of Admiral Stirling and Captain Elliot in the China Seas required a few words of explanation. A statement had appeared in the public papers, purporting to be the report of the proceedings of Her Majesty's fleet in those seas. (*Cries of* "Order!")

Mr. SPEAKER: The hon. Gentleman is out of order in making any statement in putting a question.

Mr. H. BAILLIE said, he should then move the adjournment of the House, at its rising, till Monday. Although the Government might think proper to discredit the statements which appeared in the newspapers, they were not justified in allowing false statements and misrepresentations to pass current for a length of time without contradiction when they reflected on the honour and character of the British navy. The statement to which he was about to refer was this,—that Admiral Stirling, being in command of the British fleet in the China Seas, had received instructions to pursue, capture, and destroy a Russian squadron which was known to be in those waters, and that, under those circumstances, he thought it consistent with his duty to devolve that command upon a junior officer, and to occupy himself with a treaty —a so called commercial treaty with Japan. Captain Elliot, the officer in question, found the Russian squadron at anchor in De Castries Bay. Two statements had been published with respect to the strength of the Russian squadron. One statement, which differed very little from the other, was issued by the Russian Government, and published in the *St. Petersburg Gazette*, and according to that statement the Russian force consisted of one frigate, one corvette, and three transports encumbered and loaded with the fugitives—men, women, and children—from the Russian settlement of Petropaulovski. The other statement was made by a gentleman, who had lately published a book upon the subject, a friend of Captain Elliot, Captain Whittingham, an officer of Engineers, who was on board ship with Captain Elliot. He would read that statement to the House, though it differed very little from the Russian account. Captain Whittingham stated that there were a frigate and a long corvette, mounting eighteen or twenty guns, two corvettes, or, perhaps, armed transports, mounting ten or twelve long guns each; a brig and a small steamer:—

> "From each masthead of all the Russian vessels their white ensigns waved. From our masthead the number of guns seen on each vessel was reported, and it was conjectured that the frigate was the *Aurora*, of 44 guns: that the corvette was probably the *Dwina*, of 18 or 20; but whether the other vessels were corvettes of 20, or armed transports of 10 or 12 guns, seemed problematical in the unaccountable and blamable state of ignorance all the officers seemed in of the number, size, and description of the few vessels Russia possessed in these seas, and this lamentable ignorance existed thirteen months after the declaration of war."

It appeared from this statement that Captain Elliot had not really ascertained what the strength of the Russians was, or whether the ships before him were ships of war or transports. Having stated the strength of the Russian squadron, he would state also the strength of the English squadron. It consisted of a first-class frigate, the *Sybille*, of 40 guns, the *Hornet*, of 17 guns, and the *Bittern*, of 12 guns. It was under those circumstances, that Captain Elliot declined to engage the Russian squadron. He determined to send one of his ships to search for the Admiral, who was, he believed, in Japan, 1,500 miles off, and appeared not to have thought it necessary to blockade the Russian force. He would give the statement of his proceedings:—

> "No sooner had the daylight entirely failed than the three vessels stood out to sea, and during the two following days slowly sailed to the south, to accompany the *Bittern* (what did the *Bittern* want of their company?), which left us on the 23rd, when the frigate and corvette commenced cruising in a narrow part of the gulf, to prevent the escape southward of the Russian squadron, until the 27th, when the two vessels bore up to De Castries Bay."

It appeared that, after a week, Captain Elliot thought it necessary to go and see what the Admiral was doing, and he appeared to have been surprised to find that the Russians had refused to wait for the convenience of himself and the gallant Admiral. As soon as they saw the coast clear, they set sail for the mouth of the Amoor River, and arrived at their destination. They passed the bar safely, and placed their ships in a state of security. That was the statement that had been current for some time, and which he believed to be true. He should be happy if the First Lord of the Admiralty could give a satisfactory explanation; but, in the meanwhile, he wished to ask whether the Government had received an official statement of those proceedings; whether these despatches would be laid upon the table; whether the Government were satisfied with the conduct of their officers; or whether they intended to submit that conduct to a court martial? The hon. Member concluded by moving the adjournment of the House.

SIR CHARLES WOOD: Sir, I certainly have not seen the statements in newspapers to which the hon. Gentleman has alluded, and I certainly cannot admit that it is the duty of Her Majesty's Government to sift every story that may appear in the public papers. It would be a serious addition indeed to the duties of a Minister if he had to reconcile all the conflicting statements that appeared. The best course, I think, will be for me to state what I know to be the facts from the official accounts. There is no doubt that the admiral had the usual orders to take, capture, and destroy all the enemy's vessels that he could fall in with. It is not true that Admiral Stirling delegated to a junior officer the authority to search for the Russian squadron. He sent an officer (Captain Elliot) with some ships to intercept the escape of the crew of the Russian frigate *Pallas*, which was lost on the coast of Japan, and the crew of which was supposed to be endeavouring to effect their escape to their own country. Captain Elliot was also directed to cruise in the upper waters of the Pacific, in the hope of meeting any Russian vessels that might happen to be there. There was no reason to suppose that the vessels from Petropaulovski would be found there. It is a part of the world of which very little is known, and of which no accurate chart was in the possession of Captain Elliot at the time he went there. Perhaps, in order that the House may clearly understand what occurred, I may be permitted very shortly to state the nature of those seas. There is a narrow sea between the island of Saghalien and the coast of Tartary, called the Gulf of Tartary; near the head of this gulf is De Castries Bay, and at its upper extremity is a narrow and shoal passage into the Gulf of the Amoor—a narrow strait, twenty-five miles in width, called La Perouse's Straits, separates the southern end of Saghalien from the islands of Japan. At the close of May, Captain Elliot reached the upper part of the Gulf of Tartary, and on the 20th of May, with the force which the hon. Gentleman has accurately stated, consisting of the sailing frigate *Sybille*, of 40 guns, the sailing vessel *Bittern*, of 12 guns, and the *Hornet* steamer, he came in sight of De Castries Bay. In that bay they discovered the Russian vessels, and the *Hornet* was sent in to reconnoitre. Later in the day Captain Elliot went on board the *Hornet* and completed the reconnaissance. The Russian force consisted of the large frigate *Aurora*, of 44 guns; the large corvette *Olovetska*, of 24 guns; and the *Dwina*, another vessel of 20 guns, lying moored with their broadsides to the entrance of the bay, and behind them a larger vessel bearing a rear-admiral's flag. They could not make out whether this was a large armed transport or a corvette, but it turned out afterwards that it was an armed transport of eight guns. There was also a steamer of six guns, and another vessel, making in all six Russian vessels discovered in the harbour. Shots were exchanged with one of the corvettes, which fell short on both sides. The hon. Gentleman asks whether we are of opinion that Captain Elliot did wrong in not attempting to enter the harbour. The opinion we have formed is, that Captain Elliot was perfectly justified in not attempting to enter the harbour under the circumstances. He had two sailing vessels and only one steamer; it was an unknown harbour, the soundings of which had not been taken, and it now turns out that if they had attempted an entrance it is almost certain they would, from the shoally nature of the water, have been lost. It appears that the passage which they would have attempted, and which was the only one of which they then knew, was not the real one. The next question put by the hon. Gentleman is as to the blockade of the port. What Captain Elliot did was to lie off the harbour next day, and try to provoke the Russians to come out. But they knew their own game better than that, and remained safe in the harbour, defending the only possible entrance. The wind blew off the shore, and it was impossible for them to enter an unknown channel guarded by the broadsides of three vessels. Captain Elliot then had to consider what course was best to be taken to insure the objects for which he was there, and to prevent the escape of the Russian fleet. I will read Captain Elliot's account of the course he adopted:—

"It appears to me highly probable that the Russian squadron will immediately attempt to escape to the southward, out of the Gulf of Tartary. My object will now be to prevent their doing so, and I shall take up such positions with the *Sybille* and the *Hornet* as to watch their movements should that be their intention. My opinion is, that if they move they will do so at once, and try to make their escape through the Straits of Perouse. This Strait being only twenty-five miles across, their squadron is less likely to escape me there than it would be by my cruising in the northern part of the Gulf of Tartary, where there is a greater breadth to guard; the alternate strong winds and thick fogs of those seas being much against successfully blockading or watching a port. The Gulf of Tartary is also somewhat contracted between Cape Lamarnon and the Isle de la Prise. I therefore propose guarding that channel for a day or two, should the weather remain favourable for my doing so, and then to cruise between Cape Romanzoff, in lat. 45° 25 N., long. 441° 34 E., and the opposite shore of Cape Crillon."

That is the official Report of the course which Captain Elliot thought it advisable to take, and that is confirmed by several private letters written by Captain Elliot which I have seen, and which state that the weather was so thick and the fog so prevalent that it was impossible to watch any port. What he really wanted was steamers small enough to enter the harbour, and he took the wise measure of sending to the Admiral to obtain more reinforcements, especially steamers. It was desirable that the enemy should not know the direction in which he was gone, and, therefore, Captain Elliot sailed at night. He proceeded to the southward to watch the narrow part of the Gulf of Tartary, because it was there that, in his opinion, he was likely to intercept the enemy. I will read the following extract from a private letter of Captain Elliot:—

"With my two ships I could only attempt to stop their going in what I thought the most likely direction for them to take, as it is impossible to keep sight of a place in the thick fogs of these seas, and with a constant south wind, a few hours' fog would be quite sufficient for them to run out of sight with."

These are the reasons that induced Captain Elliot to take the course he did. I am inclined, however, to think that he ought to have remained off the mouth of De Castries Bay, and I think no sufficient reason has been given for his not doing so. On the other hand, it would be rash of us sitting here, and not knowing the state of the weather at the time, to attempt to come to any decisive opinion. Captain Elliot is a young and a very enterprising officer, as he proved during his service in the Mediterranean. He had looked forward most anxiously to the capture of the Russian frigate, and I have no doubt that he honestly and conscientiously believed, upon the grounds I have stated, that he was taking the course best calculated to insure that capture. There was great probability, that the Russian squadron would not be able to escape at all to the northward, and he thought that even if it should reach a place of refuge it certainly could not reach any port of the eastern seas, where it could do any injury to our trade. On the other hand, he well knew that it might be able to inflict serious injury on our trade if it succeeded in escaping through the Straits of Perouse. He believed that it was of paramount importance to prevent the Russians from going southward, and that if they escaped northward it would ultimately be in his power, when a reinforcement arrived, to effect their capture. I certainly think that he was wrong in not remaining off the mouth of the bay, but I cannot say that if he had remained there the result would have been different.

MR. ELLIOT thought that the friends of Captain Elliot had some reason to complain of the mode in which this question had been brought before the House by the hon. Gentleman opposite. If the hon. Gentleman, on the notice of a question to the First Lord of the Admiralty, intended to make a statement injurious to Captain Elliot, it would surely have been but fair to put such a notice on the paper as would have enabled Captain Elliot's friends to prepare themselves to meet any accusations he was about to bring against him. The hon. Gentleman, if he (Mr. Elliot) understood him rightly, made two distinct accusations against Captain Elliot. The first was, that he did not, when he ought to have done so, attack the Russian ships in Castries Bay. The second accusation was, that he had not blockaded Castries Bay; but, when he might have done so, had preferred to "sail away to the south," leaving it to be inferred that, by so doing, he wished to avoid the enemy. This insinuation he (Mr. Elliot) considered to be most ungenerous, and one which he felt sure the House would agree with him in thinking unworthy of being pointed against any officer in the British navy. Now, what was Captain Elliot's position? Having arrived at Castries Bay, an unsurveyed port, on an unsurveyed coast, where he had bad weather and dense fogs with a lee shore, he found the enemy's ships anchored in a bay, the entrance to which was unknown, whilst they were apparently protected by shoals which lay between them and our ships. Captain Elliot, after making the best examination in his power, and after consulting the captains of the other ships, reluctantly came to the conclusion that he would not be justified in making the attack. He was not then aware that any passage existed from the north end of the Gulf of Tartary into the Gulf of the Amoor. He had no charts and no information of any such passage existing, and he therefore naturally concluded, if the Russian ships attempted to come out of Castries Bay, their only point of escape would be to the southward, down the Gulf of Tartary; and his great object, therefore, was to prevent their going in that direction. The question then was, how could this be best effected? His right hon. Friend had stated it to be his opinion that it would have been better had he remained in sight of Castries Bay, but his right hon. Friend had read an extract from a letter of Captain Elliot's which showed that this was "impossible," which he (Mr. Elliot) would have thought a sufficient reason for not doing so. The weather appeared to have been gales of wind from the south and dense fogs. Had he attempted to remain off the bay under such circumstances, it is evident he could not have accomplished an effectual blockade. Every gale would have set him to leewards, that is, to the northward of the bay, and would thus have left it in the power of the enemy to escape to the southward without his knowing what had become of them. The course he adopted, therefore, was to proceed himself to the southward, to a part of the Gulf of Tartary, which is narrower than the rest, and where he felt the Russian ships could not pass him unobserved, and having from thence despatched the *Bittern* with information to the admiral, he and the *Hornet* cruised in that narrow part of the gulf till he was satisfied the Russian ships had not attempted to run to the southward. He then returned to Castries Bay to see if they were still there, and on his arrival found they were gone. Being then satisfied that they had not gone to the southward, he naturally inferred that they must have gone to the north, and that, perhaps, there might be some entrance into the Amoor, or some other place of refuge in that direction. Captain Elliot's plan, then, had so far answered, that he had got satisfactory information of the Russian ships being at the head of the Gulf of Tartary, in what he had reason to believe was a *cul-de-sac*. Having satisfied himself on this point, he then proceeded to join the admiral at his rendezvous, under the firm belief that on the arrival of the reinforcements the Russian ships would be found somewhere at the head of the gulf, where they would be immediately pursued. A considerable delay, however, occurred before the admiral reached Jonquier Bay, nearly opposite Castries Bay in the gulf. As to what the causes of that delay were, he (Mr. Elliot) could form no opinion. When he did arrive, Captain Elliot was, of course, under his orders; and a day or two afterwards was sent once more to reconnoitre Castries Bay, with orders to return to the admiral the following day. Finding that the Russian ships were not there, he availed himself of the opportunity to attempt a survey of the flats, and to search for a passage to the northward, but which the state of the weather and the limited time allowed for his absence did not permit him to complete. On the return of Captain Elliot to Jonquier Bay, the admiral determined to sail with all the squadron to the south. It appeared to him (Mr. Elliot) that Captain Elliot could have done nothing better than he did. He would certainly not have been justified on entering the bay to attack a superior force in such a position without any knowledge of the shoals or soundings; had he done so, as his (Mr. Elliot's) right hon. Friend has shown, and as was afterwards proved, he would have run his ship on shore in the attempt. He was unable, from the fogs and the state of the weather, to keep sight of the port, and, consequently, to maintain an efficient blockade; and therefore, in cruising in the narrowest part of the Gulf of Tartary, he adopted the most sure course to intercept the Russian ships. And finally, he (Mr. Elliot) must add, that even at the last it is more than probable that these ships, which it has since been shown did not succeed in placing themselves in security in the Amoor for some weeks, would have been captured had they after the arrival of the squadron been pursued to the end of the gulf. He

(Mr. Elliot) must repeat that he considered this question to have been brought before the House in an unfair manner. He, however, felt perfectly satisfied that if any further inquiry or investigation should take place in this matter, that Captain Elliot's conduct on this occasion will be shown to be, what it always has been, that of a most zealous, enterprising, and gallant officer.

THE BUNHILL-FIELDS BURYING-GROUND—QUESTION.

MR. MIALL said, he begged to ask the hon. Under Secretary for the Home Department whether his attention had been called to the fact that arrangements were being made and notices served for the removal of the remains of persons buried in the late Bunhill Fields burying-ground, Church Street, Islington, and for using the ground for building purposes; and whether such proceedings were in accordance with law? To make the question intelligible, he must state to the House that a notice had been served upon the owner of one of the vaults, which notice required the removal, within seven days from the date of the receipt thereof, of the remains contained in the vault. He wished to know whether such a proceeding was in accordance with law?

MR. MASSEY said, the attention of the Government had been called to the matter. Two years ago, information was given to the Home Secretary that notices had been served upon the owners of private vaults and graves in the Bunhill-Fields ground to remove the remains of their friends, as the ground was about to be appropriated for building purposes. In order to put a stop to such gross indecency, the Solicitor to the Treasury was instructed to warn the person who had served those notices that they were illegal, and that he would be prosecuted if he persevered in his intention. This warning appeared to have had the desired effect, but about two days ago a representation was made to the Home Office that similar notices had again been issued. No doubt such notices were illegal at common law, and rendered the person who issued them liable to an indictment for misdemeanor. Parties having graves in that burying-ground might protect their rights by injunction from the Court of Chancery. He would, however, make further inquiry into the subject, and if it should be found necessary the law would be put in force.

DISPUTE WITH THE UNITED STATES.

MR. COBDEN: I rise, Sir, to ask for explanations from the Government for the non-production of the correspondence respecting our relations with America. I ask for these explanations, because the answer given by the noble Lord at the head of the Government to my inquiry the other night does not appear, for reasons I shall presently explain, founded exactly in fact. I asked the noble Lord whether there would be any objection to lay on the table of the House the correspondence respecting our present relations with America? The noble Lord stated, in reply, that the correspondence in neither of the cases to which my inquiry referred was quite completed, and on that ground he refused my application. Now, in order to make my observations the more readily intelligible, I must premise that, unhappily, there are two subjects of dispute existing at the present moment, and involving very serious and grave considerations between this country and the United States. The first has reference to the Central American question of 1850. The House is aware, though the country, perhaps, is not, that in 1850 the English and American Governments entered into a Convention, most benign in its object and somewhat novel in its character, for the purpose of promoting the construction of a canal across the Isthmus of Darien. The Convention begins by expressing a hope and desire that it might have the effect, among other things, of promoting peace and amity between the contracting Powers, and civilisation throughout the world. The object of the Convention was to enable parties to construct a ship canal through the narrow isthmus of Central America under a specific guarantee from the contracting Powers. The Convention was intended to be elastic in its operation, for the contracting Powers contemplated inviting other Powers to join with them in the guarantee. Among other things it was provided that, in case of war ships passing through this canal, or being within a certain distance of its entrance, they should not be subject to capture or molestation. History scarcely presented an example of a Convention being entered into for objects more worthy of approbation. The Convention was agreed to in 1850, but, owing to the unfortunate propensity of diplomatists to involve their sentences in phraseology which becomes unintelligible not only to others but to themselves, it seemed likely to be the cause of a very serious quarrel between the two countries. His hon. Friend the Member for Dumfries (Mr. W. Ewart) had proposed in this House that there should be an examination of candidates for employment in the diplomatic service, and I would suggest to him to require one qualification—namely, that they should be able to write plain and intelligible English. In the present case, this unfortunate disagreement seems to be the more unaccountable, because both the diplomatists spoke the same language, whereas, had it been a Convention between a German and an Englishman or a Frenchman and an Englishman, there might have been some excuse for the misunderstanding. From the year 1850 down to October in last year, this Convention had been the subject of correspondence between this country and the United States; and in October of last year, a letter written by M. Buchanan to Lord Clarendon closed the correspondence, and in December, on the meeting of Congress, the correspondence, so far as it relates to the American side of the controversy, was laid on the table of the Senate of the United States; and I mention this, because the noble Lord says that the correspondence is not complete. I wish to separate this subject from that of the enlistment, in respect to which we are unfortunately also involved in a dispute with America, and I hope the noble Lord will give an answer in reference to this subject as distinct from the other. We have the correspondence published in the United States; it has also been published in England, and I hold in my hand a pamphlet containing it, published and purchasable in London for 1*s*. Nevertheless I cannot quote this correspondence, though it is discussed in the newspapers, and is made a topic of conversation in private, nor can I bring forward a Motion in this House on documents such as those I have mentioned. We must have official documents from our own Government before we can use them in the House of Commons, and we are placed in this position—that whereas everyone else can discuss the question, no one in the House can deal with it in any satisfactory way. I must for a moment refer to the pamphlet which I have mentioned, because it bears on the answer which I received from the noble Lord on a former day. The noble Lord then said—" The correspondence is not complete." Now, the noble Lord must have been unconsciously in error when he made that statement, because Lord Clarendon on the 28th of September, 1855, in his last letter to Mr. Buchanan on the subject, uses these words:—

> " Her Majesty's Government had, indeed, refrained from pursuing the discussion by replying to Mr. Buchanan's note of the 22nd of July, 1854, because it appeared to them that the continuation of the correspondence was not likely to lead to any satisfactory conclusion ; and, as Her Majesty's Ministers are still of that opinion, the undersigned will confine his answer to Mr. Buchanan's present note within the same limits as those which Mr. Buchanan has prescribed to himself."

Mr. Buchanan also, in last October, assents to Lord Clarendon's statement that the correspondence is concluded. He says—

> " While far from intending to renew the general discussion of these questions, which has already been exhausted, the undersigned, in passing, would make a single observation," &c.

Moreover, it was Mr. Clayton himself, a party to the treaty, who in moving, in the American Senate, that the papers should be printed, stated that the correspondence was concluded. If I wanted any further proof that the correspondence was ended, I should find it in the fact stated by Lord Clarendon in the House of Lords, that the subject-matter of dispute had been offered to be referred to arbitration, thus plainly admitting that the discussion is absolutely at an end. I, therefore, think that this House ought not to be wholly unacquainted with the nature of that correspondence, and I hope that the noble Lord will not object to its production, or, if he does, that he will give some other ground for his objection than that alleged on the former occasion. The other subject of dispute is one of more recent date. Last year we sent emissaries to America to enlist men for our Foreign Legion. Now, I should like to know who were those wise individuals who, sitting in Council, and feeling a great want of men to fight this battle which we were told England was able to fight against all the world, sent to the United States for men to serve against the Russians. Why, the stream of human labour going from the East to the West every year amounts to 300,000 or 400,000 human beings. We ourselves send from 50,000 to 100,000 men annually to America, to seek their fortune by the superior remuneration of labour, and I should have thought it as likely to have rolled back the seasons, or to have turned the river in its course, as to send to the United States to find able-bodied men, where they are earning 4*s*. or 5*s*. a day each, to fight for us in a semi-barbarous region against men whose labour may be hired for sixpence a day, and to do so at a shilling a day. It was so absurd and foolish a project that I should like to know who are the parties responsible for it. We have no correspondence published on this subject, either here or in America, therefore I only go on common rumour, and on what was admitted by Lord Clarendon in another place. It seems that, on remonstrance from the United States, we admitted our error and countermanded our orders, withdrawing our enlistment establishments not only from the United States, but from our own North American Colonies. In this respect our *amende* and apology were most honourable. I do not know the terms of the apology, but I am told that the apology, when made, was considered satisfactory. But I am told that after that another transaction took place, not in violation of American law, but in evasion of it, which has reopened the grievance. I do not know how far this may be true, for we have no official information before us, and I only state what I am given to understand is the fact. All I wish to point out to the House is, that our Government has admitted itself to be in error. We are in the wrong, and when we have admitted that to be the case, whether we make reparation in one form or another does not appear to me to be of any great importance. If you tread on a man's toes, it does not very much matter whether you say to him, "I beg your pardon," or "I beg ten thousand pardons." That never would be a point on which any sensible man would go out to fight. Let it be borne in mind, then, that we are, by the confession of our own Government, in the wrong, and, as we stand responsible in the name of the country for the acts of our Government, I think it would be well if we had this correspondence laid before us, even if it be not completed; and for this reason, I am inclined to suspect that this question has assumed very much of a personal character, that it has been envenomed and embittered in the course of the protracted correspondence; and I think, therefore, that if it were taken away from the Foreign Office, and discussed in the country or in this House, there would be displayed such a magnanimous feeling on the part of the people and of the Members of this House, that the quarrel would be at once put a stop to. There has been a talk of arbitration in the other subject of dispute, and I believe we should find some such mode of settling this question in an equally honourable and satisfactory manner. In private life, in quarrels on matters of etiquette, it is not the usual course for the person who has committed the wrong to fix the reparation. Seconds are called in, and they decide what shall be the apology to be made; and, if this question were brought before the House, I have no doubt we should readily find out a means of escaping from the difficulty. Besides, the country would be much more at ease if the subject were discussed by us, and there would be an end to that alarm and apprehension which now exists among the mercantile community lest every fresh packet should bring intelligence that Mr. Crampton has received his passports and is on his way home. At all events, I am quite sure that nothing will be gained by allowing these matters to remain veiled in the secresy of the Foreign Office. We have drifted into one war by the system of secret diplomacy, and we may get into another in the same way. "Where there is darkness there is danger" is as true in politics as in the material world. This second dispute about our attempts at enlistment, be it remembered, is more imminent than the first. I do not know whether the noble Lord intends to lay before us the papers relating to this part of the subject; but if he refuses, on the ground that the correspondence is not completed, I am at a loss to see how we are ever to get any more papers on any subject, for it was only last night that he declined to produce the papers relating to the case of Mr. Curtis, our Consul at Cologne, on the ground that the correspondence was closed and the whole matter finally settled. If he now refuses to give us these papers on the ground that they are not completed, he will invest himself with absolute irresponsibility; for if we are not to have the correspondence, either before or after it is finished, what hold can the country have upon the noble Lord and his Government? This question of our relations with the United States would, I think, be much safer in the hands of the people and of this House, than of the Government or of the press. If there be a war between us and the United States, it will not be a war upon which the people will enter with a willing spirit; if there be a collision, it will be provoked either by secret diplomacy, or by the exasperating language of the press of this country. What has been the language of the Ministerial journals of this country on the subject? Almost the first thing we heard of this dispute was from an article in *The Times* newspaper in November, which told us, to our astonishment, that we were ready to go to war with America, but that we should still "Hold our hand on the throat of the Northern despot." Within the last fortnight, too, I have seen similar language in the *Morning Post* and in *The Times*, which are the journals supposed to represent the opinions of the Ministry. I must say, though I have watched the language of the American journals with considerable interest, I have seen no such menaces in them as has appeared in *The Times* and the *Morning Post*. True, the journals of England generally have not taken that hostile course, but those journals which represent the Cabinet will be taken in America to speak for a large portion of our people. I am anxious, therefore, that we should not be the only persons in the country who are not to discuss this subject. I desire that we should be, in fact, the pulse of the nation in this question, as we are on any domestic question in which the people feel interested. I can hardly view as possible so great a calamity, to both countries and to the world, as a hostile collision between England and the United States, and yet we are talking about it daily in the press, we are speculating about it in private, and the Government, in their correspondence, is bringing us to a deadlock which will take away all chance of escape. A war between this country and the United States, on whichever side success might rest, would be the most horrible, the most inhuman calamity, even to the victor, which could possibly happen. Were we to succeed, it would be very much like destroying our own offspring, and, were the United States to crush England, it would be little better than parricide. I hope, therefore, that we shall not be afraid to approach this question, that we shall not refuse to understand what it is we are quarrelling about, but that we shall call for the Papers and shall show the country that we are prepared to deal fearlessly and honestly with the difficulty, whatever it may be, which may be laid before us.

VISCOUNT PALMERSTON: Sir, in answering the hon. Member, I shall observe that distinction between the two questions involved in this matter which he has himself drawn, and which he has recommended to me. And first, then, I will deal with the question of Central America. The hon. Gentleman is perfectly correct in saying that the Treaty of 1850 was a Treaty honourable to both parties, and which had in view objects that could only conduce to the improvement of commerce and the extension of civilisation over every part of the world. It is well known that great interest was excited upon the subject of the opening of a ship canal through the Isthmus of Darien between the Atlantic and the Pacific. Jealousies grew up between England and the United States, each supposing that the other had some exclusive object in view, and meant by some means or other to establish itself to the prejudice of the other, either at one end or other of the canal if it were made. The object of the Treaty concluded by my right hon. Friend Sir Henry Bulwer with Mr. Clayton was to remove all possible cause of jealousy upon that point, and the provisions of that Treaty, as explained by the hon. Gentleman the Member for the West Riding, were in my mind perfectly calculated to accomplish that end. The project of cutting a ship canal between the two oceans has, however, been found liable to physical difficulties which there is not much chance of overcoming, and practically, therefore, that part of the arrangement has ceased to have any immediate application. But there were further provisions in that Treaty, by which, in order entirely to do away with the jealousies which each of the two countries entertained of the views of the other, both countries disclaimed any intention to appropriate any territory in Central America, or to colonise or obtain any possessions therein. There was an exception made, however, with respect to possessions which we had already there—Belize and its dependencies — and with respect to certain duties of protection which had been performed by us for a long course of time, and which were at that moment existing. I do not think myself that the Treaty is liable at all to the criticism which the hon. Gentleman has passed upon it. It seems to me that the words of the Treaty are plain, and its meaning perfectly obvious, and I really do not see that any other construction but that which we contend for can be put upon it. The Treaty was prospective, and not retrospective in its operation. At the same time the American Government has endeavoured to establish a different construction, and a long correspondence has taken place between the two Governments on the subject. We contend for our construction, and the American Minister here contends for a different one. We have stated, however, that notwithstanding that we are perfectly convinced that our interpretation is the just one, we are ready to submit the question to the arbitration of any third Power. To that offer we have not yet been able to obtain an answer, and so the question at present stands. I did say, the other day, in answer to the hon. Member, that I did not think the correspondence sufficiently closed to be laid before Parliament, but upon referring to the state of the correspondence I feel that we shall be perfectly prepared to produce it, and I am quite ready to lay it on the table at once. The correspondence is not, perhaps, technically closed, but I think it is sufficiently closed to be laid before Parliament for the purpose of showing what are the views of the two Governments on the points at issue. The other subject adverted to by the hon. Gentleman relates to our Foreign Legion. When the Act was passed, a little more than a year ago, which enabled the Crown to enlist foreigners, it was represented to Her Majesty's Government that there were in the United States a considerable number of Germans who might be disposed to enlist in the military service of this country. The hon. Member seems to think it a moral and political absurdity to expect that the tide of emigration which has been setting from East to West can, with regard to individuals, turn back and flow from West to East; but he must know, or at least he ought to know, that in point of fact that ebb of the tide has already commenced, and that, in regard to Ireland, hardly a month or a week passes that a certain number of individuals who have emigrated to the United States do not return to their native land, either having amassed what they consider a competency, or, on the other hand, having been disappointed in their expectations; but whatever is the cause the fact I have stated is undoubted—persons are constantly returning from America to these islands. It was not, therefore, an unreasonable surmise that a considerable number of Germans would be willing to enlist, and orders were therefore given to establish a recruiting depot within our provinces, with instructions that any persons capable of service who might present themselves for enlistment, and were fit for service, should be enrolled. At the same time strict and specific orders were given that nothing should be done which should infringe the municipal regulations of the States, or violate the law of the Union. Several hundreds of Germans went to Halifax and enlisted, and some of them are now in this country. Her Majesty's Government, however, very soon found that it would be exceedingly difficult in carrying on this enlistment to avoid that which might cause offence to the American Government; and, being most anxious that nothing should occur which could give umbrage to the United States, we issued orders that these proceedings should be entirely discontinued. Soon afterwards an official representation was made by the Government of America, complaining of the enlistment. The answer given to that was, that, anticipating that they might take umbrage at the proceedings which had been commenced, Her Majesty's Government had of their own accord ordered that they should be discontinued. In giving this answer we expressed our regret for anything which might, contrary to our intentions and instructions, have been done in violation of their laws, though we were disposed to think that no such violation had occurred; and referred, as a proof of the sincerity of such regret, to the fact that we had of our own accord stopped the proceedings of which the American Government complained. The hon. Gentleman (Mr. Cobden) has said, that the relations of Governments should be regulated by those rules which apply to the conduct of gentlemen towards each other; and I would ask, what could be more satisfactory as between gentleman and gentleman than that one should say to the other, "I thought I foresaw that what my servants were doing might give you reason for complaint, I have stopped their proceedings; but, nevertheless, if they have, contrary to my instructions, done anything with which you have reason to find fault, I beg your pardon; I am very sorry for it; and express my regret?" When the communication to which I have referred was made to the American Minister in London, he expressed himself satisfied with the explanation, and said that he felt confident that his Government would entertain a similar feeling in regard to it. For some time we heard nothing more. Subsequently, however, complaints were renewed, the question was re-opened, and a correspondence has gone on upon this subject. Three days before that on which Parliament met I thought that we should be able to lay that correspondence on the table of the House. There was nothing in it which we could wish to conceal; on the contrary, we were anxious that it should be in the hands of hon. Members. On the very day, however, before the meeting of Parliament, the American Minister presented to my noble Friend (Lord Clarendon) an exceedingly voluminous despatch, containing a long recital of circumstances alleged to have occurred in connection with this enlistment. My noble Friend felt that it would be impossible to answer that despatch in a manner consistent with the respect which ought to be shown to the Government of America, and with a due regard to the character of the British Government, without referring to Her Majesty's Minister at Washington for a report upon a variety of minute details, upon which the information possessed by the Foreign Office was imperfect. This circumstance has necessarily delayed the reply to the last despatch of the American Government; and the matter therefore stands thus:—If the correspondence were to be produced now, it would end with a long paper from the United States' Government, to which no answer has yet been given, because the materials on which such answer must be founded have not yet reached this country. It would not be fair to the American Government to omit from the correspondence this last paper, which they would not have sent had they not considered it an important one; and, on the other hand, it would not be fair to the British Government to give that statement without giving also the reply to it. I hope that no long period of time will elapse before we are able to close the correspondence by giving an answer to that paper; and I can assure the hon. Gentleman and the House that when that has been done, we shall be most ready and most anxious to lay the papers upon the table. I quite agree with the hon. Member for the West Riding that this matter is of the utmost importance in its bearing upon the interests of the two countries. I fully concur with him in thinking that there could hardly be any conflict between two nations which would be more lamentable and calamitous to both than would be a contest between ourselves and the people of America. I say, to both nations, because, though we should suffer severely, depend upon it that those with whom we deal on the other side of the Atlantic would suffer quite as much. It would indeed be painful if in these days two nations, bound together by so many ties of common origin and common interests, should go to war with each other without some real overbearing and unavoidable cause. I cannot but think that, if the same spirit of fairness and conciliation is exhibited by both parties, an adjustment of the difference may be arrived at which will be compatible with the honour of both nations. I can assure the House that, on the part of Her Majesty's Government, nothing consistent with a due regard for the honour, character, and dignity of this country—which I am sure no one would wish to see disregarded—shall be omitted in order to bring about such a result. Nothing, I say, which in a matter of private honour could be done, shall be done for the purpose of avoiding a collision which would, in my opinion, be a reproach to both countries. I have already said that, with respect to one portion of the correspondence, I am prepared to lay it upon the table; and, as to the other part, as soon as the correspondence is terminated, which cannot be distant, I shall be prepared to lay that also before Parliament.

SIR DE LACY EVANS said that, after the speech of the hon. Member for the West Riding, the reply of the noble Lord must have been heard with great satisfaction. If international affairs were to be discussed in the spirit in which this matter had been treated by the hon. Member (Mr. Cobden), he had much rather leave them in the secrecy of the Foreign Office. The hon. Member had said that we had drifted into the war with Russia. In his (Sir De L. Evans's) opinion, one cause of that war had been the too frequent and earnest deprecation of hostilities; and he was afraid that, in the present instance, the exaggerated expression of a similar feeling would rather encourage party feeling on the other side of the Atlantic than conduce to a just and proper settlement of the difference. With regard to the enlistment in the United States, he agreed with the hon. Member for the West Riding. It was a most remarkable and inconsistent proceeding. He had been assured, on good authority, that persons of the highest respectability in Canada, gentlemen having seats in the legislature, had offered to raise in that colony two regiments of 1,000 men each, to serve in the Crimea, the only condition being that these regiments should be called the "Royal Canadian Regiments," or something of that sort. He believed that Sir Allan M'Nab, the President of Council in Canada, who was in England at the time, had arranged the matter, but that some red-tapism of the Horse Guards interposed, and it was entirely dropped. This occurred several months ago; and it was after neglecting to avail themselves of the men who might thus have been raised within our own frontier that the Government sent persons into the United States to recruit, and provoked this absurd and ridiculous controversy.

Motion for the adjournment of the House till Monday *agreed to.*

METROPOLITAN POLICE BILL.

Order for Third Reading read.

SIR JOHN SHELLEY said, he must renew the suggestion he had repeatedly offered, that a clause should be inserted, rendering it imperative on the Chief Commissioner of Police to qualify his signature to proclamations with the words, "By order of the Secretary of State for the Home Department."

SIR GEORGE GREY said, that, as the Commissioner signed in his character of magistrate, it would be manifestly inconvenient to use the words in question. It was the practice, however, as he had previously stated, to submit all important proclamations to the consideration of the Home Secretary, whose approval was a necessary condition of publication.

Bill read 3° and *passed.*

PARTNERSHIP AMENDMENT BILL.

Order for Second Reading read.

MR. SPOONER feared that if the Bill were passed in its present form injurious consequences would result. It was rather more plausible than just, on the part of the right hon. Gentleman who introduced the measure, to exclaim against the "unfairness" of making a dormant partner liable, not only in the proportion of the capital invested, but to the full extent of his fortune. The Bill did more than apply a remedy to the so-called grievance. It gave the dormant partner privileges which it would be difficult to vindicate on any principle of consistency or fair dealing. A man entering into partnership and advancing for its purposes a large sum of money, might afford the means of extended credit being given to it, even though his name should never appear in its transactions. The capital he had embarked might enable the business to be so conducted as to establish the reputation of the house and attract the confidence of the public. Things might go on prosperously for a short time, and large profits might be realised; but commerce, like all things else, was liable to vicissitudes; and was it to be tolerated that, at the first approach of adversity, this partner, who, though unseen, had been mainly instrumental in inducing others to put faith in the establishment, should silently and gradually withdraw his capital, and unscathed leave the creditors to the consequences? To make the law at all equitable, it should provide that in case the concern became insolvent, the sleeping partner should be liable to the amount of capital he had withdrawn, and also to reimburse any profit he had received. Unless the right hon. Gentleman met this reasonable objection in Committee, he (Mr. Spooner) should feel it his duty to divide the House upon the Bill; and he believed, when the public knew what the effect of this provision would be, there would be very great opposition to the measure. He contended that it was not right to bring on so important a Bill, and he regretted that the right hon. Gentleman had not acceded to the suggestion of the right hon. Member for Oxfordshire to postpone it to a future day. The consequence would be a renewed discussion on a later stage of the Bill.

MR. WATSON said, he was favourable to the principle of the Bill, but thought some of its provisions stood in need of amendment. For example, it was very desirable that the position of a dormant partner should be clearly defined. That might be done by declaring a dormant partner to be a person who took no active part in the business of the concern, but left the entire management in the hands of the individual who was known to the whole world as conducting it. With all due deference to the opinion of the hon. Gentleman opposite (Mr. Spooner), the man who merely advanced his money to the avowed and only ostensible parties in a trading enterprise, and whose relation to the concern was, therefore, unknown to the commercial public, ought not to be held legally responsible for the debts of the company. The system of remunerating clerks, foremen, and other *employés* by a share in the profits of the concern would act as a stimulus to them to promote its prosperity by their industry and vigilance; but its introduction had been discouraged by the decision in the case of "Waugh *v.* Carver," which rendered such persons liable as partners for the debts of the firm. This Bill, however, by removing this serious anomaly would effect a very valuable improvement in the law; and the measure should, therefore, have his best support.

Mr. MUNTZ said, he must reiterate his previously-expressed conviction, that the Bill would spread a great delusion among the public. The hon. and learned Member who last addressed the House, viewing its principles exclusively with a lawyer's eye, very naturally could not perceive the practical dangers which it would create. It would enable any man to give an air of prosperity to a bad concern by obtaining a loan from another party, who, by collusion with the first, could secretly withdraw his capital as soon as he saw that things were going wrong, and yet the concern would retain the false credit in the commercial world to which it was no longer entitled. It was said that they ought to copy the American law on this matter, but, let them also adopt the safeguard which the American law provided—namely, make it compulsory on sleeping partners to publish to the world when they advanced their money to any concern, and when they withdrew it again. He did not, however, object to Her Majesty's Government riding their hobby if they would only ride it in public. But, if they did not, and rode their hobby in secret, they would ride in confusion.

Mr. CAIRNS said, he did not rise to oppose the Bill, but simply to justify the course which he and other hon. Members near him pursued when the question was before the House during the last Session. A Bill, with the title of the present measure, and another on limited liability, were then introduced and discussed in that House by the Government. Various Amendments were proposed in the Partnership Bill; and he (Mr. Cairns) thinking the measure as framed by the Government too cumbrous in its provisions, moved the substitution of three simpler and shorter clauses in lieu of them. Now, what had the right hon. Gentleman the Vice President of the Board of Trade done in the case of his present Bill? Why, he had taken his (Mr. Cairns') three clauses of last year and inserted them word for word (with the single exception of the words "not being the trade of a banker") in the measure now before the House. Now, that is the conduct of a Government, Members of which last year taunted Gentlemen on that (the Opposition) side for their "factious" resistance to the Bills then before the House, and charged them with seeking to throw them out under cover of a pretended assent to their principles. Again, in the case of the Limited Liability Bill of last year, he (Mr. Cairns) proposed certain Amendments, and the right hon. Gentleman opposite (Mr. Cardwell) proposed certain others; many divisions took place upon them, and the Government always voted against them, the present Vice President of the Board of Trade also by his vote aiding them in rejecting them. Three of those very Amendments—namely, those relating to the number of shares, the amount of capital, and the number of shareholders, which the Government last year stoutly opposed, as inconsistent with the objects of their Bill, were incorporated in the corresponding measure which they had now introduced.

Mr. MOFFATT said, he thought the commercial community was deeply indebted to the right hon. Gentleman (Mr. Lowe) for the introduction of the Bill, which might be fitly regarded as the natural corollary and complement of the repeal of the usury laws, admitting as it did of as unrestricted a trade in money as was allowed in any other commodity—namely, upon such terms as the borrower and the lender mutually deemed best for their interests. The whole commercial fabric of the country in all its ramifications was based upon credit, and the effect of the measure would be to bring that increased capital into the channels of commerce which artificial restrictions had hitherto kept out of them. On the first clause of the Bill there was a difference of opinion in the country; but, in the main, the opinion was strongly and distinctly in favour of the measure passing, chiefly on account of its extreme simplicity. As to the apprehension that the Bill would offer facilities to trading upon a false credit, that evil was not prevented under the existing system; and all that the Bill did was, to provide that the remuneration of the lender should be such as the working of the capital invested could afford, than which a more equitable mode of advancing money could not be conceived. The trading community of that city was strongly in favour of the measure; and it was extremely doubtful whether it would not be injurious rather than beneficial to attempt, by its provisions, to define in what a sleeping partnership consisted, as the hon. and learned Member (Mr. Watson) had recommended. The old law of partnership was so essentially rotten that it could not be long kept from falling to pieces. He considered that the emancipation of capital for application to commercial purposes would be attended with great national advantages. The opinion in the City was unanimous in favour of the second clause, and he thought a more beneficial proposition could scarcely have been made. He was, therefore, quite ready to give his assent to the second reading of the Bill.

MR. T. BARING said, that, although in the opinion of the hon. Member for Ashburton the feeling of the commercial community of London was in favour of the Bill, for his own part he (Mr. Baring) did not believe that commercial men were thoroughly aware of the manner in which the measure would operate. [MR. MOFFATT said, he had referred more particularly to the second clause.] He (Mr. Baring) had that day spoken to several gentlemen in the City who had just seen the Bill for the first time, and they expressed their astonishment at its introduction in its present form, and their hope that it would not pass without great alterations were made in it. However, be that as it might, whether the Bill was the child of his hon. and learned Friend (Mr. Cairns), or of the right hon. Gentleman (Mr. Lowe), it would be necessary to introduce some alterations in its provisions that would control and regulate its operations. For good or for evil, undoubtedly the measure proposed great changes in the commercial habits and usages of the country. That change might be called for, but he confessed he did not see the necessity of any change as to partnerships or private business. Various countries had been referred to as having adopted a law in some respects similar to that now proposed, but there were differences in the circumstances of countries which justified the establishment of a different code of commercial regulations and laws. The habits, and customs, and laws of one country were not applicable to every other; and if they had to choose a model for commercial usages and laws, what country would they select? Would they not choose that country which possessed the most extended commerce, which could command the largest capital, and which had displayed the greatest enterprise—namely, England? Where had been the failure of their present system in developing the resources and the commerce of this country? He believed there was not a country in the world in which such a law existed as would be established by the Bill. The measure would introduce quite a novel principle; it proposed an experiment without the test of any experience. The two clauses of the Bill, short as they were, introduced a mass of novel principle and of experimental change. The same Government by which the Bill was introduced had last year brought forward a measure on the same subject, but of an entirely different nature. The present Bill was a complete contradiction to that of last year, and the Government could not be right with regard to both. Now what said the Bill of last year? The Bill of last year provided for publicity and registration; under it persons could readily ascertain the amount of capital advanced; it provided that, in case of failure, no portion of that capital should be returned to the lenders until other creditors were satisfied, and that any payment to a lender within three months before a failure should be invalid, and should be returned for the benefit of the general creditors. But what said the Bill now before the House? Why the Bill would actually prevent publicity; and the hon. Gentleman the Member for Ashburton (Mr. Moffatt), who assumed to represent the commercial community of London, said, "What we want is a lender who advances an amount which is only known to the person who lends and to him who borrows." But would that answer the purpose of the borrower, who wished his credit to be based upon capital, who was desirous it should be known that he was supported by Mr. So and So—a very rich man; and who, on the supposition that he was so supported would readily obtain credit? Well, what might happen? The borrower might extend his business, and the lender, having set the man going, and having thus gained him credit, might withdraw his capital without that fact gaining any publicity. Now, he would ask, was that a system which ought to be introduced into this country? Was it a system under which commercial affairs were likely to prosper? In his opinion the measure held out a premium not to trade but to fraud, and if it were adopted he believed it would seriously affect the commercial reputation of the country. Although he did not intend to offer any direct opposition to the Bill, he must say that he thought its principle was erroneous, and that it must be detrimental to trade. Upon what did credit rest in this country? Partly upon capital actually engaged in trade, partly upon capital which was responsible in case of failure, and as much upon the management and conduct of the business. The Bill, however, would separate management and capital, but what gave confidence in commercial transactions was the consideration that a man engaged in trade knew that he risked everything—not only his whole capital, but also his reputation. The Bill, however, seemed to treat trade merely as a game in which a man played for a certain amount. It had been said that the measure would lead to the investment of additional capital, to a considerable extent, in trading and commercial enterprises; but he believed that every branch of trade which afforded profit would attract capital, and that there was enterprise enough in the country to engage in trade in any part of the globe where there was a prospect that it could be successfully carried on. A measure establishing limited lability in partnership might do very well for a country like the United States, where there was enterprise without capital; or for a country like France, where there was capital without enterprise; but it certainly was not wanted in this country, which had as much capital as could be employed in trade, and not only as much enterprise as was necessary, but, perhaps, rather more than was sometimes desirable. His (Mr. Baring's) objections did not apply to the Joint-Stock Companies' Bill, but he did object to this measure, because they had no authority in favour of its principle, and because he thought it would lead men who had the management of businesses to care very little about losing their capital.

Sir WILLIAM CLAY said, that if the hon. Member for Huntingdon (Mr. T. Baring) entertained so strong an impression that the Bill would introduce a dangerous element into the commercial law of the country, he was surprised that he did not oppose the second reading. He believed the reason was because the hon. Member was sensible that the measure was popular with the country generally. The hon. Member said, that he should have thought it natural that any one wishing to introduce some new principle of commercial law, would have looked to the experience of England, the greatest commercial nation in the world, and of the highest reputation, and as no such law of partnership existed here, therefore the hon. Gentleman wished the House to infer that a principle which England had not sanctioned could not be right or good in itself. Surely such an argument as that would have been valid for retaining all the old and now happily extinct restrictions on trade—the corn laws, for instance, and the trading monopoly of the East India Company. They had gradually got rid of false principles—of all monopolies and restrictions, and this was one of the last of them. It was certain that the general rule with regard to commercial law was, that the law should never interfere except in a case of plain and urgent necessity. It should be assumed, as a general principle, that reasonable men would conduct their affairs in the mode best suited to their interests. The hon. Gentleman asked if there was any want of capital in this country. In one sense there was not, for great capitalists were always ready to enter upon any enterprise that promised profit; but was it true that there was always a sufficiency of capital among the humbler classes of society? He did not believe it, and he felt satisfied that there were many trades the development of which would be valuable and useful to the community, and which would draw forth a great accession of capital if the existing system were done away with. The false principle on which we had hitherto acted had prevented persons of small capital from investing their savings in useful and profitable enterprises at home, and had been the cause of millions of money being swallowed up in foreign loans and South American mines. He believed that a great portion of that amount of capital would not have been lost to the country if there had been at home greater facilities for the investment of it. The hon. Gentleman had likewise spoken of fraud. Did the present law afford no facilities for fraud? Had not the world been recently astounded by great cases of fraud which had occurred under the existing law? No doubt there might be fraud under the new law—for he was afraid that fraud would be perpetrated under any system which could be devised;—but he believed that under it there would be less fraud and less spurious credit than there was under the old law. He did not see why there might not be introduced into the measure some of the provisions to which the hon. Member for Huntingdon had alluded, but he (Sir W. Clay) could not allow the second reading of the Bill to pass without tendering to the Government and to his right hon. Friend (Mr. Lowe) his thanks for having introduced a measure which was based on sound economic principles, which abstained from interfering with the enterprise of the people, and which, in its results, he believed would be eminently useful to the public. Without committing himself to all its details, he should now give to the second reading his most cordial support.

Mr. ARCHIBALD HASTIE said, he hoped, after the clear and able description which had been given of the Bill, that the Vice President of the Board of Trade would see the propriety of postponing the second reading. It was said there was a strong feeling in favour of the Bill out of doors. If so a postponement would only enable him to carry it hereafter with greater *éclat ;* but in any case he protested against proceeding with so important a measure till the country had an opportunity of considering and understanding it. Before the right hon. Gentleman introduced such a Bill he was bound to prove that there was a deficiency of capital in the country, and when he had shown it to be necessary that additional capital should be brought in he was bound to propose such a scheme as would not lead to the commission of frauds. Now, it was his belief, that the Bill would open a wide door to fraud. The Bill referred to dormant partners; but how was it to be known when such partners put capital into a concern, or when they took it out? Care might be taken to let the world know that a certain partner had put his money into a concern, but afterwards he might take it out privately and leave the rest of the partners behind with no means to meet their engagements, so that the public would in the end be defrauded. The hon. Baronet (Sir W. Clay) said the Bill would bring a large amount of capital into the transactions of commerce; but he would ask him whether he ever found in any enterprise that offered fair remuneration that capital was wanting? There was no want of capital. In fact, there was a redundance of capital in the country, and the present measure would only have the effect of encouraging frauds. Some hon. Members said credit was too cheap in the country, and that if the present measure was to destroy credit altogether so much the better. Those who said so knew very little of the subject. He did not know on what ground the Government had brought in the Bill. There had certainly been a great cry for it amongst the lawyers and the political economists. But it was impossible to form a just opinion of what would be beneficial to commerce, unless hon. Gentlemen had a practical experience of its working. The commerce of this country was founded more on its credit than on its capital; and its credit amongst foreign nations arose mainly from the circumstance of our having unlimited liability. When a foreign merchant now got a credit upon a British merchant, he knew that the house was liable to the full extent of the power of payment; but if the Bill were passed, he would never know whether it was a house trading on limited or unlimited liability, or to what extent it was liable Such had been the effect of the law, which said that all persons joined together in copartnership were liable for the whole amount of the debts of the firm ; while the effect of the present Bill would be to destroy all that confidence. They were asked to pass the Bill on the authority of the Board of Trade. Now, he would ask, who had been at the head of the Board of Trade for the last twenty years? With one or two exceptions, they had been men entirely ignorant of commerce—either briefless barristers or persons placed there by the favour of the Government, not on account of their knowledge of trade, but because of their political services. Hence arose those absurd Bills which tended only to destroy credit and to enable persons to defraud the public by abortive schemes. He hoped the Vice President of the Board of Trade would see the propriety of not pressing the Bill through the House with undue precipitancy, but would postpone it until the country should have an opportunity of considering its provisions.

Mr. BIGGS said, he believed there was an almost universal feeling out of doors in favour of the Bill. The present law of partnership was thought not to be just or equitable, and the opinion was strong that the Legislature, by adopting the principle of limited liability, should afford facilities to men to engage in commercial undertakings who had hitherto abstained from such pursuits. It could not be denied, however, that the Bill in its present shape had given rise to a sense of insecurity, and certainly it would be improved by the introduction of clauses requiring registration and publicity, as in America and France; but still he was willing to accept it as a step in the right direction, and as a decided improvement upon the existing law. He himself knew several instances, and had heard of many more, in which men who had retired from business at an advanced age, but had, for the encouragement of young friends or relatives, become partners to a small extent in commercial undertakings, had been entirely ruined, and thrown upon the world without the means of supporting themselves. Such were some of the results of the present system, and he could not but think that the sooner a change in the law was effected the better. Another defect of the existing law was, that it did not afford those facilities for the accumulation of wealth by men of talent and industry which were to be found in other countries. He read the other day in a pamphlet that half of the riband manufacturers in the South of France had attained their position by availing themselves of the present law of partnership in that country. They could not have raised themselves by such means in England. With respect to the other Bill introduced by the Vice President of the Board of Trade, there was a strong feeling among the working classes in favour of associations; they believed, whether right or wrong, that capital oppressed them, and that they had not a fair share of the proceeds of their labour. Any measure, therefore, which would allow them to associate together, with the view of carrying on business on their own account, would give immense satisfaction, and could not fail to be productive of good. If the working classes were right, they would reap the advantages of their exertions; if wrong, they would profit by experience. On the whole, if the Vice President of the Board of Trade succeeded in passing his Bills, he would confer greater benefits upon the present generation than any Gentleman who had been at the head of that Board for the last thirty years.

Mr. GLYN said, he could scarcely think that the Vice President of the Board of Trade would be induced to accede to the request of the hon. Member for Paisley (Mr. Hastie), and to postpone the Bill. For his own part, although not altogether in favour of the measure, he did not see the slightest ground for postponing it. Indeed, he was not at all sure whether, viewing the Bill with reference to the particular case to which it was meant to apply, it was not on the whole the best settlement of the question at which they could arrive. It was impossible for any one connected with the commercial affairs of the country to disguise from himself that a very great alteration had taken place with respect to the law of partnerships since the abolition of usury; and if it were only for the purpose of preventing the lending of money upon a high rate of interest, with the right of the lender to come in as a creditor on the estate, he should give his support to the Bill. But, at the same time, he must confess that he had not heard from the Vice President of the Board of Trade any reason whatever for the omission of the clauses introduced into the Bill of last year for the purpose of securing registration and publicity. There was no difficulty connected with those clauses—no large machinery was required to carry them out; they were in themselves exceedingly simple, and, he thought, were well calculated to effect the object now in view, which was, as far as possible, to give some security against the sudden withdrawal of capital invested in any commercial undertaking by partners not actively engaged in the management of the business. Without some security of that kind he was afraid that the Bill would open a door to frauds of all sorts. If the Vice President of the Board of Trade would remember how very large a portion of the commercial transactions of the country took place not only upon book credit, but upon bill credit, he would at once see that his measure would facilitate the commission of many frauds, and cause great inconvenience with respect to the passing from one hand to another of bills of exchange. But, although he thought the machinery of the Bill imperfect, he did not object to its principle, and would therefore support the second reading.

Mr. MALINS said, that, having concurred in the principle of the Bill, notwithstanding the remarks which had fallen from his hon. Friend the Member for Huntingdon (Mr. T. Baring), he then only desired to say a few words with respect to a few modifications which he thought it required. Amongst the provisions which it was proposed to make with respect to dormant partners, in the expediency of which he concurred, were that contracts should be made in writing, so that there should be no mistake as to the parties, and that the capital should not be drawn out upon the eve of bankruptcy. But adhering, as he did, to the principle of the Bill, he thought that the changes to which he referred should be made in Committee.

Mr. CARDWELL said, he was glad they were going to give a unanimous vote in favour of the second reading of the Bill. He quite agreed with the observation of the hon. Member (Mr. Glynn), that since the repeal of the usury laws, the law of partnership required to come under the consideration of Parliament. One of the most able writers on the subject of partnership declared that the present law was maintained upon two grounds, but that both had been either destroyed or weakened by the abolition of the usury laws. In the first place, men were now able to obtain an extravagant interest without subjecting themselves to the penalties of the usury laws. In the next, there was nothing to prevent the withdrawal of a portion of the funds on which the creditors ought to rely. Therefore, it was necessary to make some alteration in the law of partnership. He thought that the appeal which had been made for the postponement of the second reading of the Bill was one to which his right hon. Friend could not accede. Having himself on a former occasion ventured to complain at being called upon to legislate in haste on this subject, he gave great credit to his right hon. Friend for having introduced these measures at so early a period of the Session as to admit of a full consideration of their details in Committee. It was important that those details should be well discussed; and the question which would mainly arise in the Committee would be this:—whether a contract between a dormant partner and other partners, that he should receive a rate of interest proportionate to the profits arising from the trade was solely a question between him and his partners; because, if so, registration and publicity would be unnecessary; but if on the other hand it were a matter in which the community and the public were concerned, then registration and publicity might fairly be called for, and clauses should be inserted in the Bill to provide for them. As that was a question, however, which would properly be discussed in Committee, he should not say more upon it at this time. It would not have been right for him to remain silent, because, after what had been said by the hon. Member for Belfast (Mr. Cairns) he might have obtained a credit in this matter from those who supported the Bills which he did not deserve. The history of the affair was this: in the Sessions of 1850 and 1851 a Committee of the House was successively appointed for the consideration of this subject, which was presided over by Mr. Slaney. That Committee recommended that power should be given to lend money for periods of not less than twelve months at a rate of interest varying with the profits, the claim for the repayment of such loans being postponed till after the payment of all other creditors. In obedience to the recommendation of that Committee, a Commission was appointed, the members of which were equally divided upon the question of whether in a private partnership a person who advanced money should be deemed to be a creditor or a partner. The measure which he (Mr. Cardwell) had prepared, and of which he had given notice to the House, would have contained provisions entirely in conformity with the recommendation of the Committee; and the effect of that mode of legislation would have been that a person so advancing money would be a creditor, and not a partner; but, inasmuch as he was a creditor having the special advantage of receiving a rate of interest proportionate with the profits of the business, he would, in return for that advantage, be the last person to be paid in case of insolvency. He thought that this recommendation had been somewhat lost sight of in the present measure, but he joined most cordially in supporting the second reading of the Bill.

MR. PELLATT said, he entirely concurred in the objects of the Bill. He believed that the effects of the present state of the law of partnership were most prejudicial by impeding the free circulation of capital, and preventing those who might be so inclined from advancing money to persons to carry on or increase their business. He was sorry that there was no provision compelling gas and water companies to furnish gas and water of a certain standard quality, at fixed rates. He merely threw this out as a suggestion, but in other respects he gave the Bill his cordial support.

MR. MITCHELL said, he could not admit that the Bill was rendered necessary on account of the repeal of the usury laws, the operations of the two measures being entirely distinct. Every merchant in business knew that men wishing to carry on a legitimate trade did not borrow money for a permanence at a high rate of interest. Supposing that he lent £5,000 at 8 or 10 per cent, it was his obvious interest that the person who borrowed the money should be as prudent as possible, because the lender, not being a partner, had no interest in the profits; and if the trader lost his own money, he would lose that also of the person who advanced him money; but if, on the other hand, he lent £5,000, and was to receive a portion of the profits, it would be to his direct interest to encourage everything like reasonable speculation, in order that he might take his chance of gaining perhaps £20,000 or £30,000 at the risk of losing £5,000. He did not see, therefore, how the repeal of the usury laws necessarily called for this measure.

Mr. Serjeant SHEE said, he thought that they were much indebted to the right hon. Gentleman for bringing this measure forward at so early a period of the Session. The law of partnership undoubtedly required a change, inasmuch as in its present condition it was most unsatisfactory, not only to commercial men, but also to those who were engaged in the administration of the law. The evil of the present system was, that any person advancing his money to a trading partnership, with a stipulation that he should receive an uncertain share of the profits—no matter how small that share might be, provided it fluctuate with the profits—might be liable to the whole debts of the firm. But in their attempt to remedy an admitted evil, they should be careful not to fall into a greater one. He could not help thinking that the present Bill as it stood might probably lead to greater evils than even those it proposed to remedy. He would ask the right hon. Gentleman what was the exact meaning of those words in the 1st clause of the Bill—"the person carrying on such trade and undertaking." If they were intended to mean the principal of the firm, one or more, might not an evil of another character arise? Might not the person lending the money be the owner of all the shares in a firm except one, or half a one, held by the person or persons actually carrying on the trade? Let them suppose, for example, a Mr. Charles Jones, carrying on a trade or business, to contract with an elderly lady in the north of England—that if she advance £20,000, she shall have nineteen shares of the profits out of the twenty shares. Now, although Charles Jones would have only one share in the business, the money advanced by the old lady would give him an appearance of wealth and credit. But by the Bill as it stood, the person advancing all this money would be allowed to come in as a creditor, and not be subject to any of the liabilities as a partner. Such a state of things might lead to great injustice and inconvenience to all those persons who dealt with Jones and Co. The lady might say, "Now you can go on upon the credit of the capital which I advanced, and I shall now withdraw it." Such an evil as he had supposed might easily arise under the Bill, as it stood at present. These inconveniences, however, might be obviated by the introduction of certain amendments which could not injure the character of the Bill. It might, however, be said that similar evils existed at present. No doubt they did, but the facts of the case would be very soon known. When a firm was borrowing money at large interest the circumstances soon became known, to the injury of the credit of such firm. On the other hand, if a man were asked to lend money at a reasonable rate of interest, he would insist on receiving the best security, so that the evils referred to were thereby checked. It was a common thing for commercial men to say that these lawyers knew nothing about mercantile affairs, but he begged to state that lawyers knew quite as much about commercial affairs as mercantile men themselves did, and he, as a lawyer, ventured to warn the House to beware that the remedy applied to cure what he admitted was an existing evil was not in itself productive of still greater inconvenience. It would, however, be better to discuss those details when the Bill was in Committee.

Mr. J. G. PHILLIMORE said, he thought that the evil which the hon. and learned Gentleman complained of existed at that moment, and nothing could prevent it, and he also doubted the possibility of giving commercial sagacity by legislative interference. The case of the old lady referred to by his hon. and learned Friend might happen under the present system, and he thought that the right hon. Gentleman the Vice President of the Board of Trade would do well to allow the Bill to remain as it was. As to the observation of the hon. Member for Huntingdon (Mr. Baring), that this was a country of activity and enterprise, it must be remembered that such enterprise and activity were the work of the merchants, while the evils which had arisen were owing to the lawyers. It was, therefore, just that the law should remove the evils which itself had created.

Mr. LAING said, he begged to express his gratification at the present attempt to repeal the present law, which was an impertinent interference with the natural rights of individuals. The sound principle to adopt was, to allow any one who chose to advance a given sum to any parties upon the condition of participating in the profits, provided he made the facts known to the public, so that any persons dealing with the firm could make themselves acquainted with them. He could hardly imagine a more monstrous state of things than that a person should be at liberty to advance money to a man of straw, or a trader of small capital, to take large profits while there were any, and when reverses occurred to step in as a creditor for the whole amount of his advances. He thought the principle of publicity was a proper one. As to the objection which had been raised that such could be done in the present state of the law, he regarded it as an argument for carrying legislation still further. He believed it would be a great advantage to the community at large if the right hon. Gentleman, who had shown in this Bill a capacity to grasp the whole subject of commercial legislation, would devote his attention still further to the subject, and see whether the laws which guarded commerce against fraud were sufficiently stringent. It had been seen that, sometimes through mistaken humanity, sometimes through legal defects and technicalities, the punishments inflicted under the existing law for commercial frauds were far from adequate to the offences committed. This state of the law held out a positive temptation to fraud. The wealthy railway director who published a fraudulent prospectus, and the small trader who defrauded his creditors, and then passed through the Insolvent Debtors' Court, might alike calculate to a great extent upon complete impunity. If the right hon. Gentleman would take a general review of the commercial laws, and, without interfering with the transactions between individuals, could devise an efficient remedy in cases of commercial fraud, he would confer a very great benefit to all classes. He (Mr. Laing) should cheerfully vote for the principle of the Bill, with the reservation that he held himself at liberty in Committee to support such clauses as should be necessary to carry out his views.

MR. MONTAGU CHAMBERS said, he was prepared to give his cordial assent to the principle of the Bill, as he regarded it as a step in the right direction towards promoting the trading prosperity of the country. He thought that the abolition of the usury laws had led to great inconvenience and evil with regard to the advances of capital. He had observed it happen frequently that persons who had their own interests principally in view would advance their small capital at a high rate of interest to an industrious man. The latter struggled to pay, and succeeded in doing so at the end of the first year of his business. Then, finding himself going back in the world, he was ultimately pressed down by his supposed benefactor withdrawing his capital, and his prospects were destroyed. The hon. and learned Gentleman the Member for the county of Kilkenny (Mr. Serjeant Shee) had expressed his surprise at the enormous rate of interest charged on advances made to traders; but it was well known that very high rates of interest were charged for what were called secret loans. These loans were contracted in order to prevent the publicity of getting bills discounted at more than the ordinary rate of interest. Secret loans, therefore, became general, and led to the evils denounced by those who opposed the principle of the present Bill. He believed that the Bill now under discussion would effect a large amount of good, and that industrious and ingenious persons would be able to advance themselves in the world through its agency. The great security the public have in respect to the advance of capital in business or speculation was, that the lender was naturally watchful and vigilant as to the proceedings of the concern or business, and was desirous that the concern in which he had invested his money should be prosperous and successful. There was, he must confess, great difficulty in introducing words to prevent abuses occurring. When the Bill went into Committee he was sure some valuable suggestions would be made by which the Bill would be rendered a most useful and important measure. He hoped that all the lawyers and mercantile men in the House would lend their assistance to render the measure perfect for its objects, as he considered it to be a step in the right direction towards the trade and commercial prosperity of the country.

MR. LOWE said, he begged to return his thanks to the House for the very kind manner in which it had received the Bill, and would show his gratitude by not troubling them with any lengthened remarks on the present occasion. With respect to the principle he would say nothing; but there had been a tolerably general expression of opinion that the Bill required to be accompanied with many safeguards. It had been pointed out, and with great truth, that that which was proposed by the Bill was the law of partnership as it now existed, but deprived of one of its harshest and most vexatious incidents—an incident so harsh and vexatious that even Lord Eldon, who was not apt to be moved by legal grievances, expressed his regret that the law should have been so decided. The feeling of the House seemed to be, that the proposed change of the partnership laws would give rise to some amount of fraud, and must be met by some safeguards; but he was sure that all that had been mentioned about putting forward men of straw, lending capital, withdrawing capital, and winding men up, was pursued on a large scale under the present laws. Since the usury laws had been repealed, and to very little less extent before the repeal of those laws, a plan of plundering persons through the medium of partnerships had been carried on. It was within his own knowledge that persons who stood very high had made a practice of this. He could mention the names of persons who did this long before the present state of the law existed, and he did not see that any law could prevent the evil. The attempt to prevent fraud must check freedom of action in partnership concerns, and the Bill now before the House did not aim at this. He begged hon. Members to consider that any safeguard they could devise would not merely prove nugatory, but would have the effect of aggravating the very evils they were intended to remedy. He should be delighted to hear any proposition by the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) to prevent fraud. He (Mr. Lowe) would not say that it was impossible for human ingenuity to devise such a remedy, but he would say this, that if the hon. and learned Gentleman did succeed in framing a provision that would prevent fraud, he would be the first legislator of the human race that had ever done such a thing. It was said "let us register," but if they should establish a system of registry what were they to register? The names of the partners? If they did they would not follow the example of France. They did not do this in France; and the reason was, that the name of a partner who had advanced a limited sum might be used as a puff; besides, it would induce the giving of bribes to persons to allow their names to appear as partners although no money was advanced by them. Well, then, would they register the amount of money advanced by each partner, and say he was not to withdraw it? Where would the registry be? A registry office would prove to be a dead letter; and if they required the registry to be kept in the place where the partnership business was carried on, there would be the same sort of indelicacy as in asking a banker to allow one to see if one's securities were safe. Then, if the register was to be any protection, they must ascertain that it was not a name merely, but a reality. Cases without end would arise of advances registered which were never advanced, and there would be a great outcry for further intervention to ascertain that the money was *bonâ fide* paid up. Then, to make sure the money was still in the business, a periodical inspection must follow to see that it was not withdrawn or applied to some other purpose. It would be found to come to this—that if they once began any legislative interference they must go on step by step in the vain endeavour to render it efficient, until they had made these partnerships into little joint-stock companies, subject to all the rules and vexations of the Act of 1844, which they were about to repeal. They would frame troublesome machinery, and still fraud would after all prevail, and probably the very machinery they had devised for the prevention of fraud would be made use of to further it. He was most anxious that hon. Members should have an opportunity of considering this important subject; and in order that they might have ample opportunity for so doing he would put off the going into Committee on the Bill till Monday fortnight. In the meantime hon. Gentlemen could elicit public opinion on the subject, and put their Amendments on the paper. But he would beg of them not to satisfy themselves by saying that they had devised a remedy which would cure a particular evil. They should see what the consequences in other respects of their Amendments would be, and leave no loopholes for the introduction of practices equally objectionable as those against which they had provided. His opinion was, that the introduction of the safeguards suggested would lead to a complicated system that would end in nothing at all; and he thought he should not have been dealing fairly by the House if he had not expressed that opinion. The hon. Member for Wick (Mr. Laing) had suggested the introduction of penal provisions for cases of fraud. Now, the dealing with criminal matters was not within his (Mr. Lowe's) official province. At the same time he felt that the subject was well worthy of consideration. According to the existing law, to be guilty of larceny the party must not only have appropriated to his own use the property of another with a felonious intent, but he must have taken it out of that other person's possession. That was the quibble upon which persons who appropriated to themselves money handed to them by another, or trustees who made away with money entrusted to them—perhaps for orphan children—escaped the operation of our criminal law. He believed that a law which should explode that state of things —a law which would make the application by a man to his own use of money handed to him for other purposes, whether by way of trust or otherwise, a felony without reference to the possession—would be one of the greatest boons that could be conferred on society. To do this, as he had previously said, was not his province, but he had stated that as his opinion; and he hoped the matter would be taken up by some one who would be more competent to deal with it. He should conclude by stating that if the House agreed to the second reading, he should name Monday fortnight for going into Committee.

Bill read 2°.

BURIAL-GROUNDS (IRELAND) BILL.

Order for Second Reading read.

COLONEL DUNNE said, he did not rise to oppose the second reading of the Bill, but he would beg to ask the Government not to name too early a day for going into Committee, for the measure was one on which Irish Members would wish to have the opinion of their constituents. Every gentleman connected with Ireland, or who had any knowledge of Ireland, was aware that the Irish people had peculiar feelings with regard to the burial of their deceased relatives and friends, and had a very strong attachment to the places where those relatives and friends were interred. Under these circumstances he trusted that the right hon. Gentleman the Chief Secretary for Ireland would accede to his suggestion. He thought that some day after Easter would be soon enough for going into Committee.

MR. HORSMAN said, the Bill was one upon which the Government were very anxious to have the opinion of the country. That part of it which related to the shutting up of old burial-grounds was the same that was passed last Session, and was sent to the House of Lords. It stopped there because there was no provision in it for opening new burying-grounds. He had no objection to postpone going into Committee until after such time as would enable the people of Ireland to consider the measure.

MR. SERJEANT SHEE said, he believed that, according to the law as it now stood, the majority of the people of Ireland could not bury in their own parish churchyards with any prayer or religious ceremony without the permission in writing of the Protestant incumbent of the parish. Practically speaking, that amounted, in a vast number of instances, to an absolute impediment to the burial of those who professed the faith of a large proportion of the people of Ireland in their own parish churchyards. It seemed to him that that difficulty might easily be obviated. The majority of the people of Ireland, like members of the Established Church, desired that their friends should be buried in consecrated ground, and the churchyards in Ireland—or most of them, at least—were, in the estimation of the Catholic people as well as the Protestants, consecrated ground. They would not have the least objection to their friends being buried in those places where the Protestant churches stand, if they were not obliged, before they could have any ceremony, to obtain the written permission of the Protestant clergyman. That was exceedingly unpleasant to apply for, although he was bound to say that he did not know of any instances in which it had been churlishly refused, or in which unreasonable conditions had been attached to it. Still there was a feeling upon the matter, which was frequently strong enough to induce them to abstain from applying for the permission. If Catholics were allowed to inter within certain hours that might be obviated. It might be done after the services in the parish church were closed, so that there might be no conflicts of any kind. He trusted some clause providing for that matter might be introduced into the Bill.

MR. VINCENT SCULLY said, he did not see any objection to the principle of the Bill, but there were many of the details—such as the increase of rates and the shutting up of old burial-grounds without compensation—to which he could not agree. The Bill was only delivered to Members on the previous day, and he thought the second reading should not have been pressed on so soon. He was very anxious to consult his constituents upon it, although he did not see that the Bill involved any objectionable principles. He would consent to the second reading upon condition that the whole subject might be debated, on the Motion that Mr. Speaker do leave the Chair for the purpose of going into Committee.

Bill read 2°.

JUVENILE OFFENDERS (IRELAND) BILL.

Order for Second Reading read.

MR. VINCENT SCULLY said, he hoped the right hon. Gentleman the Secretary for Ireland would postpone this measure until Irish Members had an opportunity of consulting their constituents. [An hon. MEMBER: The Bill is merely a copy of that which was passed last Session for England.] He was aware of that, and he begged to say that the Roman Catholic Members of that House entertained strong objections to that measure, because it gave too great facilities to the county magistrates to proselytise the children who might be sent to the juvenile reformatories. He should have been very glad to have seen a Bill brought forward in common to both England and Ireland. Special clauses could then have been introduced to have met the case of Ireland. In England, Roman Catholics formed a very small portion of the community, but Ireland was an essentially Roman Catholic country, and it was not just to place such powers in the hands of magistrates whose religious opinions were, in the main, opposed to those of the great mass of the people. What would be the effect of the Bill in Ireland? He understood that, with the permission of the Lord Lieutenant, any person might open a reformatory school, subject to certain rules and regulations. He understood, too, that to carry out these reformatory schools properly, there must be Protestant, Presbyterian, and Roman Catholic Schools; for if the principle were not based upon religion it would entirely fail. By the third section of the Bill, magistrates could order juvenile offenders convicted before them to any reformatory school, and the only protection there was against Roman Catholic children being sent to Protestant reformatory schools was, that the Lord Lieutenant might remove any juvenile offender from one reformatory school to another, which, in practice, was no protection at all. Such a question would not be likely to arise in England; but in Ireland it was different, for the magistrates there frequently differed in religious opinions from the offenders who were brought before them, besides which, prejudice might have more sway in Ireland than it would be allowed to have in England. Altogether, he (Mr. V. Scully) thought that the Bill should not be pressed to a second reading, and the principle of it absolutely confirmed, before Irish Members had had time to communicate with their constituents on the subject. For these reasons, he must ask that the second reading of the Bill should be postponed.

MR. KENNEDY said, he wished to press upon those having the charge of the Bill the advisability of having an initiatory measure to reform the condition of the masses in Ireland with respect to industrial institutions. They should consider, that in these reformatory schools juvenile offenders were maintained and instructed in a better manner than those who had committed no offence could be in the workhouses or national schools; and such being the case, whether, in the present condition of the poor in Ireland, these schools might not hold out a premium to crime. He did not wish to impede the progress of the measure, but he thought, at the same time, that some adequate provision should be made for the industrial education of the general poor in Ireland.

MR. HORSMAN said, that if he fancied that there was anything new in the principle of the measure before the House, he should not press the second reading of the Bill on the present occasion. The great principle of the Bill was, that there should be reformatory schools in Ireland. As far as he understood the objections of the hon. and learned Member for Cork (Mr. Scully) they were—that the Bill gave power to magistrates to send Roman Catholic children to Protestant reformatory schools, and *vice versâ*, and that the schools might be made instruments for proselytism. If that objection really existed, it would be as strongly felt by Her Majesty's Government as by any hon. Members of that House. When the House went into Committee on the Bill, the hon. and learned Member might bring forward that or any other objections that might reach him from Ireland, and suggest any plans to provide against the danger he apprehended, and the Government would do all they could to remove any grievance that might exist. He proposed that the second reading of the Bill should now be taken, but, at the same time, he was quite willing to delay going into Committee upon the Bill for a fortnight, or even for a longer period, if it was so wished.

Mr. MAGUIRE said, he had little faith in the assurances of Government, but still he believed that the right hon. Gentleman the Chief Secretary for Ireland was anxious to make the Bill as perfect as he could. The Bill itself was little more than a reprint of the Scotch and English Bills. The Scotch Bill was persisted in against the wishes of many Irish Members, who feared that its provisions might be turned into proselytising purposes. The Irish Members at last drove the Government into a corner, and the right hon. and learned Lord Advocate on the opposite side, with the late Mr. Lucas, himself (Mr. Maguire), and some others, entered into a solemn compact that a clause should be placed in the Bill providing against that danger. To his great surprise that clause was never introduced. In Ireland there was a great rage for proselytism, and religion and charity very often masqueraded themselves in that country in a very strange garb. He knew several people kind and good, and others perhaps not so, who made great sacrifices for the purpose of extending ragged schools. They could not break down the faith of higher and better fed people, so they picked up the very scrapings of the streets, and added them to the list of members of the Established Church. No doubt the Bill was necessary, and Bills of this kind were of the utmost service. The Government had done a merciful thing in bringing in the Bill, but he implored them not to throw a bone of contention amongst the religious parties in Ireland by pressing on the measure without the protective provisions he had referred to. Under these circumstances, the responsibility would fall on the Government if they did not adopt the suggestion of the hon. and learned Gentleman opposite (Mr. V. Scully), or frame a stringent clause to protect the religion of the children in these institutions.

Bill read 2°.

MEDICAL PROFESSION BILL.

Mr. HEADLAM, in asking leave to bring in a Bill to amend the laws relating to the medical profession, said that the measure was first introduced to the House in the latter part of last Session, but it was not then prosecuted further in concurrence of an understanding to that effect between the gentlemen who represented the medical profession and the Secretary of State for the Home Office, who, on his part, undertook to circulate the measure during the recess among the several medical societies throughout the kingdom, and thereby ascertain what were the opinions of the profession upon the measure. It was accordingly sent to the Colleges of Physicians and Surgeons in London, Edinburgh, Dublin, Glasgow, and all the medical societies and universities of the kingdom; and also to a large number of individuals practising in the medical profession. From the numerous answers returned to the questions asked, he found that so much unanimity now prevailed among the members of the profession with regard to some reform being necessary, and such a general desire to concede the extreme privileges and rights of particular bodies, that he (Mr. Headlam) was placed in a more favourable position than that which any Gentleman had occupied who had yet attempted to legislate upon this very difficult subject. With regard to the Bill itself, he would first state to the House what the measure did not pretend to do. It did not, for instance, seek to interfere with the present right of the British subject, a right which he certainly exercised with very great freedom—namely, the right of obtaining medical advice and assistance from any person whatsoever, although the person from whom he obtained that advice and assistance had not gone through any professional education or passed any examination, or was in any other way qualified to give that medical advice and assistance. But one part of the Bill provided for the registration of legally-qualified practitioners, and he thought it was due both to the public and the profession that there should be a penalty against any person who, not having gone through an examination, and not having had a medical education, pretended to be that which he was not, that was to say, who pretended to be a registered and legally-qualified practitioner. He left it open to persons to go to non-educated and non-qualified individuals if they chose; but he would give the public the opportunity of ascertaining whether a particular individual was or was not a regularly-qualified practitioner. That would be a protection to the public if they chose to use it, and it would be a protection also to the certified practitioner, who, having gained his *status* at great expense and severe study, was entitled to have his degree and authority known and respected. There were at present altogether in the United Kingdom, about twenty-two different bodies exercising various powers of licensing persons to practise the medical profession. In England there were the Universities of Oxford, Cambridge, and London, all of which had the power of conferring degrees; at the same time, certain doubts existed as to the validity of those degrees in conferring a licence to practise. In London the College of Physicians—perhaps the highest body in the medical profession in the realm—exercised the privilege of licensing to exclusive practice within the district of London and seven miles beyond, and also the power to license in the rest of England, though not to exclusive practice. The College of Surgeons, too, had the power to license for practice throughout England. But coming to Scotland he found various bodies there which had the power of licensing to practise medicine only within particular districts, and at the present moment there was not one body in the kingdom that had the power to license persons to practise medicine generally throughout the kingdom. Again, no one could now say what strictly constituted a legally-qualified practitioner. A gentleman might have obtained a degree of the Royal College of Edinburgh, and be the most eminent physician in his profession, yet he would have no right to practise in London or within seven miles of it. Nay, it was even doubtful whether he had a strict right to practise in England. On the other hand, the most eminent medical man in London had not power to practise either in Scotland or Ireland. These instances, he thought, would serve to show the extreme confusion of the law upon the subject. These inconveniences were rendered still greater by the language of some of the recent Acts of Parliament wherein reference was made to what are called "legally-qualified medical practitioners." No one can say what is the exact meaning of such a title. See how the evil of this uncertainty operated. By the Nuisances' Removal Bill a power was given to magistrates to convict for certain offences upon the certificate of two legally-qualified practitioners. Suppose the magistrates convicted, an objection may be taken to the title of the medical practitioners upon whose certificate the conviction rested. As the law now stands, no magistrate can be cognisant of the fact, whether an individual is or is not, in the language of the Act, "a legally-qualified medical practitioner." If certificate is made by a person not legally qualified, the conviction would fail. What he sought to do by this Bill was, first to ensure generally throughout Great Britain and Ireland that there should be equality of education; that was to say, that the word "physician," whether applied to a man educated in London, Edinburgh, or Dublin, should mean the same thing; that it should mean a man who had gone through a certain course of liberal education, in the first instance, and a certain *curriculum* of professional education in addition thereto. That there should be a certainty that he had undergone the same education wherever he came from. A similar provision would apply to surgeons; that was to say, that whether in London, Edinburgh, Dublin, or elsewhere, a surgeon should go through a certain and the same education to qualify him for the profession he sought to practise. Having secured that equality of education with respect to all gentlemen practising in medicine, the next thing the Bill would do was to establish a reciprocity of practice; which meant, that a gentleman who had been educated, say in Edinburgh, should, if he chose, become a Member of the College of Physicians in London, and practise in London, and a member of the College of Physicians in London should, in like manner, if he choose, become a member of the College of Physicians in Edinburgh, and be at liberty to practise there. Thirdly, he proposed that there should be a general register of legally-qualified practitioners. Every other profession in the country almost had its authorised "list." There were, for example, the *Clergy List*, the *Army List*, the *Navy List*, and the *Law List;* but at that moment there was no Medical List to which reference could be made for the purpose of ascertaining whether any individual was a legally-qualified practitioner or not; and it appeared by the census returns, that the number of persons who assumed to themselves the title of "surgeons," or other medical appellations, was nearly double the number of persons who were on the books of the learned medical societies of the kingdom. In other words, there were nearly as many unqualified as qualified practitioners in the kingdom. These three principles were the main provisions of the Bill:—First, equality of education; secondly, reciprocity of practice; and, thirdly, a general register. He would now state how the measure had been received by the profession. The numerous answers received during the recess from the several medical colleges showed that great unanimity prevailed amongst those bodies on all these principles. The Royal College of Physicians of London, in their answer, stated that the measure was founded upon a principle which they had always approved of and endeavoured to carry out, and that it would harmonise well with a new charter for that institution. He would here take the opportunity of stating, that it was in consequence of the dissensions amongst the medical men themselves that that Royal College had not obtained the charter which they had a right to expect. He hoped that, contemporaneously with the passing of this Bill, the Government would see fit to grant this charter. The Royal College of Physicians in Edinburgh expressed their general approval of the Bill; and the Royal College of Physicians in Ireland did the same, adding that it was alike comprehensive and liberal, and adapted to elevate the profession and increase its scientific character. The latter body suggested that the several medical societies should have power to remove from their respective lists the name of any medical practitioners who, in their opinion, had been guilty of improper practices, and he (Mr. Headlam), in accordance with the recommendation, had introduced a clause to that effect. The College of Physicians in Glasgow said the Bill embraced almost every object which had hitherto been advocated by the faculty, and dealt fairly with all. The College of Surgeons in London, however, did not quite so cordially approve of the measure. They stated that they approved of the establishment of a register—a most important point certainly; but, with that exception, they thought there was no sufficient reason for any Parliamentary enactment for the infliction of penalties beyond those which the courts of law were already competent to levy. There were differences of opinion upon the details, certainly; but some of the objections he had been able to remove by the Bill in the shape in which he now submitted it to the House, though there might be some arising out of conflicts between the different learned bodies which he had not been able wholly to meet. He (Mr. Headlam) would be happy to receive suggestions, and willing to alter the provisions of the Bill where practicable. He thought he had shown enough to convince the House that the Bill was received favourably by the learned medical bodies, and he could assure the House with great confidence, that it had been most cordially received by the great mass of the individual practitioners throughout the country. The mode in which the different provisions would be carried out he would state generally. He proposed that there should be a medical council, which should be composed of physicians and surgeons; a physician and surgeon to be chosen by each of the Colleges of Physicians and Surgeons in England, Scotland, and Ireland; one person by each of the Universities in England, Scotland, and Ireland; and eight persons by the body of medical practitioners throughout the kingdom. The election of these last would be effected with little difficulty or trouble through the Post Office, and according to a certain form, which would be transmitted to the electors. He attached great value to the representative principle, because there was a general feeling throughout the country that such representation ought to exist in a council that was to have jurisdiction over the entire profession. In the first instance, however, the eight members would be nominated by Government. As soon as the medical council was appointed, they would have to appoint a registrar, whose duty it would be to register every person who was now licensed to practise, without any further examination. All that was requisite was, that every person now licensed to practise as a physician or surgeon should send in his name, and upon payment of a small fee he would be entitled to be registered without further examination. Thus there would be no difficulty whatever in registering persons already in practice; and they would be placed in this improved position—that after such registration they would be able to practise in every part of the United Kingdom. All others who were registered would have first to pass through a regular examination in medicine, and it would be the duty of the council to see that that examination was the same in all parts of the kingdom. As soon as the Bill came into operation, a physician would have to prove that he was twenty-six years of age, had graduated at one of the Universities, and passed through the necessary examination, before he could be registered. A similar provision applied to surgeons, with this exception, that they must be twenty-two years of age. In conclusion, he would state, that the Bill had been framed on a feeling of the greatest deference and respect to those learned societies in the medical profession, who came down to us honoured by the recollection of the great men that have been enrolled in their lists. It was also framed with the earnest wish to protect the rights and conciliate the feelings of the large body of the eminent practitioners on whom the community at large mostly relies for medical advice and consolation; and many of whom for small pecuniary remuneration were in the habit of doing deeds of almost unrivalled benevolence. He confessed he felt pride and satisfaction in their names, to ask the leave of the House to introduce the Bill.

Mr. BRADY said, he willingly seconded the Motion, but he regretted to hear it stated that legislation upon the subject had been hitherto prevented solely by differences amongst the medical bodies themselves. To that assertion he gave a decided contradiction, for they were most fully alive to the necessity for a great and comprehensive measure. Previous attempts had failed because they had not been entered upon with a full determination to succeed, and because the persons making the attempts had submitted to the influence of those interested in keeping things as they were. Even the right hon. Gentleman the Member for Carlisle (Sir J. Graham) on one occasion made this admission—" I may be excused for saying that if I could have anticipated the extensive difficulties of this subject I should not probably have presumed to interfere with them ;" in fact, he regarded it as an Augean stable, that he had no hope of cleansing. It was a great error to suppose that the medical profession were alone interested in the Bill, or that, like Sir Lucius O'Trigger, they found it a very pretty quarrel, and wished to keep it so. It was a general measure, calculated to raise the standard of the profession—to make them, as it were, a part of the police of the country, and one that should be supported by the Government. It was much to be regretted that the Bill had not been brought in by a Member of the Government, from the greater facilities it would then have received in its progress through the House.

Viscount PALMERSTON: Sir, I have to thank my hon. and learned Friend for introducing this Bill, and I am sure the House has listened with great satisfaction to the able and interesting statement he has made in proposing this measure. I give him great credit for that, and I shall give him more credit still if he succeed in passing it, and thus, as the hon. Gentleman opposite (Mr. Brady) observed, settle the question for ever. My hon. and learned Friend has not exaggerated either the importance of the measure itself, or the difficulties which he has had to contend with, and I speak with some experience on this subject, because, when I had the honour to be at the Home Office, I endeavoured to do that which my hon. and learned Friend has now undertaken. I confess to finding difficulties that I felt I could not surmount, but which I hope my hon. and learned Friend will succeed in overcoming. If he does, he will be entitled to the thanks of the whole country for the great benefits this measure will confer when passed. I wish him every possible success, and with my colleagues will give him all the assistance in our power to carry it through Parliament.

Leave given.

Bill *ordered* to be brought in by Mr. Headlam, Mr. Brady, and Mr. Craufurd.

Bill read 1°.

House adjourned at half after nine o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, February 11, 1856.

Minutes.] Public Bills. — 1^a Metropolitan Police.
2^a Trial of Offences.

CRIMEAN COMMISSIONERS' REPORT.

The Earl of CARDIGAN: My Lords, seeing the Secretary of State for the War Department in his place, I wish to address a few words to your Lordships, and I trust I may not be irregular in so doing ; at all events, I will not trespass more than one minute on your time. When the character and conduct of a Peer of your Lordships' House is publicly reflected upon, I believe it is in his place here that he ought to defend himself. I am not going to enter into any defence of my conduct or character ; but I beg to give notice to the noble Lord the Secretary of State for the War Department that, having been reflected on in, as I consider, a very unfair way in the Report of the Commission appointed by Her Majesty's Government to inquire into the conduct of the war in the Crimea, I shall feel it to be my duty to-morrow to transmit to the noble Lord a full explanation of my conduct as reflected upon in that Report. And, my Lords, I feel confident that I can refute any charge which has been brought against me, and that I shall be able to prove that up to the very last day of my command of the Light Brigade I paid every attention to the welfare and comfort of the men and horses under my charge. I will only add that it is my sincere hope and wish that, after I have sent that statement to the noble Lord, he will give to it every possible publicity in every shape which Her Majesty's Government or the noble Secretary at War may have power, and that they will lay it on the table of your Lordships' House.

The Earl of LUCAN: My Lords, I cannot allow this opportunity to pass without saying a few words. In this Report there is a reflection upon my professional character. Immediately upon reading that Report, I, as the noble Lord the Secretary of State knows, addressed a letter to him, refuting and contradicting in the most positive manner every part of the Report; not only that part which reflects on me personally, but also that which reflects upon my character. The noble Lord knows that upon the evening when I put that letter into his hands I requested his permission that that letter should be given to the public at once. The noble Lord, I dare say, can give good reasons why he declined to accede to my request. That letter was written as far back as Thursday, and it has not yet appeared; therefore, I do not think it is unreasonable to ask him again to be good enough to print that letter, and to lay it on the table of the House. I think sufficient time has elapsed for the noble Lord to do one of two things—either himself to give that letter publicity, or to allow me to do so.

Lord PANMURE: My Lords, I received a notice from the noble Earl who first addressed your Lordships, of his intention to address a letter to me on the subject of the Report of the Commissioners who were sent out, not to inquire into the state of the war in the Crimea, but into the state of the supplies for the army there. Those Commissioners have given a very full and intelligent Report, and in some cases they have expressed their opinions freely as to the causes of the great distress to which the British army was reduced in the winter and spring of 1854—55. I am quite sure that there was no intention whatever on the part of the Commissioners to attack, in any way, the character of the noble Earl who first addressed your Lordships. They only express their opinion on the facts brought to their knowledge; but as to the attacking the characters of the noble Lords as Peers of Parliament, the subject never once occurred to them. In reference to what has fallen from the noble Earl who has last addressed your Lordships, I have to state that I have received a letter addressed to me officially. That letter I referred to the Commissioners of whose Report the noble Earl complains. One of these Commissioners is now in London—the other is in Edinburgh, and from him I have not yet received any communication. The Commissioner who is in London states that that portion of the Report which the noble Earl calls in question he can support by reference to the returns obtained upon the spot, which are printed with the Report of the Commissioners, and he has promised to give me an answer to the statement of the noble Earl in the course of a day or two. When I have the reply of the Commissioners, I will lay it on the table of the House, with the letter of the noble Earl.

The Earl of DERBY: The question, my Lords, appears to me not so much one affecting the character of any two noble Lords, as what is the course which Her Majesty's Government intend to take with regard to the cases which must arise from the publication of this Report. The noble Lord will lay upon the table the Report of the Commissioners, and various persons will naturally feel themselves highly aggrieved at the charges either directly made or implied against them in that Report. My two noble Friends will have the opportunity of making their statements in this House—although I do not myself think that this is the fittest place for discussing such statements. Yet undoubtedly one of two things ought to be open to every noble Lord. I understand my noble Friend (the Earl of Lucan) has written a letter to the noble Lord the Secretary of War, and has asked permission of the noble Lord to make that letter public; but that the noble Lord has not as yet shown a willingness to comply with that request. I wish to know whether the same advantages of making replies which are enjoyed by the two noble Lords will be conceded to others who have been reflected upon in that Report; and what is the course which will be taken with respect to those officers who have not a place in Parliament, but who feel themselves aggrieved by statements which have been made reflecting upon their military character? Are they to have an opportunity afforded to them for making a public defence? I am anxious to know what course the Government intend to pursue with regard to any answer which may be made by any officer whose conduct has been seriously impugned by charges contained in this Report; or whether it is the intention of Her Majesty's Government to prejudge the case of any of those officers who have had rewards conferred upon them for services rendered in the field, by imposing any penal consequences in respect of those matters of which accusations have been made in this Report? In short, I ask whether that Report is to stand as it does at present, either for reward or punishment, or whether it is open to any answer which any officer may be disposed to make whose conduct is spoken of either in laudatory terms or otherwise?

Lord PANMURE: With respect to the proceedings which the Government have taken upon that Report, all that they have done is to take steps to prevent, so far as they can, a recurrence of the evils which the Report so painfully sets forth. With regard to the application of the noble Earl (the Earl of Lucan), it is true he asked my permission to publish in the newspapers the letter he addressed to me. My answer to the noble Earl was this, that I would give no person any official authority to publish in the newspapers any official letter which I might receive as Secretary of State. The noble Earl opposite says, and I agree with him, that it would be but justice were an equal opportunity given to all persons concerned, and that any parties who may feel themselves aggrieved by any reflections which may appear—I will not say in this Report, but in any Report which may be laid on the table of either House of Parliament—if they choose to address to me, or to any other Member of the Government any representations which may place their own conduct in the matter reported on in a different light from that in which it appears in the Report, I conceive it would be but just, and I am quite prepared to yield to that opinion, that I should lay on the table such communications, either from Members of this House or of the other House of Parliament, or of officers in Her Majesty's service.

The Earl of HARDWICKE: It appears to me that the Government have very much increased the weight of their responsibility in this matter by the course they have taken in honouring these officers by very distinct marks of their Sovereign's approval, by means of promotion and other marks of favour bestowed upon them. My Lords, I do declare for myself, as a British officer, that, if I had first of all been honoured with decorations as these officers have been, and had afterwards been reflected upon as this Report reflects upon them, I would tear those decorations from my breast and return them to my Sovereign.

Lord PANMURE: I assure your Lordships that what I advised my Sovereign to do I did with the very best feeling. Those decorations were conferred for gallant acts in the face of the enemy, where life was exposed and honours gained in actual conflict. Nothing in the Report can detract from any honours so gained. They have been fairly earned, and those two gallant Officers will retain the decorations that have been bestowed on them for their gallantry in the field.

The Earl of HARDWICKE: I am extremely happy that I have elicited the speech just delivered by the noble Lord. It is precisely the speech I wished to hear,—that, whatever reflection might be cast by the Report upon those gallant officers, it does not touch their honour as soldiers, and that they have received their decorations for their conduct in battle and for their eminent services in the field.

PRIVILEGE—LORD WENSLEYDALE'S PATENT—PEERAGES FOR LIFE.

Lord LYNDHURST gave notice, that at two o'clock to-morrow he should move that their Lordships resolve themselves into a Committee of Privileges, to examine and consider the copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life (presented to the House on Monday last), and to report thereon to the House.

The LORD CHANCELLOR hoped that his noble and learned Friend would state what course he intended to pursue in reference to this question; because, merely to say that he would move for a Committee of Privileges with respect to a certain peerage, without stating the precise course he intended to adopt, would be to leave their Lordships in ignorance.

LORD LYNDHURST observed, that it was impossible to do that now. In making his Motion, he should state his own view of the case. The noble Earl opposite (Earl Grey) might possibly take a very different view, and the noble and learned Lord on the woolsack would, perhaps, state a view peculiar to himself. After all those views had been considered, the House would decide upon the course to be pursued. If he were to make any suggestions at present, his remarks would only lead to a desultory and irregular discussion.

EARL GREY observed that, if the House were to be asked to go into Committee of the Whole House upon this subject, without any more information than it now possessed, it would be placed in a state of extreme difficulty and embarrassment. It was precisely the apprehension of that difficulty and embarrassment which pressed upon his mind, and induced him to endeavour to prevail on their Lordships not to go into a Committee of the Whole House, but rather to refer the matter to a Committee up stairs; in which case nothing could be more regular than to withhold any intimation of the course proposed to be pursued by the noble and learned Lord the Mover of the Committee. But if the noble and learned Lord intended to propose any particular course in his speech, surely it would be more regular that the ordinary course should be adhered to, and that at all events the Motion he intended to move, or the sort of Resolution he intended to suggest, should be placed upon the Votes, so that noble Lords might have some notion of what shape this important question would take. In his opinion, any other course would involve considerable confusion. Without, therefore, asking the noble and learned Lord to say anything at present, he earnestly entreated him to place sufficient information on the Votes to-night to enable the House to-morrow morning to form some notion of the course which he intended to pursue.

LORD LYNDHURST said, that in support of his argument it would be necessary to investigate evidence in a much greater degree of minuteness than it was possible to investigate it to-night, and it was not advisable to separate the statement from the evidence. After their Lordships had examined and discussed the evidence, they would probably report to the House.

EARL GREY asked the noble and learned Lord whether it was his intention to call witnesses and examine them at the bar of the House, as the last observation seemed to imply? If so, he must say that it was not consonant with the ordinary practice of the House and the convenience of their Lordships that those who might take a different view from that of the noble and learned Lord should be called together as a Committee of Privileges, without any intimation as to the precise object to be attained.

LORD LYNDHURST: When I say that evidence will be produced, it follows of course that witnesses will be examined.

THE EARL OF DERBY thought, that the subject-matter with which the Committee would have to deal was perfectly well known to their Lordships. A certain patent was disputed, and the grounds upon which it was disputed were fully stated in the debate the other evening, when their Lordships conceived that there was at least so strong a ground for doubting the validity of the patent that they thought it was, according to precedent, their duty to inquire into its validity. The question, as he understood it, was simply whether it was competent to the Crown, without the assent of Parliament, to confer on any commoner the dignity of a peerage with a right to sit in that House by virtue of a patent limited to the life of a Peer, or for any other term short of perpetual inheritance. He imagined that that was the question which the Committee would have to investigate, and it would no doubt be very material, in enabling them to arrive at a proper judgment, to search the Journals of the House and examine into precedents for any previous exercise in any time, however remote, of such a prerogative on the part of the Crown. He apprehended that the first thing to be done was, to examine into documentary and oral evidence, and to search the journals for precedents, in reference to the present claim. What other evidence might be required, or what future course he should ask the Committee to take for the purpose of satisfying themselves upon the subject which the House had referred to them, were questions which his noble and learned Friend was not at present called upon to answer.

EARL GRANVILLE said, he did not agree with the noble Earl that the point to be decided in the Committee was, whether the exercise of the prerogative in granting this life Peerage to Lord Wensleydale was illegal or not, or that that was the question which it was proposed to settle by an examination of the precedents recorded in the journals of this House, and afterwards, as proposed by the noble and learned Lord, by an examination of witnesses at the bar.

THE EARL OF DERBY would thank the noble Earl not to put words into his mouth, which he did not use. He did not say that the question was as to the legality of such an exercise of the prerogative, but whether it was competent to the Crown, by an exercise of prerogative, to grant a life peerage with the right to sit in their Lordships' House?

EARL GRANVILLE did not wish to misrepresent the noble Earl in the slightest degree. He certainly understood him to say that the question which had arisen in the House was one of legality. The noble Earl began by stating that the legality of the step which the Government had taken had been disputed.

LORD BROUGHAM did not see what the noble Earl opposite and his noble Friend (the Earl of Derby) were disputing about: he could not for the life of him see the difference between their statements. The real question was, whether or not it was competent to the Crown to grant a life peerage—and a grave and important question it was, one which could not be too fully, deliberately, and, he would add, too, calmly considered. Whether it was incompetent or illegal was of little consequence if it was shown to be unconstitutional.

THE MARQUESS OF LANSDOWNE observed that the words "incompetent" or "illegal," applied in such a case, were equally strong. As he understood, their first proceeding would be to call witnesses to the bar of the House.

LORD CAMPBELL said, he thought that the question which the Committee of Privileges would have to determine was, whether the Crown had power, by virtue of its prerogative, to grant a patent to enable a commoner to whom a barony was granted for life to sit and vote in that House. They were not to consider generally whether the patent was wholly null and void; but whether a particular part of it was within the power of the Crown—whether the Royal prerogative could enable a Baron for life to sit in Parliament and to have all the privileges in Parliament belonging to hereditary barons. The question was, was that beyond the power of the Crown? They were not at all bound to say whether the patent ought to be cancelled, or whether it might not confer certain privileges or not; but whether it conferred this particular privilege. In considering such a question they would have to fall back on the *lex et consuetudo Parliamenti;* and having sought for precedents of life peerages which had been granted with power to sit in Parliament in former times, and having ascertained their character, they would be in possession of information which would enable them to form a judgment as to what would be the proper Resolution for the Committee to come to.

LORD ST. LEONARDS was afraid that he should be obliged to be absent from the House to-morrow; but was extremely anxious to hear the statements which would be made on moving for the Committee. He inquired if it were possible to fix the Motion for another day?

EARL GRANVILLE said, that the question ought, more properly, to be put to the noble and learned Lord opposite (Lord Lyndhurst); but after the Resolution adopted by their Lordships the other evening, and the strong expression of the majority as to the inconvenience attending this matter, he would remind the noble and learned Lord (Lord St. Leonards) that that inconvenience might be increased in many different ways if any delay should take place.

TRIAL OF OFFENCES BILL.

THE LORD CHANCELLOR moved the Second Reading of this Bill, the object of which is to enable the removal of indictments from the county in which the offence was committed into the Court of Queen's Bench, and giving power to that Court to refer them for trial to the Central Criminal Court.

LORD CAMPBELL thanked his noble and learned Friend for this Bill, which would introduce a great improvement into our criminal procedure. It often happened that a fair and impartial trial could not be had in the county where the offence was committed; and when that was the case an application might now be made to the Court over which he presided to remove the indictment by *certiorari* into the Court of Queen's Bench; but then it could only be tried in an adjoining county, or by a trial at bar, both of which might be very inconvenient. In the Central Criminal Court, however, such a case could very well be heard, and very little delay would arise in bringing on a trial in this way.

Bill read 2ª, and *committed* to a Committee of the Whole House on *Thursday* next.

EASTERN PAPERS—ALLEGED DISCREPANCY.

EARL GREY rose, pursuant to notice, to put the following question to the noble Earl the Secretary of State for Foreign Affairs:—Whether he can give any Explanation of the apparent Contradiction between Colonel Rose's Dispatch of the 25th of March, 1853, and that of Lord Stratford de Redcliffe of the 27th of May following; the first of these dispatches containing a memorandum of Mr. Pisani, of the account given to him by Rifaat Pasha and the Grand Vizier, of the Substance of the *Note verbale* presented by Prince Menchikoff to the Porte on the 16th of March, while Lord Stratford de Redcliffe states in his Dispatch of the 27th of May that Mr. Pisani had assured him that Rifaat Pasha would never be brought to admit the Existence of this Note? He was sure their Lordships would agree with him that it was of the utmost importance that any information transmitted to Her Majesty's Government by the diplomatic servants of the Crown employed abroad, and more especially any information which was to be laid before Parliament to justify and explain the policy of the Government, should be of unimpeachable accuracy. If, therefore, circumstances should arise to throw any doubt on that accuracy, more especially if these circumstances should be calculated while unexplained to raise a suspicion as to the trustworthiness of any of the diplomatic servants of the Crown, of whatever rank they might be, it was not merely the right, but the duty of any Member of either House of Parliament whose atenttion might be called to the subject, to demand an explanation from the Government. This being so, he felt bound to ask for some explanation with regard to a circumstance to which, on a previous occasion, he had called their Lordships' attention. Last year, in discussing the policy of the war, he had endeavoured to show that there was no ground whatever for the allegation which had been made, that Prince Menchikoff, as the representative of Russia, had used threats for the purpose of inducing the Turkish Ministers to conceal from the British Government the nature of the Russian demands. He had contended, on the contrary, that the Turkish Ministers, desiring, for their own purposes, to create an impression to that effect, had made dupes, first of Colonel Rose, the British *Chargé d'Affaires* in the absence of Lord Stratford de Redcliffe, and afterwards of Lord Stratford de Redcliffe, when he had resumed his office as our Ambassador at the Porte; and that they had been induced, in consequence, to transmit to Her Majesty's Government erroneous information, which had produced the most unfortunate effect on the minds of the Government and of the people of this country. Without repeating the arguments he used upon that occasion, he wished to recall to their Lordships' recollection one of the main facts upon which he had relied. On the 16th of March, 1853, Prince Menchikoff had presented a very important paper, called a *note verbale*, to the Turkish Government. On the 25th of the same month Colonel Rose transmitted to Her Majesty's Government a dispatch, enclosing a memorandum bearing the signature of Mr. Pisani, and stating that its purport was founded upon what had been told him by the Turkish Ministers, the Grand Vizier and Rifaat Pasha. Colonel Rose, in his dispatch, used the following language:—

> "Your Lordships will see that, in spite of Prince Menchikoff's denunciations against the Turkish authorities, should they reveal his secret demands, they, in consideration of the danger which would ensue from a compliance with them, determined to make them known to Her Majesty's Government."

That note, then, had been communicated by the Turkish Government to Her Majesty's Minister at St. Petersburgh, and it had been communicated to his noble Friend the Secretary for Foreign Affairs by the Russian Ambassador in this country. His noble Friend transmitted it to Lord Stratford de Redcliffe; and shortly afterwards Lord Stratford de Redcliffe addressed a dispatch to his noble Friend, in which he said—

> "I think it my duty to record that the *note verbale* presented to the Porte by Prince Menchikoff on the 4th (16th) of March, and enclosed with Count Nesselrode's dispatch to Baron Brunnow on the 9th (21st) ultimo, was never communicated to this embassy. I have questioned Mr. Pisani on the subject, and he assures me that Rifaat Pasha could never be brought to admit its existence. That minister was probably restrained from disclosing it by the Russian Ambassador's threatening language."

It thus appeared that on the 25th of March Mr. Pisani had signed a memorandum stating the contents of the *note verbale*, as he had learned them from the lips of the Turkish Ministers; and, yet, two months afterwards, on the 27th of May, he assured Lord Stratford de Redcliffe that the Turkish Minister could never be brought to admit the existence of that note. He (Earl Grey) had stated last year —and he then repeated the statement—that that was a transaction which could not be explained by any mere fault of memory on the part of Mr. Pisani—the circumstances were too important to be easily forgotten, and neither would forgetfulness be a sufficient excuse for so grave an error. He had also stated that, in his opinion, the blame went much higher than Mr. Pisani —that Lord Stratford de Redcliffe was not justified in transmitting to Her Majesty's Government a statement deeply reflecting on a Power with which we were then at peace without having ascertained, to the best of his ability, that the statement was correct; and that it was his duty, when he returned to Constantinople, in the then critical state of affairs, when the awful issue of peace or war was trembling in the balance, to have made himself fully acquainted with what had passed in his absence, and thus to become aware of the contents of Colonel Rose's dispatch. But, even if he had neglected that most essential part of his duty, he had no right to send to Her Majesty's Government a statement that the Turkish Government had concealed an important state paper, while he drew from that statement the inference that the Turkish Ministers had been threatened by the representative of Russia —he had no right to send such a statement with such an inference, when five minutes' research in the archives of his embassy would have proved to him that it was unfounded. Under those circumstances he asked what explanation his noble Friend the Secretary for Foreign Affairs could give of these circumstances? In his opinion, the importance of the matter was in no degree diminished by the fact that three years had elapsed since the occurrence had taken place, for Lord Stratford de Redcliffe was still Ambassador at Constantinople, and Mr. Pisani occupied, he believed, the same position at the legation as he did then. When he brought that matter under the notice of their Lordships last year, his noble Friend the Secretary for Foreign Affairs gave no explanation with respect to it; and indeed he had not expected any such explanation, because it would not be reasonable to suppose that his noble Friend could be prepared to explain an apparent discrepancy to which his attention had not previously been directed. But he confessed he had expected that when a statement of this kind, involving so grave a charge against a British Ambassador, and reflecting on the honour of the British legation at Constantinople, had been made in that House, even by so inconsiderable a Member as himself—he had expected that those whom that statement affected would have thought it their duty to offer some explanation upon the subject. No such explanation, however, had been given, and that was the reason why he again adverted to the matter. He need not remind their Lordships that, in the present state of affairs, duties of the very greatest importance were intrusted to the British Ambassador at Constantinople, or that the position occupied by Mr. Pisani was also of the highest importance. While we employed in the East an Ambassador who was not conversant with the Oriental language, the truthfulness and trustworthiness of the interpreter or dragoman attached to the Embassy afford the only security which the country possesses that its affairs will be properly transacted. Upon these grounds he asked his noble Friend what explanation could be afforded of the discrepancy which he had pointed out?

THE EARL OF CLARENDON: My Lords, my answer to my noble Friend will be a very brief one, because I am not able to give any complete explanation of the subject upon which he seeks for information. At the same time, I cannot help expressing my regret that my noble Friend should have brought forward this subject at the present moment, and that he should have accompanied his question with the speech he has just made. I think that before he addressed to your Lordships such a speech, he was bound to show that there was some urgent necessity for introducing a discussion of this question, and that some practical good could be expected from his pursuing the course he has just taken, at a time when both your Lordships' House, and the other House of Parliament, have given unequivocal proofs of their determination to avoid everything that was likely to embarrass Her Majesty's Government or to produce any species of public irritation. Your Lordships have acted in that case under the highest sense of duty, and

I believe that you have faithfully represented the feelings of the country. I believe that the people of this country are prepared to wait with patience the result of the pending negotiations, anxious for an honourable peace, but if unfortunately that cannot be obtained, determined to prosecute the war with increased vigour. I believe that the meeting of Parliament will rather tend to facilitate the negotiations than to increase the difficulty which may attend them. I am led to entertain that belief, in consequence of the demeanour which Parliament has already observed; and feeling confident, as I do, in the sincerity of our intentions, I believe that if we are but met, as I trust we shall be met, with similar sincerity on the part of those with whom we have to treat, the negotiations ought not to be either long or difficult. But if we have reasonable ground for anticipating the conclusion of peace, I confess that I cannot see any practical utility in ripping up the transactions that preceded the commencement of the war while the negotiations are still pending. My noble Friend reminds me that I did not answer last year that part of his speech which had reference to this transaction. My noble Friend certainly made a speech of very great length and very great power, and I could not give him detailed answers upon points to which my attention had not previously been directed. And neither did I then, nor do I now, attach the same importance to this circumstance that he attaches to it. It is a matter which regards the Turkish Ministers, who, for some motive or other, first denied the existence and afterwards would not admit the contents of a certain document, and having once deviated from the fact they have never since been able to make a consistent story of it. It is perfectly true, as my noble Friend stated, that Colonel Rose, on the 24th of March, heard that Rifaat Pasha had received a *note verbale* from the Russian Government, but that that Minister had denied the fact; that he then sent to inquire whether the statement was true, and all he could learn was, that the Turkish Government believed that the Russian Government intended to propose a secret treaty, but he could obtain no positive information upon the subject. A week later, Colonel Rose saw both the Grand Vizier and Rifaat Pasha, the Turkish Minister for Foreign Affairs, and he then learned, as the conversation was afterwards translated by Mr. Pisani, that Rifaat Pasha said that a note had been presented by Prince Menchikoff—that Prince Menchikoff had used the strongest language for the purpose of preventing any communication upon the subject being made to the British or French Embassies, and that when Rifaat Pasha had hesitated to give any promise to that effect, Prince Menchikoff had left Constantinople in a state of great apparent indignation. I think myself there can be no doubt that the Turkish Ministers were intimidated upon that occasion; for at the same interview both the Grand Vizier and Rifaat Pasha informed Colonel Rose that they did not consider that Russia had declared what her intentions were. I say, therefore, that the Turkish Ministers felt they were placed in a position of great difficulty. And neither is that very astonishing. You must remember, my Lords, with what pomp Prince Menchikoff arrived at Constantinople; you must remember the language which he then held; you must remember that the immediate predecessor of this very Rifaat Pasha had been compelled to leave office on account of the reception given to him by Prince Menchikoff. The Turkish Ministers knew the vast power of Russia; they knew that they were themselves wholly unprepared to meet that power, and they were altogether ignorant of the course which England and France might pursue in reference to any quarrel between the Turkish and the Russian empires. I must say, therefore, that there is nothing astonishing in the fact that the Turkish Government should have been intimidated by the language of the representative of Russia, and that they evinced great caution in any proceedings they adopted. This view of the matter is further confirmed by Lord Stratford de Redcliffe, who, upon his arrival at Constantinople, wrote on the 9th of April a statement to the effect that the Turkish Ministers had broached the subject, but that he could not draw from them any frank explanation even of the difficulties in which they were placed. He added that the language held to them by Prince Menchikoff, and the peremptory demand made of them for an immediate answer had increased the embarrassment and alarm of the Porte. But it is perfectly true that this note was never given to the British Embassy at all. It was placed in my hands by Baron Brunnow and sent by me to Lord Stratford de Redcliffe. Lord Stratford de Redcliffe afterwards wrote to the effect that Mr.

Pisani said the Turkish Government could not be brought to admit the existence of the note, and Mr. Pisani still adheres to that declaration. When I found that my noble Friend had given notice that he would make this inquiry, I thought I could not deal better with his question than by placing it on the telegraphic wires, and so sending it to Constantinople; and I will now proceed to read the answer which I received from Lord Stratford de Redcliffe upon the subject. That answer is dated Constantinople, Feb. 7, and is as follows:—

> "Mr. Pisani confirms to me what I stated in my dispatch to your Lordship of May 27, 1853—namely, that the Turkish Foreign Secretary at that time would not then acknowledge the existence of the document called Prince Menchikoff's note of March 16 or 17 in the same year. The pacha was pressed to give me a copy of it, and he appears to have resorted to subterfuges and disavowals in order to avoid the importunity. Mr. Pisani affirms that subsequently a search was made by him, with the assistance of Noureddi Bey, the Porte's chief interpreter, and that the paper was not to be found in the archives of the Turkish correspondence."

The meaning of this is, that the Turkish Ministers would not admit the existence of this note, in order that they might not be pressed to give a copy of it, which they were afraid of doing. My noble Friend tries to fix blame on Lord Stratford de Redcliffe in reference to this transaction, and thus shows, I think, that he is not quite familiar with the nature of *notes verbales*, and also that he is unmindful of the original cause of the war. The *note verbale* was a long recital of grievances sustained by Russia in the matter of the Holy Places; it demanded certain things to be done in reparation of those grievances, and in fulfilment of engagements entered into by the Porte with that Power, which it was alleged had been violated the year before. Some of those things, however, which were required to be done were at variance with the arrangement which had been entered into with the French Government, and the Porte was greatly embarrassed how to deal between the conflicting parties. It was through the friendly intervention of Lord Stratford de Redcliffe that the Porte was relieved from this embarrassment; and Lord Stratford de Redcliffe received the thanks of all the parties engaged in the transaction. It was only after that point, which we were at first told was the only one in discussion, had been satisfactorily settled, that other and dangerous demands were brought forward by Russia—demands to which the Turkish Government could not accede, and which we could not recommend them to grant. It was then that negotiations were broken off; but the two things, the *note verbale* and the subsequent demands, are wholly distinct, as is clearly set forth in Lord Stratford de Redcliffe's dispatches; and I may say also, in one of the dispatches which I wrote myself. I will beg my noble Friend to bear in mind that Lord Stratford de Redcliffe was perfectly aware of the contents of the *note verbale*, that he acted in reference to that note in aid of Russia, and that if no other claims beyond those stated in the *note verbale* had been brought forward by that Power, Lord Stratford de Redcliffe would have been entitled to the exclusive credit of having prevented a rupture between Russia and the Porte. I must also observe that my noble Friend (Earl Grey) concluded with some remarks in reference to Lord Stratford de Redcliffe which I do not consider altogether fair. Lord Stratford de Redcliffe, no doubt, like all of us, may have his defects; but no one, I think, will deny the high sense of honour and the statesmanlike qualities he has evinced in the conduct of our policy in the East. No man is more intimately acquainted than he is with Eastern questions, and there is no one who wishes well to the progress and prosperity of the Ottoman Empire that would not be glad to see his views with respect to that empire carried into effect. Lord Stratford de Redcliffe has rendered great services, and is at this moment rendering great services to that Power. It was only as I came down to the House this evening that I received from him a letter stating what has just been done for the protection of the Christian subjects of the Porte. I will not now read to your Lordships his statement in detail, but I will inform you that a very satisfactory result has in this instance been obtained. I can state to your Lordships that Lord Stratford de Redcliffe's knowledge and abilities have been eminently useful in producing a settlement of what is called the fourth point of the preliminaries of peace; and the securities which have thus been procured for the non-Mussulman subjects of the Porte, will, I believe, be highly satisfactory to all the Christian Powers of Europe. This event, I may add, must tend greatly to facilitate the success of the negotiations for peace; for I defy anybody to come to a satisfactory solution of the Eastern question if that point is not settled in some generally unobjectionable form.

Earl GREY: I am extremely sorry that my noble Friend has thought it necessary to question the propriety of the step which I have deemed it my duty to take this evening. He says that Parliament has very properly abstained from embarrassing the Government in the present delicate posture of affairs. Though I believe there is no man in the country who more thoroughly disapproves the policy of the Government upon foreign questions than myself, I am equally confident that there is not one in either House of Parliament who has more cautiously abstained from doing anything which might in any way embarrass them. Certainly I have abstained this Session from saying a single word upon a question on which I feel the deepest anxiety. But is it calculated to embarrass the Government—I hope not—to point out circumstances which, if left unexplained, may injuriously affect the honour of the country? What has the question now before your Lordships to do with the impending negotiations? How can it embarrass them? And does the Government really mean to close the mouths of independent Peers upon questions of this kind, by talking to us of negotiations which have no more to do with the subject in hand than negotiations in the moon? I must decline to follow my noble Friend into the question, whether the present war is to be attributed to Russia or to Turkey, or whether Lord Stratford de Redcliffe has rendered great services to the country or not. Upon those points I may entertain very different opinions from my noble Friend, but they are not before us at present. I raise one specific question—whether there was or was not a contradiction between the dispatches of Colonel Rose and Lord Stratford de Redcliffe? My noble Friend says there was not. Allow me to read the two passages, and then I will leave your Lordships to judge whether there was a contradiction or not. On the 25th of March the memorandum of Mr. Pisani contains the following words:—"Rifaat Pasha, in the interview I had with him yesterday, stated that Prince Menchikoff had left him on the 17th a *note verbale.*" On the 27th of May, Lord Stratford de Redcliffe informs us, that he had questioned Mr. Pisani on the subject, "and he assures me that Rifaat Pasha would never be brought to admit its existence," speaking of this very *note verbale.* The question then is, whether a certain gentleman, having stated that he had received from a Turkish Minister an account of a note left with him, and two months after writing that the very same Minister could never be brought to admit its existence, has stated that which is correct? This matter may be passed over lightly by my noble Friend, but I say it is of the very deepest importance, not for the reputation of the British Embassy only, but also for the honour of the nation. If England is to be represented by persons whose statements are thus contradictory, I say that its honour suffers; and, where there is so much suspicion, the power and moral influence of the country may depend upon regaining that high character which ought to belong to all engaged in the diplomatic service of the British Crown, so that no shade, even of distrust, may rest upon the accuracy of their statements. I think it was right to bring this subject before the House, and confess I feel the deepest regret that my noble Friend, instead of giving some explanation showing there had been a mistake, has found it necessary to go into various other questions, but not to touch the only point at issue.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 11, 1856.

Minutes.] New Member Sworn.—For Rochester, Philip Wykeham Martin, esq.

Public Bills.—1° Joint-stock Banks (Scotland). 3° House of Commons' Offices.

DIPLOMATIC SERVICE—QUESTION.

Mr. W. EWART said, he begged to inquire of the First Lord of the Treasury whether any, and if any, what measures have been adopted for the establishing a system of examination or other educational test for candidates in the diplomatic service of the country?

Viscount PALMERSTON said, the Government had been in communication with the Commissioners for conducting the public examinations, and a correspondence had passed with regard to the examination of candidates for diplomatic and also consular appointments, and that correspondence would be laid before the House.

METROPOLITAN GRAVEYARDS—QUESTION.

Mr. H. BERKELEY said, he wished to ask the right hon. Baronet the Secretary of State for the Home Department why burials were allowed to continue in the metropolitan graveyards, now that ample accommodation existed for interments at a distance from London? Why, the churchyards of St. John, Hoxton, St. Mary, Haggerstone, and St. Giles, Camberwell, having been repeatedly closed by Order in Council, had as often been allowed to reopen, and were, together with the Blue Lion burial-ground in Gray's Inn Lane, and Trinity, Brompton, now in full operation? And why the objectionable practice of placing more than one body in one grave was continued in the cemetery at Brompton, which had been purchased by, and was under the control of, the Government?

Sir GEORGE GREY said, that the greater number of metropolitan churchyards had been closed, and provision had been made by the authorities of the respective parishes, either by the formation of new burial-grounds or by arrangements with existing cemeteries. The churchyards of St. John, Hoxton, and St. Mary, Haggerstone, had not been repeatedly closed, but an extension of time had been granted to enable the authorities to make arrangements for interments in the new City of London burial ground, which was now on the point of being consecrated, and these two graveyards would then be placed under orders to be closed. The graveyard of St. Giles, Camberwell, had also been ordered to be closed, but an extension of time of six months had been granted, which would expire in March, to allow the parochial authorities to provide a burial-ground. The Trinity churchyard, Brompton, had not yet been closed. The original order directed it to be closed in 1859, so that the period for closing it had not yet arrived. The Gray's Inn Lane burial-ground was in the same position as the first two churchyards. The time for closing it had been extended in anticipation of the City of London burial-ground being soon ready for interments. As soon as this burial-ground was opened the Gray's Inn Lane burial-ground would be closed. Inquiry had been made by the inspector of burials as to the mode of burial in some churchyards, which was very objectionable, and although it was not so objectionable in Brompton as in some other cemeteries, yet the practice of interring more than one body in one grave had continued there as elsewhere. This practice would now be stopped.

SUPPLY—NAVY ESTIMATES.

On the Motion for going into Committee of Supply,

Sir HENRY WILLOUGHBY said, he wished to call the attention of the House to a practice which existed with regard to the public expenditure, which practice he had discovered on referring to the financial account for the year up to the 31st March, 1855. He found that a very considerable expenditure had taken place in excess of the Estimates which had been voted by that House. The point which he wished to submit to the House was one of dangerous principle. The House passed a considerable portion of time in discussing the Estimates, and if any power existed by which those Estimates could be indefinitely increased, the House would at once perceive that it would cease to have that small check it at present had upon the public expenditure. For instance, if an Estimate of £1,000,000 were granted, and £1,500,000 were spent, it was clear that the utility of going into the Estimates was very questionable. In order to illustrate his position, he wished to call the attention of the House to one simple example. The subject he alluded to was that of the Naval Stores, and the Naval Estimates. He found that that House, on three different occasions, in the last Session, voted the aggregate sum of £2,827,000—the first Vote was £1,142,000—the second, £697,000 in July, and then there was a further Supplementary Estimate of £988,000, making a total of £2,827,000. Now, he found that the actual amount expended was not less than £3,262,000, making an excess of expenditure over that sum of £435,000, and that without either the direct or indirect authority of that House. He therefore trusted that the right hon. Gentleman would explain to the House how that had arisen. He was, to a certain extent, aware how that arose. The Appropriation Act, passed at the end of each Session, expressly provided that the whole amount should not be exceeded. That provision had not been adhered to. There was, however, in the Act another provision, by which the Treasury might apply any surplus under one head of expenditure to another. That was an objectionable principle. If, under such an authority, £500,000 could be applied to any purpose without the sanction of the House, of what use became its authority? Millions might be so applied without its consent. In the present instance the Government had twice come to the House with Supplemental Navy Estimates; and yet the total amount voted by the House for that head of expenditure had been exceeded by £500,000. The House had very little practical control over the public expenditure, and if such a course were allowed to be taken that little would be lost, and the Estimates would become an unnecessary and unavailing form.

SIR CHARLES WOOD said, that the first Vote he should have to propose would be a Vote to cover the excess of expenditure of the year. Of course it would be his duty, when he moved for that Vote, to state why and how it occurred, and he thought it would be more satisfactory to the House to postpone that explanation until it came regularly before them.

MR. WILLIAMS said, that as negotiations for peace were to take place in the course of a few days—it appeared to him that it would be much more conducive to the public interest if the proposed Vote for the navy for twelve months should be delayed until they knew the result of those negotiations. He hoped that those negotiations would be short, whether they resulted in peace or not; and he would recommend that the Votes should be taken for three months, or less amounts, on account. He did not in the slightest degree wish to deprive the Government of any power they might require for preparations for carrying on the war with vigour. He did not wish them, during the negotiations, to relax their preparations; but if a Vote for the navy, or any other department of the public service for war, should be taken, and peace should take place, he was very much afraid that the country would be saddled over the whole year with the war expenditure. He observed in the Estimate that there was an increase proposed for the navy of 6,000 men over the Vote of last year. The Government would give some reason for that increase. Last year they had opposed to them two great Russian fleets, one in the Baltic and the other in the Black Sea. The fleet in the Black Sea had since been entirely destroyed, and not a single Russian flag existed there now. That increase, therefore, appeared to him to be most extraordinary, but he hoped the Baltic fleet would recover the lost renown of the navy, and not, as the last two years, do nothing. The country would not grudge any amount that was necessary for carrying on the war with vigour; but he could not see the necessity of the proposed increase, when, with the fleet of last year and the year before, the Russians were afraid to come out. He should not offer any opposition to the Vote, because it had been said that the shortcomings of the fleet and the army had been caused by the parsimony of the House of Commons. He also found an increase for the marines, although the number of men was precisely the same, namely, 16,000. The increase was £10,150. He found, likewise, that the postages of the navy were charged to the civil service, and why that was he could not see. He wished, also, to call attention to the Estimate for coast guard and riggers. He meant the extra cost of paying these men beyond regular wages they received as seamen and petty officers. No doubt they had been of the greatest use when the war broke out, but after the fleet had been in training for two years, he could not see the necessity of continuing those men at so large a cost in the service. The cost of the extra pay of these two classes of men was for the present year proposed to be £67,074, and for the three years it would amount to £164,000. He thought that expenditure would be more advantageously applied in the shape of bounty to able-bodied seamen. He would also call attention to the vast increase of admirals. When the arrangement of 1846 was made, there were then 153 admirals, of whom fourteen were employed, and four of them were in the dockyards, where the services of admirals were not required. On referring back to the year 1853, the year before the war, he found that the number of admirals then was 268, of whom fourteen were employed and 254 were idle. By the present Estimate he found the number of admirals to be 314, of whom only eighteen were employed on service, and three or four of them were in the dockyards; so that there were 296 idle. He did not know how many ships of all sizes were afloat, but he believed there was an admiral for every ship, however small. It seemed to him perfectly monstrous that this charge should be thrown upon the public. There could be no necessity for it, for only eighteen, or, in point of fact, only fourteen admirals were required for employment afloat. He would advert, likewise, to the increased cost of half-pay and pensions, amounting to £23,000 in the present year over the last. He could not conceive how this increase had taken place. It was remarkable how tenacious this half-pay and pension list was in keeping up its amount; for in the last ten years there had only been a diminution of £51,000. This dead weight of the navy amounted in the present year to £1,297,000; and he hoped the right hon. Baronet would give some explanation of the necessity of increasing the half-pay by the amount of £19,000 in the present year as compared with the last. With respect to the good-service pensions, it appeared to him that great injustice was done to the officers of the navy. By reference to page 93 of the Estimates, it would be found that a nobleman of high family and of very little service had received a good-service pension, though he ventured to say that of between 500 and 600 post-captains, nine out of ten had performed more meritorious services than that noble Lord; and he was bound to say that there were many lieutenants who, he would not say had displayed more gallantry, for he doubted not the noble Lord's valour, many of whom had been in action and exposed to the fire of the enemy; and yet those poor men were passed over with their small pittance of half-pay. He also wished to direct attention to the name of an hon. Captain in the next page of the Estimates, whose services were not of a nature to entitle him to a good-service pension, while so many deserving men were left without one. These observations were not made with a view to oppose the Estimates being framed on the most ample scale, for there was no doubt that the more we expended now in the vigorous prosecution of the war, the speedier that war would end.

Motion *agreed to.*

House in Committee, Mr. Fitzroy in the Chair.

(1.) £204,982 1*s.* 5*d.*, Excess of Expenditure.

Sir C. WOOD rose and said: I now rise, Sir, to propose the Navy Estimates for the year. The first Vote which I shall put into the hands of the Chairman is a Vote not in reference to the service of this year, but one to which the hon. Baronet opposite has already called the attention of the House. It is a Vote for excess of expenditure for the year ending on the 1st of April last; and I think that the fact that I have to put this Vote into the Chairman's hands is a complete refutation of the general observations of the hon. Baronet, that any expenditure can be incurred without the sanction of this House. The hon. Baronet, or any other person who gives the matter a moment's consideration, must see that in a large expenditure of some £8,000,000 or £10,000,000, it may not always be very easy to measure the amount of expenditure so precisely that there shall be no excess in one year, or no surplus in another. The Estimates are framed the year before all the money is needed, according to the best opinion that can be formed in the department of the probable expenditure. It will inevitably happen that sometimes there is a surplus, which is carried to the account of the Exchequer, and sometimes there is an excess of expenditure, in which case it becomes necessary to submit to the House a Vote to cover it. But with respect to this particular excess which occurred in the course of last year, I shall satisfy the hon. Baronet that it is in point of fact hardly to be called an excess of expenditure, though it appears technically in that shape, and though it is necessary to submit a Vote to the House for its amount. Hon. Gentlemen who attended the Committee on Navy Estimates last year may remember that the right hon. Gentleman who then occupied the situation I now have the honour to fill, recalled to their recollection the great changes which he made in the constitution of the Admiralty Department in 1832. He entirely abolished all the subordinate boards, and, in point of fact, carried into execution important improvements and measures of administrative reform far greater than have ever been hinted at in modern days. When the authority of Sir G. Cockburn is quoted by some hon. Gentlemen as indisputable in all matters relating to the Admiralty, it should be recollected that all these beneficial improvements were steadily opposed by him. Among them was the introduction of a far better system of accounts. The navy debt had accumulated largely, and money was voted, which was not brought to account. The right hon. Gentleman introduced a system of book-keeping, with double entry, similar to that practised in commercial establishments; and from that time forward the accounts of the Navy have been strictly audited and put on a more satisfactory footing. This improved system went on for upwards of twenty years of peace without room for objection; but when the time of war came the expenditure was nearly doubled, and there now appears, in the first year of the war, to be an excess of expenditure in the navy department of £204,000. But the fact is, that this excess of expenditure is not owing to a greater sum having been spent on the whole than that which the House voted, but to the accounts having been worked up so closely that a large expenditure of £300,000, which in ordinary circumstances would have been defrayed in the course of this year, has been brought to account in the course of the past year. If any hon. Gentleman will refer to the printed paper "Naval Receipts and Expenditure," they will see it there stated by the Accountant General that this excess is entirely owing to the greater accuracy of the system which has been introduced of bringing the accounts to a close within the year; that, notwithstanding the pressure of business consequent upon the war, expenditure has been included in the account arising out of disbursements made by paymasters of the fleet exceeding £300,000 beyond that of the prior year, which is chiefly owing to the system of rendering monthly, instead of annual accounts, and to the great exertions made in the Accountant General's department to examine and pass the whole of the accounts relating to the year which it had not hitherto been found possible to accomplish in any one year since 1832—and the Commissioners of Audit entirely corroborate the statement, and bear their testimony to the efficiency of the system. Instead, therefore, of taking blame for this excess of expenditure, it arises from a circumstance highly creditable to the department. This new system has been greatly facilitated by a change lately made in the mode of paying ships off when they come into port. In former times, little pay passed into the hands of the sailor during the time of his service, and when a ship came into port the books were sent to be examined, and the amount of pay due to be calculated, by clerks some taken from the office of the Paymaster General and some from that of the Accountant General. A considerable delay frequently took place before the amount due to the sailor could be calculated, but within the last two or three years the system has been changed, and now the payment of the men is made by the paymaster of each ship. He keeps his books regularly made up, and thus each ship of the Baltic fleet, both in 1854 and 1855, was paid off in a very short time after she came into port. There was no delay or difficulty of any kind, and every man was set at liberty either to go on leave or to enter another ship within a couple of days at the utmost. I am glad to have this opportunity of bearing my testimony to the great exertions of the Accountant General of the Navy—one of the best public servants whom the State possesses—in introducing and perfecting this system, and I am equally glad to bear my testimony to the energy and zeal which the paymasters of the fleet have displayed in undertaking and successfully carrying out this important and beneficial change. Connected with this subject is a further change which we propose to effect in the mode of making payments in the dockyards. In consequence of substituting payment by paymasters of ships for the old system, a great portion of the duties hitherto performed by the pay-clerks in the dockyards has been done away with. We propose to relieve them of the remainder of their duties, to recall them to their respective offices in London, and to substitute for them in each of the principal dockyards an officer, to be called an accountant, who will, in addition to paying the seamen's allotments, have intrusted to him the payment of the dockyard wages. This duty is at present discharged by the storekeepers, to the great interruption of their other work; but I believe it will be very much better done by an accountant expressly confined to the monetary transactions of the yard. This change will also, I hope, enable us to carry out a great improvement in checking the disbursements for the yard wages. As far as mere day pay is concerned all is plain and straightforward enough, but when the payment for task and job work is to be calculated, considerable accuracy and attention is required to prevent a loss to the public. The first Vote, therefore, which I shall ask the Committee to sanction will be £204,000 for excess of expenditure in the last year. This sum is, in point of fact, £100,000 less than the amount brought to charge for the first time in the course of the current year, instead of being left over, as it would have been in former times, to be charged in the Vote of the succeeding year. I now come to the Estimates of the year itself. It is quite true, as my hon. Friend behind me stated, that the Estimates are based upon the supposition of the war being continued. The preparation of the Estimates began at a time when the prospects of peace were not so flattering as they may now be, but, at all events, I maintain we are perfectly right in presenting to the House war Estimates. When I come to propose the Votes, the House will see that I do not ask for Estimates for the whole year, but I hope the House will sanction a war Estimate for such a time as will cover the greatest possible delay in determining whether we are to have peace or war. The best security for peace is to be ready for war. If we show any hesitation, or any unwillingness to carry on the war, depend upon it our enemy will avail himself of our apparent weakness; but show that you are firm, that you are ready, if negotiations for peace should fail, to carry on war as it has not yet been carried on, and I believe our chance of obtaining peace will be much improved. I appeal, therefore, with confidence to every Member of this House—not only to those who have so nobly supported the Government throughout this war in their endeavours to bring it to a successful end, but also to those who are most anxious for peace, to support us in these Votes; because by so doing they will be most effectually promoting that end at which they are so earnestly aiming. But even should we obtain peace, hon. Gentlemen must not flatter themselves that in the first year of peace any considerable reduction can be made in our naval expenditure. If my hon. Friend will refer to the debate which took place on the termination of the great war in 1816 he will find a very curious statement made by the then Secretary to the Admiralty, showing that in the first year of every peace during the preceding century the Estimates were larger than in the last year of war. The change in the system of payment of the ships which I have just mentioned diminishes to some extent the necessity of such an increase of expenditure, but yet my hon. Friend must see that the reduction of the number of ships afloat necessarily entails a heavy expenditure at the moment of reduction. Ultimate reduction is of course effected by diminishing the number of men, but as those who are discharged are entitled to the balance of their pay, there is necessarily, in the first instance, an increase of expense. I propose to the Committee to vote an addition of 6,000 to the number of men now serving in Her Majesty's fleet, making 76,000 altogether, but I shall only ask for this number of men for a period of three months. Before the expiration of that period we must know whether we are to have peace or war—and shall be in a condition to decide on the future requirements of the country. This increase of men necessarily entails an increased sum to be voted for wages, and there is also a slight increase caused by some addition to the rates of the pay of various classes of officers. I will not go into this question at present, as I propose, before I close the observations which I shall address to the Committee, to present to them in one view the measures which have been recently adopted or which are proposed in the present Estimates for improving the condition of the various classes of officers and men in Her Majesty's navy. The hon. Gentleman has referred to the extra pay to the men from the coast guard and revenue cruisers and to the riggers from the dockyards now on board Her Majesty's ships, and has objected to their being so employed. Of course, when we are able to reduce the force afloat, the first persons who will return to their ordinary avocations will be the coastguardsmen and riggers; but, so long as we are increasing our force, it would be most injudicious and unwise to dismiss these men, who are tried and good sailors, and to replace them by men who have received no training. The increase in the expenditure for the marines is due principally to a change which has been introduced during the present year. We have not increased the total number of marines, but we have greatly increased the number of that valuable corps, the marine artillery, who, being more highly trained, receive a higher rate of pay. The experience of last year at Sweaborg, and on other occasions on which these men have been employed in working great guns, and especially mortars, both on shore and afloat, has shown the wisdom of this change. Of the sum stated in this Vote I propose to take only a portion on account. Instead of £3,200,000 I will take a couple of millions only. At the same time, I will not flatter the Committee by saying that I believe that this sum will be all that will, even under the most favourable circumstances, be required during the year. The next Vote is one of £1,434,730 for victuals for seamen and marines. In this Vote there is an increase of £60,649. The increase arising from the addition to the number of men would have amounted to about £120,000; but from that there is to be deducted a decrease of cost, arising from the diminution of the price of provisions since last year; leaving the net increase at the sum I have stated. In this Vote also I propose to take only a sum of one million on account. That sum will be required because the contracts are made early in the year, and cannot be postponed or made week by week as the provisions are required for use. In the next Vote—£138,399 for the Admiralty Department—I do not think it possible to make any diminution, because, even after the war is ended, there will be a large number of accounts to settle and a great deal of correspondence to wind up, which will render it impossible that we should immediately dispense with the services of the large number of temporary clerks who are now overcrowding our rooms. There does, in fact, appear to be a small diminution since last year; but that arises principally from the replacement of old clerks, who have retired, by young ones, who of course receive lower salaries. In future years the salaries of these gentlemen will be advanced, and there may then appear to be an increase of expenditure, as there now appears to be a diminution. This variation, however, is trifling, and depends upon accidental circumstances. The postage, to which the hon. Member has referred, is a matter for which the Admiralty is not responsible. The Treasury thought it desirable that the postage of all the departments of Government should be included in one Vote, in order that the whole expense on that account may appear at a glance. The next Vote is £20,000 for Naval Coast Volunteers. In that there is a considerable reduction. The number of men who have entered has been much smaller than was expected. I think it is possible, however, that this establishment may be turned to more account when the number of sailors employed in the navy is reduced at the conclusion of peace; and I am therefore unwilling to adopt the course which some persons have suggested, and to put an end to the system which was recommended by a committee of most able officers who inquired into the subject of manning the navy during the time that the Duke of Northumberland was at the head of the Admiralty. The next Vote is £58,982 for the scientific branch. In that department there has been an increase of expenditure, to which I think the country will willingly assent. The first item is for an increase in the salary of the Astronomer Royal. It is now twenty years since Mr. Airey was appointed to that position at a smaller salary than his predecessor had enjoyed. While he has filled that office he has distinguished himself by various improvements in the constitution of the Observatory and its apparatus. He has shrunk from no labour, and has constantly undertaken work not connected with the Observatory. The character of that establishment now stands as high as that of any other similar establishment in Europe. The catalogue of stars which the Astronomer Royal has prepared has been appealed to without hesitation as the most complete and perfect one which exists. He has applied galvanism and photography to the taking of observations, and has been at much trouble in connection with the measures which have recently been adopted for communicating the direct time to the mercantile marine. He has also taken part in many scientific inquiries; and it is only right that the country should in some manner express the sense which it entertains of the value of his services. The other principal item of the increase in this department is a sum of £4,200, required for procuring and erecting at the Royal Observatory a more perfect astronomical instrument called an equatorial. The equatorial now in the Observatory is inferior to those possessed by any similar establishment of any reputation in Europe, and even to one which has been erected by a private gentleman in the county of Sligo. There is at present an opportunity of obtaining a very perfect object-glass 13 inches in diameter, and the Astronomer Royal has proposed to me to take a Vote for its purchase and for the erection of the necessary machinery and building for its use. To that Vote I am convinced the House will most willingly assent. The next Vote is £153,795, for Her Majesty's establishments at home. The greater part of the increase in this Vote has been rendered necessary by the pressure of work in the dockyards; but it also includes an item which, as it may provoke some opposition, I think it right to explain. We found that there are in the navy a considerable number of Roman Catholic officers and soldiers, and we thought it was but fair that they should, when in port, have the opportunity of attending the performance of Divine worship according to the rites of their own Church. We have, therefore, at each of the ports, caused to be prepared, in a ship in ordinary, accommodation precisely similar to that which is provided for the service of our own Church, and in these ships Roman Catholic priests have performed service hitherto without remuneration. I propose to the House that we should at each port pay a Roman Catholic chaplain for the performance of service to the officers and seamen of the fleet who hold that faith. An impression having existed that there are in the fleet no great number of seamen of the Roman Catholic persuasion, I desired a return to be prepared, showing the number of officers and men who attended the celebration of Divine worship according to the ritual of that Church at the three great ports. I find that yesterday there attended the Roman Catholic service at Sheerness 2 officers and 59 men, and at Portsmouth 120 officers and men. The average number of those who have attended that service at Plymouth since Christmas, has been 26 officers and 197 men. It is exceedingly undesirable that the men should land in port, as such landing generally leads rather to attendance at public-houses than at a place of public worship; and I believe it will be very conducive to the discipline of the service, as well as to the moral character of the men, that they should have the opportunity of attending this service. I, therefore, trust that the sum required for that purpose will be granted by the House. The next three Votes are for the salaries of officers and wages of seamen in the yards at home and abroad. I do not think it is possible to reduce the sums paid for wages. Hon. Gentlemen are aware that during the last year much building has been done by contract; but that is not as satisfactory a mode of executing the work as in our own yards. We find that even the largest contractors seldom have an extensive stock of material on hand, and consequently much of the timber that is put into even the smaller vessels is not sufficiently seasoned. More than that, very few contractors have kept time and delivered the vessels at the period at which they promised them. Two of the largest firms on the river, with whom we had contracts, have failed in the last two or three months, and I am afraid that the vessels in their hands will not be ready at the time contracted for. Independently of the greater punctuality insured by such an arrangement, I cannot but think that, both as regards the soundness of the materials used and the superior character of the workmanship, the interests of the public will be best promoted by doing the work as much as possible in our own dockyards, instead of giving it out on contract. The amount of repairs necessary to be executed on ships returning from the Black Sea and the Baltic, during the last two years, has been so large that building has inevitably been to a certain extent suspended; but, as the Committee will no doubt be of opinion with me that it is by no means desirable that in this country the building of improved classes of ships required to contain all the result of modern skill and science should fall into arrear, I trust that they will sanction, for next year, the expenditure which is proposed in the present Estimates. The only item in respect of which I can entertain a well-founded hope that there will be a reduction before the close of the year is that which refers to our establishments in Constantinople and the Black Sea. An immediate reduction is scarcely to be expected, for the Committee will not fail to bear in mind that, if peace should be concluded, we shall have to withdraw the whole of our army from the Black Sea, and, for that reason, the amount of work thrown on the establishment at Constantinople will in the first instance be necessarily very great. For this reason it may be necessary to increase the expenditure on account of transports. The next Vote is for stores, and it will be seen that upon this item there is a reduction of about £500,000, chiefly owing to the large supply which we now possess of some essential articles of stores, the means of purchasing which the House of Commons placed last year at the command of the Admiralty. The main article is that most necessary commodity—hemp. It was but natural to expect that the war would interfere with the regular and abundant supply of Baltic hemp, and, under these circumstances, an offer was made to the Admiralty of a large quantity of Italian hemp, which has been received, and which has proved of excellent quality. 500 tons of Hungarian hemp was also offered to the Admiralty, and it was thought advisable to accept them, not only that we might insure an ample stock of so essential an article, but because it is desirable to extend the area of supply, and so secure the double advantage of a larger market and a cheaper price. In 1854, Baltic hemp was sold at £66 per ton. 6,600 tons of the Italian article have been purchased since then, at about £52 per ton, and the result has been that Baltic hemp has fallen to £44 the ton. In other words, a reduction of more than £20 per ton has been effected in the price of the Baltic hemp by the act of the Admiralty in buying the Italian commodity, which turns out to be of a very good quality. We have now nearly doubled the stock we had in hand at the beginning of last year, and are therefore independent of any unfavourable contingency that may hereafter arise. Having this supply in our stores, we should not suffer inconvenience, even though the sources heretofore open to us were now to be closed. Copper is another important commodity, of which, that it might be at hand in any required quantity for the purposes of the dockyards, we last year laid in so large a stock that we can afford to make a considerable reduction in the supply now demanded. The item which relates to the purchasing and repairing of steam machinery for our steamships is necessarily a very heavy one, for, independently of works that may be hereafter projected, we shall have to pay a large sum for vessels already ordered. It is to be understood, therefore, that this Vote does not refer merely to future objects, but that a large portion of the expenditure is due on account of work which, though in a very forward state at this moment, will not be actually completed so that payment can be made before the close of the present financial year. The large increase in the number of steamships frequenting the Baltic renders it unavoidable that there should be a proportionate augmentation of the expenditure on account of coal. However, I mean to ask for something less than appears on the face of the Estimates. I am not in a position to make a sweeping reduction, but I propose that, instead of £3,500,000, as originally intended, we shall take under this head a Vote for £3,000,000. I come now to the Vote for new works, improvements, and repairs of building in our dockyards and other establishments. I need scarcely observe that the introduction of steam is causing a complete revolution in the construction and cost of the navy. Fully one-third of the expense of a new ship is now due to the machinery, and I think I should be justified in computing that a screw ship of ninety guns will cost in the proportion of three to two, as compared with a sailing vessel. It is obvious that such a system of naval architecture demands extraordinary means and appliances, and renders it necessary that there shall be factories, and new machinery of a costly and complicated character, in all our dockyards. In this respect, we have heretofore had rather too much regard to economy, and I am sure that naval men, who have a practical knowledge of such subjects, will concur with me in thinking that we have rather fallen short of than exceeded the demands of the service. The increased size of vessels renders it necessary also to enlarge the proportions of the docks; and in four of the yards we are at the present moment incurring considerable expense for the purpose of extending the docks in such a manner as to enable them to accommodate the longer vessels which the general use of steam has introduced. For some years back it has been the wise practice of successive Boards of Admiralty to promote as much as possible the introduction of machinery into the dockyards. This desirable object will be materially promoted by the Vote we mean to submit this year, and I am particularly anxious that the Committee should bear in mind that a large item is due on account of that Vote for machinery, which will improve the work done in the yards, and, by economising labour, eventually diminish the cost of production. Another item in this Vote is for the building of marine barracks at the head-quarters of the various divisions of Marines. This is an expenditure which I doubt not the Committee will approve, for the marines have done good service to the country, and I cordially concur in the hope expressed by the right hon. Gentleman who preceded me in office, that no Government will take so injudicious a step as to reduce the numerical strength of that valuable branch of the service. They have at all times been most useful as far as the discipline of our ships is concerned, and on many occasions, recently, as well as formerly, they have proved that they are not inferior to sailors afloat or to soldiers on shore. The sanitary arrangement of these barracks will necessarily involve some slight additional expenditure, but this consideration will not, I am sure, prevail against improvements which modern science and experience have shown to be desirable. The next Vote is for the medical supplies of the navy, and under that head I propose the same Vote as last year—£65,000. On the miscellaneous votes I do not know that it will be possible to make any considerable reduction. They are very nearly the same as last year, the only material increase being that occasioned by legal proceedings arising out of a state of blockade. I now come to the Vote for half-pay. Here there is an increase, which was inevitable under the circumstances, and which will, I trust, be a sufficient answer to my hon. and gallant Friend near me (Captain Scobell), and satisfy him that we have not been niggardly in the promotions we have made in consequence of the war. The increased expenditure under this head is simply attributable to the fact that a number of officers have been promoted for gallant services since the commencement of hostilities. On this account alone, upwards of 100 lieutenants have been promoted to the rank of commander; and, although there may be in consequence a greater number of commanders on the list than can at the present moment be employed, there is no one, I am sure, who will deny the justice and expediency of giving to these officers the advancement to which, by their merits, they are manifestly entitled. On these and some other items I shall make some further observations by and by; but I leave them for the present and pass on to the other Votes. I come, then, to the good-service pensions. The hon. Gentleman animadverted upon the bestowal of these pensions upon two officers in particular; seeming to think that the pensions had been conferred upon them, not for service, but because they were members of aristocratic families; and, although he did not mention their names, nobody, referring to the Estimates, could fail to identify the individuals to whom he alluded. It would, therefore, be needless delicacy on my part to withhold the names of those two officers, while I give the reasons for our bestowing these rewards upon them. The first of them is Captain Keppel, who has seen more active service than almost any other officer of his rank; and, if my hon. Friend behind me were to poll the entire navy, he would find its unanimous opinion to be that there is not a better, more gallant, or more deserving officer in the service. Captain Keppel has distinguished himself on every occasion in which his services have been called into requisition, the most recent instance of this having occurred during his command of the naval brigade before Sebastopol, and, if such a mark of honour is to be conferred at all, I declare I do not know an officer on the list to whom it could be more appropriately given. The second officer to whom my hon. Friend referred is Lord Clarence Paget. It is true that Lord Clarence Paget has not seen the same amount of service as Captain Keppel; but there are two officers, Lord Clarence Paget, and the officer whose name stands on the next page, Captain Henderson, whose sea-service is of about the same duration, to whom good-service pensions have been given for the same reason, namely, that both were excellent and most deserving officers, and both have been compelled to return home from ill health contracted in the service. Lord Clarence Paget served in the Baltic last year, and was then sent to the Black Sea. He was employed on shore in various ways by Sir E. Lyons until his eyesight completely failed him. I believe that he has irrecoverably lost the use of one eye, and was in imminent danger of also losing the use of the other; and being, moreover, as excellent an officer as there is in the navy, we thought a good-service pension would not be ill bestowed if it were awarded to him. The same remark applies to the case of Captain Henderson, who is not open to the objection of belonging to an aristocratic family, and therefore cannot be said to have received his pension for the reason to which Lord Clarence Paget's has been so unjustly ascribed. Captain Henderson is an officer of very fair service, although not longer than that of Lord Clarence Paget; he was selected by my predecessor in office for the command in the West Indies, where he acquitted himself with admirable judgment, discretion, and skill. He was compelled to return home from ill health, and it was my duty to allow him to leave without being previously relieved, in order to save his life. Under these circumstances I deemed him not undeserving of a good-service pension. After these explanations, I hardly think that the Committee, or even the hon. Gentleman behind me, will regard these pensions as having been improperly or unfairly bestowed. In the next Vote, for pensions, there is a slight increase, in consequence of the extension of the boon of a higher rate of pension to the widows of officers dying from ill health contracted in the service; but the main increase in this branch of the expenditure is owing to a change that has been made in the mode of paying to seamen their Greenwich out-pensions. The seamen will be placed this year on the same footing as the army in regard to these pensions, which will be paid to them in advance instead of at the end of the quarter. The next Vote is for civil pensions and allowances, and amounts to £147,685. This item so entirely depends on the health and mortality of the service, and the rules which regulate its distribution are so fixed and unchangeable, that there is very little variation in its amount one year as compared with another. The next Vote, which is for the transport service, is very large; and, although I propose to take a smaller sum than that which appears on the Estimates, namely, £6,971,537, inclusive of the charge for prisoners of war—yet, if it should so happen that peace is shortly concluded, the whole of our troops will in that case have to be brought home from the shores of the Black Sea, and it must be obvious that there can be little or no reduction in this vote. The freights of most of the vessels have been reduced, and on that account a smaller sum will be chargeable than was required last year; but, on the other hand, the sum taken for coals has turned out to be inadequate to meet the demands of the service; and in the case of many of the other items, such as those for the fitting of the transports, bedding for the troops, forage, &c., the amounts taken have also proved insufficient. Therefore, looking to the larger force that we now have in the Black Sea than we had before, we propose to take a larger sum, which the experience of last year has shown to be requisite. In like manner there will be a slight increase in the Vote for the maintenance of prisoners of war, because we have more prisoners to keep now than we had last year; we have to bear the expense not only of those who are in this country, but of those who are at Constantinople. As long as these persons remain prisoners of war they must be maintained; the account can only be checked when it comes in, and it would be unwise not to make an ample provision under this head. The Committee may, perhaps, like to know the amount of service which has been performed in the course of the past year by our transports; and I shall, therefore, read the number of the troops which have been conveyed by sea within that period. The numbers of men moved are as follows: To the Black Sea from Europe.—British from England, 50,000; military corps from ditto, 5,000; Foreign Legion ditto, 5,000; French from south of France, 26,000; Sardinians from Genoa, 19,000. Total, 105,000. To the Mediterranean.—Militia from England, 5,000. In the Black Sea and the Mediterranean.—British from the Mediterranean, to the Black Sea, 20,000; French in the Black Sea, 5,000; Turks in ditto, 58,000; Turkish Contingent, 22,000; British in the Black Sea, 20,000; Kinburn expedition, 3,500. Total, 138,000. Troops moved elsewhere, invalids, &c., 46,000. Total number of troops moved within the year, 294,000. And I am happy to say that with the exception of the burning of a single vessel, this vast amount of work has been performed without a disaster. It is only fair that I should bear testimony to the exemplary conduct and care of the masters of the transport ships, whether belonging to the Royal Navy or to the merchant service, for it was mainly owing to their great skill and diligence that the service has been so satisfactorily accomplished; and it afforded me much pleasure to hear the hon. Member for Northamptonshire (Mr. Stafford) speak so highly as he did the other night of the admirable state of our transport service. The only other Vote is that for the packet service, on which there is a small increase in consequence of contracts ordered by the Treasury for the conveyance of mails to Shetland and Orkney. I have now gone through the various items comprised in these Estimates; and I am not aware that I have omitted calling the attention of the Committee to any material points in the proposed Votes, with the exception of such as relate to improvements in the condition of several classes of officers and men. I said that I should postpone any remarks upon this subject till I could present to the Committee, in a single view, the causes of the additional expense in the shape of pay, retirement allowances, and pensions, which appears in the Estimates. To do this fairly, however, I must revert to a period some little time back, because, what we are doing now, and what has been done in the course of last year, is merely the sequel and consequence of a series of measures which have been in constant progress during the last eight or ten years. Whatever Government may have been in power during that period, a continuous improvement in the condition of every class in the navy—from the Admiral to the cabin-boy—has been steadily going forward from year to year during that period. I might, indeed, go further back, but it will, perhaps, be enough to enumerate the various measures which have been adopted since 1845. It is much the fashion for hon. Gentlemen to tell us night after night that the officers and men of the navy are neglected and uncared for by the Admiralty; and I dare say that those who make these assertions do so sincerely believing them to be true, from not having taking the trouble to inquire into the facts. I feel it, therefore, my duty, in justice, not so much to myself as to those boards which have preceded me, to go through the various improvements which have been made in the condition of every officer and every man in the navy. My hon. Friend behind me referred to-night, as well as the other evening, to the number of admirals, but he mixed up with the active list the reserved list of admirals, of which the vacancies will not be filled up. The number of admirals upon the active list was fixed by Order in Council, in 1851, at ninety-nine, and at the same time ten reserved service pensions of £150 a year were assigned to such admirals as were willing on receiving this acknowledgment of their services to retire from the active list. With regard to the captains, by Order in Council the number of officers to be permanently retained on the active list was fixed at 350—the reduction to that amount being gradual, as officers attained the head of the list. I know that my hon. and gallant Friend opposite complains that his name appears on the reserved list. [Admiral Walcott: I did.] But unless some such course were adopted, it would be impossible to bring the number of officers down to a number consistent with what it would be possible or right to maintain in a state of peace. To use, perhaps, a strong term, besides being deceitful, it offends the common sense of the public to see a large number of admirals and captains on the active list, when it is perfectly well known that a very small number only can be employed. What was done was this.—A reserved list of admirals was made, consisting of captains who had reached the head of the list without having served a certain fixed period as captains. They become admirals, rising in rank, but with the pay only of rear-admirals. The number of such admirals is not limited. There are at present about seventy, but there will, necessarily, be fewer promoted in this way, as the number of names on the captains' list is reduced. Besides the reserved admirals, there is also a list of retired rear-admirals and captains. This list consists of 200 officers of the two ranks. By two Orders in Council of 1846 and 1851, it is provided, that any captain fifty-five years of age, and of ten years' standing on the captains' list, may take this retirement, if there is a vacancy. The option is given to them according to seniority. If—as is now usual—such officer is on the half-pay list of 12*s.* 6*d. per diem*, he receives 18*s. per diem* on his retiring; and then he may rise to 20*s. per diem*, and ultimately for a limited number to 25*s. per diem.* There are, therefore, two modes by which captains may go upon retired lists. If they reach the head of the list without a certain amount of sea-service, they take the half-pay of 25*s.* a day as rear-admirals; and if they choose they may retire, after ten years' service, with pay, rising from 18*s.* to 25*s.* a day. In the course of the present year a change has been made in the mode of paying captains. Instead of being paid according to the rate of the ship in which they are employed, they are henceforward to be paid according to their standing on the captains' list. It may be desirable, on account of the importance of the command, to employ a captain of high standing in a small ship, and I think it would be a great injustice to give the lower rate of pay. It is therefore now provided that captains shall be paid according to their standing in the list, in whatever class of ship they may serve; and, at the same time, we have raised the pay of the lower class of captains, that is, of all below the first 170, because we thought it not adequate to meet the expenditure which in these days they may be called upon to incur. With regard to the next list, that of commanders, the number in 1851 was fixed at 450. A certain number were placed on the reserved list, and fifty were promoted by selection to be reserved captains, with the lowest rate of half-pay as captains. At the same time fifty additional retirements were given to commanders by seniority, making, with the fifty retirements already given in 1840, 150 retirements for commanders. They receive the lowest half-pay of captains. I do not think that by these measures adequate retirement has been provided for this rank of officers. There should be large means of retirement for officers of the rank of commander, because it is the rank in which there is the greatest natural tendency to accumulate far more officers than can be employed. The number of lieutenants employed in the navy is very much larger than the number of commanders. It is, however, this step from lieutenant to commander, which is most anxiously looked for. It is impossible, and would be unjust to deny the step to many most meritorious officers; and yet there is a very limited power of employing officers when they have received their well-earned promotion. Many of them must inevitably be put on the shelf for want of the means of employment. They grow old in this rank, and cannot hope to gain promotion to the active list of captains. Indeed, many of them could not hope to render efficient service if promoted. It is for these reasons most essential to provide longer terms of retirement for the rank of commanders than for other ranks in the service. We have, therefore, proposed to add, subject to the sanction of a Vote of this Committee, fifty more to the number, to be promoted by selection to be reserved captains, and 150 more to those rising to the same rank by seniority. There will, therefore, be 250 commanders who rise to the position of reserved captains by seniority, to be reduced ultimately to 200; and 100 who will be promoted to that rank by selection. It is arranged that those appointed by selection shall not be appointed all at once, but at the rate of fifteen per annum until the whole number is completed. With regard to lieutenants the number was fixed by Order in Council in 1851 at 1,200, and the number is about that at present. Power was also given in 1851 to promote fifty by selection to be reserved commanders, with the lowest half-pay of commander. That was felt to be a great boon, and I propose to double the number. This increased retirement for commanders and lieutenants is the principal source of increase in the half-pay Vote; but I think it only just and fair to the officers, while it is equally fair and beneficial to the public. [Mr. WILLIAMS: Hear, hear!] In 1846 half-pay was given to mates after three years' sea service if they were unable to obtain or were unfit for service. Before that time, if disabled by ill health, they were discharged without any half-pay at all. With regard to midshipmen, a great change was made in 1850, rendering indispensable an examination at the end of four years, and two years' sea service, subsequent to passing that examination, is required before they become mates. I come next to the class of masters. A more meritorious class of officers does not exist, and they have not been neglected by successive Boards of Admiralty. In 1846 a regulation was made that the time as master should count as lieutenant's time to qualify for promotion to the rank of commander. In 1855 it was arranged that masters should be paid by service and not by rate, their full pay was raised, their half-pay was raised, and ample means of retirement were given. If they were qualified for first or second rates they retired after fifteen years with the rank of commander, after twenty years with that of captain. In the present year it is proposed—and the proposal only waits the sanction of the Treasury, and an Order in Council—to increase further the pay of two classes of masters. I should also mention that in 1852 half-pay was given to second masters if unfit for service or unemployed, in the same manner as to mates. The next class are the engineers. They have been in a very anomalous position, incidental to the comparatively recent application of steam to the navy, and they naturally desire to be placed on a permanent footing. A measure is prepared, and waiting only the sanction of the Treasury, which places them substantially on the same footing as masters. They are divided into classes like masters; they will have the same pay; they will be entitled to the same half-pay; they will have similar pensions granted to their widows and families, and will wear a similar uniform. An Order in Council was passed in the present year, increasing to a certain extent the full pay of chaplains. An Order has been also lately passed, increasing the half-pay of naval instructors, after fifteen years' service, and giving retirement after twenty years' service. With regard to medical officers, in 1855 inspectors and deputy-inspectors had an advantage in point of time granted to them towards retirement; staff surgeons received higher pay in certain temporary situations; assistant-surgeons had an additional 1*s*. a day, were placed in the ward-room mess, and are to have cabins when possible. There has been a great change made in the condition of secretaries and paymasters. Paymasters used to be paid by percentage, which led to great abuses. They have been placed on a rate of pay amounting in some cases to £600 per annum, with half-pay of 10*s*. 6*d*. *per diem*, and an addition of 2*s*. on retirement. For assistant paymasters and clerks there is a new scale of pay, with half-pay if they are unfit or unemployed. It has also been determined that pensions shall be given to the widows of officers who die from disease contracted in the service. With regard to the marines, non-commissioned officers have been appointed adjutants or quartermasters to the dockyard battalions; increased retirement allowances have been given to colonels, colonels who are second commandants, lieutenant-colonels, and captains; the fixed list of general officers has been placed upon the same footing as that of the army; the retired list has been revised; gratuities and pensions for good service have been extended to this force; and in the course of last year two artillery companies have been added, the officers and men of these companies receiving increased pay. But the care of the Admiralty has not been confined to officers only. In 1853 the pay of all warrant officers was increased from 20 to 25 per cent, and it was provided that special pensions should be awarded to them in case they were rendered incapable of service by ill-health or other causes. In 1849 the petty officers had new ratings in all ships, and in 1853 they were divided into three classes, with higher pay, gratuities, and pensions. With respect to the seamen, a new rating has been introduced—that of leading seamen; with additional pay at the rate of 2*d*. a day above the rating of *A. B.* and with exemption from corporal punishment, except by sentence of court-martial or for mutiny; good-conduct badges have been adopted, and a higher rate of pay has been given to men who enter for continuous service. Arrangements have also been made for enabling seamen to allot their pay to persons who are not members of their families—in fact, to whomsoever they please. When a ship is brought into harbour to be refitted, leave of absence is now given to the men for a month or six weeks, during which time they receive full pay, and they thus have the opportunity of visiting their families and friends without the loss of pay or of time, and they are not exposed, as was formerly the case, to the risk of being caught up by crimps. An uniform system of minor punishments has been established throughout the navy, and a "defaulters' book" is kept in each ship, in order to provide a check on them. Some hon. Gentleman referred the other day to the clothing of the seamen; and I may, therefore, inform the Committee that the prices of clothing have been revised and reduced, and hon. Members will find in Vote No. 1 of this Estimate no inconsiderable sum proposed as an annual charge upon the public, in order that our sailors may be furnished with good clothes at a lower price than their actual cost. The provisions issued to the seamen have also been improved both in amount and quality. A great improvement has been made with regard to the admission of seamen into Greenwich Hospital. Formerly, owing to carelessness on the part of the admitting officers, a great many men obtained admission into that institution who, I believe, were not entitled to its benefits; but it is now provided that none shall be admitted but those disabled by wounds, unless they have the recommendation of at least ten years' good servitude. Another change has been made, which may seem of little importance, but which has proved a great benefit to the sailor: the examinations for pensions are now conducted at the outports. Formerly, all persons entitled to pensions were compelled to come to London for examination, and had to find their way here as well as they could. Under that system great hardships and expense were entailed upon them from which they will now be relieved. An hon. Member, the other night, impressed upon us the importance of introducing boys into the service, and seemed to complain that the subject had not received proper attention from the Government. If, however, hon. Gentlemen will look to the Estimates, they will find that the number of boys voted separately for the navy was last year increased from 2,000 to 10,000. But I may observe that it is not desirable to increase too rapidly the number of boys, beyond what can be gradually absorbed into the service, as they grow up to manhood. The system of novices entered for the service is also working extremely well, and I am sure that naval officers must observe with surprise the skill and discipline to which youths have in no long time been brought, who were but lately at the ploughtail. Great improvements have been effected in the condition of persons in all ranks of the service, from the admiral to the boy who has just entered; and I think the Committee will do, not only the present, but former Boards of Admiralty the justice to admit that they have not been negligent in the discharge of their important duties. There is no class in Her Majesty's navy whose condition has not been improved by the considerate attention of those who have presided over the administration of that branch of the public service, aided by the liberality with which this House has met the demands that have been made upon it. I now turn to our civil establishments. In

1847 all the regulations relating to the dockyards were revised, and restrictions were adopted with regard to the admission and promotion of artificers. The Admiralty now require from the superintendents of the various dockyards an accurate and faithful account of the manner in which that duty is discharged; and the same course is pursued in the case of the victualling-yards, factories, and workshops. These subjects have been carefully considered by a committee appointed by the Board of Admiralty, and during the last ten years there is not a single branch of the naval service, afloat or ashore, abroad or at home, which has not been the object of revision and improvement. In some instances additional expenditure has undoubtedly been entailed by this process; but the House of Commons have, in successive years, most liberally met the demands which have been made upon them in order to effect these improvements, and I think an ample return is to be found in the present condition of our navy. I do not believe that at any period in the history of this country our naval establishment has been in a state of greater completeness and efficiency than at the present moment. Look at the improvement and development of steam power as applied to our fleet. Why, last year not a single sailing ship of war appeared in the Baltic,—all were either paddlewheel or screw steamers. All the line-of-battle ships which are not screw steamers have been withdrawn from the Black Sea, with one exception—that of a vessel left as a depôt ship; and only three or four sailing line-of-battle ships are left afloat in our home ports, except as storeships. This change has, of course, been attended with considerable expense, but it has added enormously to the efficiency of our naval force. Look, too, at our officers. Have they not deserved well of their country wherever they have been engaged in operations? Have they not maintained, and even increased, the ancient reputation of our navy? The Russian Black Sea fleet, it has been truly said, has been swept from the sea. It is true there may be two or three steamers at Nicholaieff, or in the river Don; but every Russian ship of war in the Black Sea has been burnt, sunk, or destroyed by us or by the Russians themselves. We have destroyed all the vessels that were employed to convey Russian stores and supplies. From Odessa to the Straits of Kertch, and throughout the Sea of Azoff, not a Russian vessel of any size above a small boat remains. Along the entire coast the destruction of stores by our fleet was enormous, and there were performed in various instances exploits worthy of the proudest days of the British navy. At one point 200 sailors landed in the face of from 3,000 to 4,000 Russians, beat them off, and destroyed an immense amount of stores of corn stretching for miles along the shore. One consequence of all this—and that a most important one—was an exorbitant rise in the price of provisions to the Russian Government. Only this morning I received a communication which shows how completely the means of communication have been interrupted. It is there stated that while wheat was selling at 15*s.* per quarter at Taganrog, it was 30*s.* a quarter at Berdiansk, a circumstance which can only be accounted for by the impossibility of keeping up a communication between the two places. My hon. Friend (Mr. Williams) says the Baltic fleet came home having done nothing. I believe, on the contrary, everything was done that could have been reasonably expected. At Sweaborg, to which reference has been made, I believe everything that was inflammable was destroyed—nothing that could be burnt escaped destruction. For five days the conflagration was raging, and everything combustible in the place must have been reduced to ashes. It is impossible to tell exactly how many of the enemy fell, but I believe that in one explosion not fewer than 1,000 men were destroyed. Indeed, nothing could exceed the skill of the arrangements which were made for this operation, or the gallantry and precision with which the fire was maintained from the mortar boats and rocket boats on this occasion. So at all the other ports of the Baltic Sea, no Russian ships were allowed to swim; public buildings were everywhere burnt; every vessel that made its appearance, and was a fair subject of hostility, was either taken or destroyed, and yet all this was done with a proper regard to private property. I confess I do not think that these services deserve the sort of mention which the hon. Gentleman has made of them. I think they were most able, skilful, and effective services. It is said, why was not Cronstadt attacked? On this point I may state that we had not, with regard to small vessels, the strength on which we at first calculated. An agreement had been made between the French and English Governments to send a certain number of gun boats, mortar boats, and floating batteries to the Baltic. Afterwards the French Government changed its views as to the best mode of carrying on the war, and they sent their floating batteries to the Black Sea; but, although we had the number of gun boats and mortar boats originally intended, yet the whole number originally agreed upon was not sent owing to circumstances and the change of purpose that I have mentioned. In every other respect, however, what we meant to execute was performed, and I am happy to be able to say that, throughout all these operations in both seas, the most perfect cordiality existed between the naval commanders-in-chief, the officers and men of the two countries. They rivalled each other only in their desire to discharge all the duties imposed upon them, and in their zeal for their respective services, the only jealousy—the only difference—being which of them should be foremost in any undertaking which they had to accomplish. In the commencement of last year the Government was most anxious to provide ample means for carrying on the war more vigorously and efficiently than previously, and, therefore, I gave orders, after having obtained the sanction of a Vote of the House of Commons, to provide a larger number of vessels of small draught of water. Gentlemen must see how great an advantage there is in having such a force employed in shallow waters, and therefore I ordered a very large number of gun boats and gun vessels with a light draught of water. In 1854 there were constructed and bought thirty-four gun-boats. This year we have constructed in this country 152, besides others in the Mediterranean; so that if peace is not concluded we shall have about 200 gun boats of one kind or another ready for service. The construction of these gun boats has answered remarkably well, and in the Black Sea as well as in the Baltic they have performed most effective service. A naval officer told me that he could compare the movements of these gun boats to nothing so well as to the graceful evolutions of a skilful skater on the ice. I have also taken measures to provide a sufficient number of mortar vessels, having given orders for the construction of 100 of them, and we shall also have ready eight floating batteries; so that, if it is necessary to undertake another campaign, the number of vessels which the Government will be able to send will be such as I think will enable us to carry on the war even with our own resources in such a manner as will be perfectly adequate to cope with whatever force the enemy may bring to meet us. No one is more anxious than I am that peace should be established, for the sake of Europe and ourselves; but if we are to carry on the war, I think the Committee will agree with me that measures ought to be taken for doing so with the greatest vigour and efficiency. If, unfortunately, peace should not be made, we shall be ready, as soon as the sea shall allow us to commence operations, with 350 British pennants floating in the Baltic, and 100 in the Black Sea. So far as human means can do so, we have taken measures to insure victory. We know well that victory is not always to the strong, and God forbid it should be so in an unrighteous cause; but in a struggle undertaken from no selfish motive, in a war waged against the grasping power of Russia, and for the protection of an ancient ally from the domineering aggression of a powerful neighbour, I trust we may appeal to the Almighty Disposer of Events to look down with favour on those human means which it is our duty not to neglect, and I hope we may, not without confidence, implore Him to bless our arms with victory. The right hon. Gentleman then moved a Vote of £204,022 to meet the excess of expenditure on the sum voted for the year ending the 5th of April last.

ADMIRAL WALCOTT: Sir, I have listened to the statement of the Naval Estimates of the year, made by the right hon. Baronet the First Lord of the Admiralty, with that attention to which it is entitled. I very willingly give the Board of Admiralty their due praise, for a careful summary and review of matters, so important to the efficiency of the service, and so imperative at the present crisis. From the commencement of the war, I have been the advocate of its prosecution with vigour and resolution. I rejoice to find that the errors of the past have been accepted as warnings for the future. From the fact of the provision of a description of vessels calculated to promote the efficiency of the Baltic fleet, I augur achievements equal to those of the palmiest days of the heroic Nelson, should the war, unhappily, be prolonged.

I never have been one of those who thought lightly of the services of that expedition. It invaded the waters of Russia, insulted her coasts, and despoiled Finland of a formidable fortress. It prevented that fleet of twenty-eight ships of the line from weighing anchor, on which the gallant Admiral, the late commander-in-chief in the Baltic, pronounced only a few nights since the highest praise, when he mentioned, that, in the summer previous to his arrival, it had put to sea and manœuvred in the presence of the Czar, forming two lines of battle; and, when the signal was given by him for the weather-line to break that to leeward, so compactly had they formed, that only one ship succeeded in forcing her way through. The Emperor at once promoted her captain to the rank of rear-admiral. Although the gallant Admiral stated, in a late debate, that his own fleet was badly manned, I am firmly convinced that, had the Russians put to sea and engaged him, he would have been enabled to write a similar despatch, to the characteristic letter sent home by Admiral Hawke to the Admiralty, "The enemy's ships were very large, and so took a great deal of drubbing." No less is the estimation with which I regard the great and valuable services of the Black Sea fleet. But I cannot believe that, with the indomitable courage displayed by Russia on shore in defence of her country, her navy was afraid to put to sea.

Sir, I had other observations to offer on the subject of the Estimates, but my recollection of their tenor has been interrupted by the personal, and, I regret to say, unworthy allusion to myself by the First Lord of the Admiralty, when he stated that I considered myself aggrieved by the transfer of my name to the reserved list, leaving the inference that this was my sole cause of complaint against the Board. I know of no alternative, more full of pain to any officer, than when it lies between a silent endurance of depreciation, or a personal indication of merit. In the old proverb, for the word "discretion," I would substitute "modesty," "is the better part of valour." I will, therefore, merely mention that, in the year 1823, I was enabled, by God's goodness, to perform a service, designated by my commander-in-chief as "brilliant;" and for it he recommended me to the Board of Admiralty for the Order of the Bath. This was confirmed by His late Majesty, when Lord High Admiral; and the same was submitted to the Sovereign: the limitation as to the number of the Companions was the sole cause why the distinction was not actually at that time conferred. A minute of the Board of Admiralty in 1846 renewed that recommendation.

My charge against the Board is this:—I never intermitted any exertion to gratify the laudable ambition which urged me to serve my country afloat. From the year 1823—immediately on my recovery from a severe illness of several months, the result of my exertions in the performance of that service to which I have alluded—until the year 1852, when I was, against my will, placed on the reserved list of admirals. I reiterated in vain, throughout a period of nearly thirty years, my applications for employment on any station and in any description of command. Those letters lie in the records of the Admiralty as my undoubted witnesses. I therefore considered it a most unjust act to place me on the reserved list, where I should be effectually debarred from active service, from winning any fresh honour, or adding to the existing claims for the Order to which I had been already recommended.

These, Sir, are my grounds of accusation against the Board of Admiralty, whose conduct would prejudice, and is unworthy of, any Government. Had they considered that from age or infirmity, which I emphatically deny, I was ill-fitted for service, though the good of my country might have been consulted by my displacement from the active list, yet its sense of justice demanded that at least I should be decorated for my past action in the manner their predecessors had deemed my due.

I greatly regret so far to have trespassed on the indulgence of the House, but hon. Members will, I trust, sympathise with my feelings, and believe that I would have avoided the topic had not the right hon. Baronet forced me to reply, by making a personal allusion to my position, and withholding every word of praise or consideration for my past career. I would not disparage any merit, much less that of a brother officer: I love my profession too dearly; but I may ask, without offence, if several of them were given the command of ships successively in peace-time, when few vessels were in commission, how was it possible for those less fortunate to serve their sea-time on the active list? Sir, I can honestly say, that never did I feel in a long life more pain than being necessitated in this place, and at this moment, to address hon. Members on my own behalf.

Sir CHARLES WOOD said, he was sorry the hon. and gallant Gentleman should have felt that he had anything to complain of at his hands. The hon. and gallant Member should recollect that it was not his (Sir C. Wood's) doings that he was placed on the retired list.

MR. CAYLEY said, he begged to inquire of the First Lord of the Admiralty what were the advantages he proposed to confer on that deserving class—the masters of the Royal navy?

SIR CHARLES WOOD said, that what he proposed to do for the masters was to raise the pay of two of the classes.

MR. H. BAILLIE said, he trusted an opportunity would be taken to improve the system of education at present adopted in the navy, by having a better class of naval instructors. He thought the naval instructors should be able to give instruction in French. It would require their numbers and their pay to be increased, no doubt, to carry out an efficient system of education. The subject he considered was well worthy the attention of the First Lord of the Admiralty.

SIR HENRY WILLOUGHBY said, he wished to make some observations upon the Vote before the Committee, inasmuch as the right hon. Gentleman the First Lord of the Admiralty appeared to misunderstand what he had said before Mr. Speaker left the chair that evening, with reference to the excess of expenditure. He thought that the explanation given by the right hon. Gentleman was quite satisfactory. The point to which he (Sir H. Willoughby) directed his comments was, however, one altogether apart from that statement. He found in the expenditure of the year an item amounting to £654,000, which sum had been expended without the sanction of the House. That was his objection. Under the single heading of naval stores he found that £435,000 had been expended, in addition to three Estimates presented, and which amounted in the year to £2,827,000. He wished, therefore, to point out that it was an unusual stretch of power on the part of the Executive to lay out £435,000 upon a single item of naval expenditure without any authority of that House. It mattered not from whence the money came—he knew it came from the excess of Supply in other parts of the Estimate—the question was, whether the Executive were authorised to make that expenditure? He knew that the Appropriation Act gave certain power to the Lords of the Treasury, with the approval of Her Majesty, to make certain changes in the expenditure of the public money; but he thought it was going a long way for the Government to spend nearly £500,000 upon naval stores without the authority of that House. The principle he contended for was this—if the Government could expend the sum of £500,000 without the authority of Parliament, they could also spend millions. He wanted to see whether this power ought not to be placed under some control. It was idle now to discuss this particular Vote. There was no use in asking whether the money had been properly expended or not, for it was gone from them. He thought that the conduct of the Government in that respect was an interference with the functions of the House of Commons; for if the principle upon which the Government acted was generally admitted, it would be utterly impossible for them to exercise their function of controlling the public expenditure.

MR. BENTINCK said, he must beg to express his gratification that the attention of the Committee had been called to that list which deprived the country of the services of so many gallant officers. It was impossible for the human mind to imagine a greater absurdity than that list. A man was told, at the expiration of a certain number of years, that because he was not on active service he should be placed on a list that would render him ineligible to give his country the benefit of his valour and naval ability. Why, let them carry that system to the extreme, and they might have every efficient naval man in the kingdom on that list. That was a perfectly possible case. He had never heard, either from an official of the Admiralty or any other person, what he could call a defence of the reserve list; but if anything could be said in favour of a system which presented such manifest disadvantages, he trusted the House would hear something on the subject from some Member of the Admiralty before the discussion on the Estimates closed.

CAPTAIN SCOBELL said, he had supposed that some Member of the Admiralty besides the First Lord would have risen to reply to the arguments put forward by hon. Members; but as some non-official Members of the House had prolonged the discussion, he would take the same liberty as they had done; and as the naval profession was not so numerously represented in that House as were the army and militia branches of the war service, the few naval officers who had the honour of a seat in Parliament should do the best they could in defence of the honour and rights of the navy. The First Lord of the Admiralty had spoken at considerable length, and had done what was the last thing he (Captain Scobell) would have ventured on but for the example of the right hon. Gentleman—namely, touched somewhat in detail on matters which had been very fully discussed a few nights before. However, as matters stood, it certainly would not do to let the First Lord of the Admiralty have his say, and allow that say to remain unquestioned; for from such a course it might be inferred that there were in the conduct of the naval affairs of the country no matters for criticism, much less for contradiction. In the first place, the First Lord, when speaking of the operations in the Sea of Azoff and the Baltic, had not spoken of what the French had done, he had not even mentioned that they had fired a shot. Now it should be remembered that the French had a force in the Baltic and Black Sea as well as we. The French should not only get their merit for this, but the force they had in those seas might lessen the number of ships that we might otherwise require there. The right hon. Gentleman had spoken of our being in a position to have 350 pendants in the Baltic and 100 in the Black Sea when the season should have arrived. Now he (Captain Scobell) was not saying that we had had too many ships afloat, but it should be remembered that the Russians had not now a single cock-boat afloat in those seas, and therefore our preparations might be a little overdone. He was, however, referring to large ships. Let the Admiralty have as many small ones as they liked, for he would be for sending out small ones instead of such ships as the *Conqueror* and the *Marlborough*, which, though well enough suited to the Western Ocean, drew too much water for the Baltic, and were unable to approach sufficiently near to the points which our commanders wanted to reach. The right hon. Baronet had spoken of the advantage of screws. Well, the screws had not been proved very much yet, and therefore naval officers were not at present in a position to judge of the immense effect which that class of ships would have in naval warfare. He was glad, however, to hear the First Lord speak of the advantage of boys in the navy, because no one who did not go to sea in his youth could be a sailor—and the proposed increase of that class would prove highly beneficial to the navy. The right hon. Baronet had opened the question about the coast-guardmen. It was true that the coast-guardmen were old sailors, but their services were required on the coast. At the same time, he did not blame the Admiralty for having taken them at the commencement of the war, sooner than leave the ships unmanned; he believed that without them the Admiralty would have been very short of hands. However, it should be remembered that the pay of the coast-guardmen who served in the navy was 4*s*., or at least 3*s*. a day; and though the other men might not say much about the matter, the House might depend upon it that they did not like the coast-guardsmen to be receiving three times as much pay as they did. The whole mistake lay in the Admiralty not giving bounty. If they gave bounty they would get seamen enough, and the extra expense that had been incurred by the over pay during the last three years, since the coast-guardmen had been employed, would have paid 35,000 seamen a bounty of £5 each. He must deny the assertion that had been made, that it was improper to bring forward the subject of bounty—the error was in not giving it. The right hon. Baronet said that to remove the coast-guardmen would create inefficiency in the fleet, and that observation proved that the Government were obliged to resort to that method of getting men to mix with the landsmen. Something had also been said about cadets. He wished to impress upon the First Lord of the Admiralty the necessity of keeping down the number of cadets. They could not strangle the old admirals and captains, they must put up with those officers as long as they lived. 2,000 cadets had been admitted since 1845; perhaps he was a little over the mark, but 1,800 or 1,900 had been, at all events. Now not many more than one-half of these had been made lieutenants of; so that the true mode of lessening the number of officers would be by not admitting so many cadets. He considered that an average of fifteen cadets per annum would be quite sufficient for the next ten years. The right hon. Gentleman had charged him with having made erroneous statements in the debate of Thursday night. He would not now re-open that debate, but he would say, that despite of the First Lord of the Admiralty's authority, his judgment, and his importance, he (Captain Scobell) would repeat every statement that he had made on that night. The right hon. Baronet had said something about Sir George Cockburn, who was one of the first naval officers of the day, and one who had devoted his services and abilities to the duties of his official position as First Lord of the Admiralty; but the right hon. Baronet should remember that Sir George Cockburn had, in his will, expressed his disapproval of the manner in which the Admiralty was conducted. The right hon. Genman (Sir C. Wood)—God grant that he might live long—would, perhaps, favour the community by stating his views on the Admiralty question in his last will and testament, for he believed that many a man hid his real opinion while he was in office. With regard to promotion, he had to complain that all the vacancies created by the falling of naval officers in the trenches before Sebastopol had not been filled by the promotion of their subordinates in trench duty. In some few cases they had been so filled; but in too many the contrary course prevailed. The right hon. Baronet had endeavoured to strengthen his case by the reading of a letter. Now he (Capt. Scobell) had a heap of letters, and his correspondents had no fee nor reward to expect from him. Why, a Lord of the Admiralty was in a position to get letters by the hundred in support of his conduct. No naval officer on active duty would be mad enough to write complaints to the First Lord of the Admiralty. Yet because the right hon. Gentleman had one letter, he said, "Oh, nothing is the matter. In fact, so perfect is the system, that discussion on the matter is thrown away. Everything is going on well; and never was there such contentment as that which prevails amongst the officers of the navy." But in reply to that, he (Capt. Scobell) would say, that he had in his possession letters which showed such discontent in the navy, as the right hon. Gentleman could not imagine. Indeed, he had himself been astonished to find such strong discontent amongst the bulk of the naval officers. Those who were employed said nothing; but it was impossible that there could be satisfaction while one man got three ships in a certain time, and another could not get one. The Admiralty should share their patronage, not only in promotion, but in employment also. With respect to the smaller vessels, he thought that the Admiralty should have found better names for these craft than *Clinker*, *Cracker*, *Pincher*, and such like names. Now, there was something in a name, and sailors did not like to be put on board vessels with such names. Next, as to the employment of transports, which was rather a terrific affair, he thought that a great deal of money had been uselessly spent in that way. He believed that the rate of hire paid for the transports was about 40*s.*, or in some instances as high as 50*s.* a ton per month, and there must be from 100 to 150 transports somewhere in the Black Sea and Baltic. Now, in the case of a vessel of 2,000 tons, the hire would be about £4,000 a month, or £48,000 per annum, besides the coaling. Thus for two years' hire of a transport of this tonnage they paid no less a sum than £96,000. What were the men-of-war about? Why could they not carry stores? After the Russian fleet in Sebastopol harbour had been sunken, why could not our men-of-war have done the duty of transport ships? If peace were restored our troops could be brought home by them at a comparatively trifling expense. The French carried almost all their troops in men-of-war, and thus saved a great deal of money. He approved of the system of rewarding the workmen in the dockyards, and wished it to be extended to the army and navy. The ships the Admiralty built were noble ships—nothing could be finer; but, as he had before said, he thought small vessels would be more effective for present purposes. As to the Victoria Cross, he congratulated the country and he congratulated the service on the establishment of that Order of Merit. They might depend upon it that decoration would incite the officer and the man much more than any other which could have been adopted; and it was to him a source of astonishment that it had not been adopted before, but "better late than never." He was glad it had been done; and in his heart he believed that the time would come when that Order of Merit would be more valued than the Order of the Bath by the military and naval man; because when the Victoria Cross was conferred on men they would say, "I myself got it," while the present medals were given for the action of an entire army. Hundreds and thousands of men had got the Crimean medal who had never been under fire. If ten ships went out to action, and five endured the whole brunt of the battle, still the crews of the whole ten would under the present system get the same medal, even though one-half of the ships had never been engaged. That was properly understood by the men as well as by the officers; and consequently the medals were valued but little. With respect to the Order of the Bath, he had received letters from officers containing very severe criticisms in respect of the manner in which the honours of that Order were distributed. Some of those letters, if the statements they contained were correct, would show that the greater merit was passed over while the less was rewarded. With respect to the changes to be made in the commanders' list, he thought the right hon. Baronet's motive very good indeed, but he (Captain Scobell) made some remarks the other night on two classes of retired captains, which the right hon. Baronet had evidently misunderstood. One class was made of men, many of whom had been nearly forty years commanders, and they were put on the retired captains' list, and got 10*s.* 6*d.* a day as their highest retiring allowance. Now after three years they ranked as high as colonels in the army; but they never got more than the 10*s.* 6*d.* a day, though colonels got 14*s.*, 15*s.*, and 16*s.* a day. Why should such a difference be? The other class was the one in the constitution of which he thought the hardship lay, for they were taken by choice, and not, as in the other case, according to their position on the commanders' list, by seniority and service. As to the increase in the wages of seamen, a penny a day was not much, and he hoped the Admiralty would turn their attention again to the subject, with a view of putting the men in such a position as would attach their minds to the service.

SIR MAURICE BERKELEY said, that in reference to what the hon. and gallant Member for Bath had said on the subject of no other member of the Admiralty Board having spoken after the First Lord, he would remind the hon. and gallant Member that the naval colleagues of the right hon. Gentleman had gone over the Estimates before they were presented to the House, and that those Estimates should be taken as coming from the colleagues of the First Lord as well as from himself. It was, therefore, unnecessary for the naval members of the Admiralty to go over the same ground as that which had been taken by the head of the Board. The hon. and gallant Member for Bath and other gallant officers had spoken on the subject of "bounty" to seamen. On that subject he had a very strong opinion. He did not believe that if, at the beginning of the war, they had offered a bounty of £5, they would have got one more seaman than they had at present. The House should remember that able seamen were not walking the streets, or to be found at the plough-tail; they should bear in mind that able seamen were in great request in the mercantile navy. On an offer of £5 by the Admiralty, the merchants would be obliged to offer £10; and the consequence would be that seamen would receive the £5 of the Admiralty in one hand and the £10 of the merchant in the other, and except the Admiralty laid on an embargo on merchant shipping they would sail away in ships. So long as merchant ships went to sea, so long would the services of seamen be required in the mercantile navy; and it was therefore he considered that the offering of bounty would not have produced an additional hand, but would have caused great dissatisfaction amongst merchants. He had been surprised to hear the hon. and gallant Member for Bath say that Her Majesty's ships were badly manned and deficient in discipline.

CAPTAIN SCOBELL: What I said was, that the Black Sea fleet was well manned, but that the Baltic was not.

SIR MAURICE BERKELEY: That was rather extraordinary, seeing that the ships in the Baltic consisted of the better part of the Black Sea fleet. He was further surprised to hear the hon. and gallant Member suggest that the men-of-war should be employed as transports. Why, it was well known to naval officers that nothing disarranged the affairs of a ship or interfered with the discipline of a man-of-war so much as when a raw ship's company was mixed up with a body of troops. Besides, in order to make room for troops on board a man-of-war, she must discharge half her crew, and so, he supposed, it was intended that ships should come home, land half their companies, and then return to fetch the troops and stores. He was quite sure that the freer men-of-war were kept from strangers, the better it would be both for the discipline and the comfort of the crews.

SIR CHARLES NAPIER said, that before making any remarks on the proposed Estimates, he wished to know whether the right hon. Baronet had been correct in saying that the number of seamen and marines to be voted for the present year was greater than that voted the year before last, as he (Sir C. Napier) imagined there was a decrease?

SIR CHARLES WOOD replied, that the number of seamen, marines, and boys, voted in the year alluded to was 70,000, while the Vote for the present year was 76,000, an increase consequently, of 6,000.

SIR CHARLES NAPIER said, he must congratulate the Government on the statement which he had heard from the right hon. Baronet the First Lord of the Admiralty, that there was to be a sufficient fleet of gun-boats and mortar vessels for the Baltic during the present year, and he gave the Government the highest credit for making such preparations at last. Having said that, he wished to make a few observations respecting the Admiralty, although he knew very well it was quite useless for any naval officer in that House, or out of it, to criticise the conduct of the Admiralty or the construction of the Board. The moment such criticism was attempted, up started in defence—first, the First Lord, then the first naval Lord, then the Secretary, and so on through all the Members of the Board in that House. However, he would say, that it was impossible for the duties of the Admiralty to be well performed while one-half of the establishment was at Somerset House and the other half at Whitehall. When the right hon. Baronet the Member for Carlisle (Sir J. Graham) reformed the Admiralty, it was, no doubt, his intention that the whole establishment should be at Somerset House, but he (Sir C. Napier) heard that it was the ladies of the department who objected to the transfer, as they considered Whitehall more fashionable and aristocratic than the Strand. Every one connected with the department, whether First Lord or the junior clerk, must know how impossible it was to carry on naval duties in separate buildings, and yet there was no reason why the inconvenience had not been remedied, only that the Board of Admiralty did not choose to do it. The surveyor of the navy was an officer of great importance, and he had to be telegraphed for from Whitehall to Somerset House four or five times a day, so that during the last five years the surveyor of the navy had positively lived in a cab—perhaps, not slept in it, but he was always riding backwards and forwards from the one establishment to the other. One house had certainly been taken from a junior Lord, but it took five years to effect that change, and how much longer it would take to get possession of the other house for the public service it was impossible to say. Some very splendid buildings had recently been erected at Somerset House, but if the money which had been spent there had been applied to extend the Admiralty, the whole establishment could have been removed to the latter place, and room left at the former for the Inland Revenue and other departments. He might be told, as was sometimes said, that the foundations of the Admiralty were unsound, but was it not possible to find an engineer who could drive in a few piles and make a foundation? He would take away the houses of the first Lord, and of the first sea Lord, and of the second sea Lord, and would, in addition, extend the Admiralty into the gardens behind, which would then afford sufficient room for the whole establishment. The right hon. Member for Carlisle (Sir J. Graham) once proposed a reformation of the Admiralty, which the right hon. Baronet (Sir C. Wood) said was opposed by the late Sir George Cockburn. That was true, and Sir George Clerk also opposed it, because they foresaw what had really taken place, that there would be no responsibility upon any one. According to the Act of Parliament, he believed there were only two persons who could legally sign at the Admiralty. But both the secretaries signed letters, two Lords signed letters, although the Act of Parliament prohibited it. He had received letters signed by the secretaries, by two Lords, and from a clerk named Prosy (*a laugh*); from Mr. Grant, the head of the Victualling Department; from Mr. Dundas, the head of the Stores Department; and he thought from others; all of which was contrary to the Act of Parliament, and ought to be prevented. There were at present six Lords of the Admiralty. The first Lord had the general surveillance of all departments. The senior naval Lord took charge of the ships and the surveyor's department. One Lord had charge of the Victualling Department nominally; another had charge of the stores and the medical department; while the civil Lord had charge of the Accountant General's Department. That excellent officer, the late Sir George Cockburn said, that each Lord was, to a certain degree, responsible for his department; but it happened often that a commander-in-chief received letters of a contrary nature. If the Naval Department was to be properly constituted, the Controller of the Victualling Department should be responsible for his department, as should the Controller of Stores, the Accountant General, and others, for their respective departments. That would enable the country to dispense with three Lords of the Admiralty, and if a first Lord and two others were left to attend to the discipline of the fleet, they would have, in his opinion, the public service much better conducted. The First Lord of the Admiralty said on a former night, that nine-tenths of the matter referred to by the hon. and gallant Member for Bath (Captain Scobell) had nothing to do with the navy, and instanced beef and pork, as if the navy was not fed upon beef and pork. Some Lords of the Admiralty, when first appointed, did not know a brig from a frigate, and the naval Lords were necessarily occupied in teaching them their duties ; thus all that the heads of departments did was to sign papers, or the whole machine would stop. But the Board of Admiralty always told the House everything went on in beautiful order. Every First Lord of the Admiralty told the House of Commons that everything in the navy was carried on in the best manner possible. There was the right hon. Baronet the present First Lord praising himself. There was the right hon. Baronet, the late First Lord, who sat on the bench behind (Sir F. Baring) praising himself; but if you could get any of the officials at Somerset House to speak their minds, they would tell you that nothing could be more confused than the way in which matters were managed. They would tell you that under such a system, it was impossible that the business could be properly carried on. He expected there would be a stir after what he was saying. He saw the hon. Gentleman the Secretary to the Admiralty opposite taking notes ; but it was his duty to tell the House the truth. Let any hon. Member, if he had a friend in Somerset House, ask him his opinion privately. He had himself met the previous day one of the gentlemen in a railway train who had been in Somerset House ; and his exclamation was, "Thank God I can now speak the truth !" Sir George Cockburn's was a better plan than the one now followed. That gallant officer recommended —and he (Sir C. Napier) had also often recommended—that the Rear Admiral of Great Britain, who held at present a sinecure appointment, should be placed at Somerset House at the head of the Victualling Department, that the whole correspondence of that department should pass though him, and that he should be entirely responsible for its conduct. At the head of the Store and Surveyor's Department should be placed the Vice Admiral of Great Britain, who also held a sinecure appointment, and who ought also to be entirely responsible for the management of those departments. Those he believed, were substantially the suggestions of Sir George Cockburn, and one great advantage would undoubtedly result if they were acted upon. Everybody knew how essential it was that the outports should be frequently visited. At present, when the Admiralty paid such a visit, it was nothing more than a party of pleasure, and the Board ran through the dockyards as fast as they possibly could, in a manner which was certainly not calculated to elicit accurate information as to what went on. Now, if the Rear Admiral of Great Britain were sent down to the outports, he would be senior in rank to all the Admirals in command there, and would go through the different offices, the victualling, the medical, and other departments, spending, perhaps, a week, or ten days, in each place ; the Vice Admiral would do the same thing ; it would not be necessary for them to drag down a whole Board with them, with a Secretary tacked on to their tail ; and those persons would send for the various officers, and would enter into a thorough examination of each department inspected by them. Such a visit would be productive of real benefit, and would lead to much greater economy in that portion of the national expenditure. He had conversed frequently with people who had been Lords of the Admiralty, and though he could not allude to them by name, all seemed to agree that the Board, as at present constituted, was most inefficient. There were more complaints against the Board of Admiralty than all the other boards put together. Look at the way in which private ships and ship yards are managed. Our great shipowners had servants who thoroughly understood their business, and their whole system of management was far better than that of the Admiralty. The right hon. Gentleman (Sir C. Wood) had quoted the other night from a letter of his, published twenty-six years ago, when the right hon. Member for Carlisle (Sir J. Graham) was at the head of the Admiralty, in which he said that the welfare of the navy depended so much upon the manner in which it was administered, that we had only to refer to the discipline of our ships, and if they were found in a high state of efficiency—well built, well found, well officered and well manned—it might be surmised that the navy was conducted by just and experienced men. But the right hon. Gentleman should have quoted further. He went on to say that if, on the other hand, we saw a general relaxation of discipline, no emulation, no zeal, and the generality of ships in bad order or in no order at all, we might pronounce without hesitation that the Admiralty were unjust and partial in their selections for command, that promotions were conferred from political considerations, and that there was a total exclusion of meritorious old officers. He did not mean to say that the navy was in this condition now, and he acknowledged that the right hon. Gentleman (Sir J. Graham) had done a great deal to improve it. Even now, however, its affairs were far from being administered as they ought to be, and there was not a Lord of the Admiralty who did not know that as well as he did. If he mistook not, the senior naval Lord, with whom he had often held conversation upon the subject, would agree with him upon that point. But he thought he had said enough about the Board of Admiralty. Not that he entertained the smallest hope that it would have any effect upon that House. Members of the Board would doubtless get up and say, as had been always said when the naval administration was impugned, "the navy was never better conducted than at the present moment." He was not prepared to deny that great improvements had taken place, but there were many defects yet to be remedied. Look, for instance, at the money wasted in building vessels which were afterwards unfit for use. Some time ago the Admiralty spent very large sums of money in building iron ships. Where were they now? All gone. Then the late Government built, he believed, six or seven iron floating batteries, which were to resist shot. 500,000*l* was spent upon that experiment and when the batteries were built, and found to resist thirty-two pound balls at 400 yards they were pronounced successful, but the moment sixty-eight pound shot was directed against them from the same distance they went to "shivereens." Let the House, however, only order the subject to be examined into by a Committee, and from the cases that he could bring before them he should be infinitely surprised if they came to the conclusion that the management of the navy was satisfactory. With regard to the construction of the Board of Admiralty, he would propose to appoint a substitute for the First Lord, by placing at the head of the Admiralty a commander-in-chief of the fleet, with a captain of the fleet under him; and under them the Rear Admiral and Vice Admiral of Great Britain should act, receiving their orders whenever necessary. But if the Government should continue obstinate and refuse to adopt his plan, upon the notion that all naval officers were unfit to take the first station at such a Board, why, then, let them appoint the right hon. Baronet at the head of it, and if they pleased let them take two other Lords from the benches opposite, but let there be a certain number of naval Lords who should sit by themselves for strictly naval purposes. The First Lord of the Admiralty had stated several plans of improvement, some of which were certainly good, and others were bad. In the first place there was the subject of the retired list. He had himself long ago proposed a plan, which was carried out by Sir Robert Peel's Government, and it was this—that when there were 100 officers above sixty years old on the top of the captains' list, they should be allowed to retire with the rank of rear admiral or a pay of £400 a year; and when there were more than 100 officers above the prescribed age, the latter should retire with the rank of captain on the same pay. After Government had done this, several officers accepted and went on the retired list. In old times, when a new First Lord came in, he made out a new list, and many admirals had to be passed over, which was the cause of great discontent, as he well knew, for his own father was among the number. The Duke of Clarence when Lord High Admiral had felt the cruelty of that proceeding, and took several men who had retired against their will and placed them once more on the active list. Well, then came another First Lord of the Admiralty, and by him all those who had been restored from the retired list were taken off, and again put on the retired list. If the Government had followed the system he recommended no man would have gone off the list without his own consent. But there was another plan which he had proposed, and which he thought better in all respects, both for the individuals and for the service itself. There were a great many admirals on the list who were too old for service. Now, his plan would be to do away with all distinctions between vice admirals and rear admirals, and to call them, all alike, admirals, and pay them £500 a year; and when the Admiralty wished to employ an admiral they could select whomever they pleased, and from whatever rank they pleased; that plan might be easily accomplished without costing the country any money whatever. The right hon. Gentleman the First Lord of the Admiralty had made an alteration in the pay of the captains. That was a suggestion of Sir George Cockburn's, and he was glad it was carried out. There was an improvement also in the treatment of the masters, but still there was not sufficient encouragement to that valuable class of officers. If a master should perform a gallant action, it is true he may be made a lieutenant, but he does not take rank according to seniority. Now he (Sir C. Napier) thought that if a master had performed a gallant action he ought to be made commander. The master was a most important officer, always on the spot when the ship was in danger, and he should be properly estimated. Then there was another matter of complaint—though the navy was never better carried on—which was the difficulty sailors had in getting their dues. There would be fifty or sixty sailors at a time waiting in the hall of the Admiralty to get their dues, for hours at a time. Then there were the dockyards, where there was jobbery on all sides. The Members for the borough were expected to obtain all sorts of appointments. He had recommended the appointment of a superintendent, which he was glad to find was now done. He was glad to see, too, that an increase of pay was given to boys. That was a matter of great importance—men had to be drilled, and do not come out of a ship without costing £60, and virtually cost a great deal more than the expense of lads on board the apprentice ships. If men were well treated, they always preferred the Royal Service to the merchant service. He found in his experience that the men were greatly influenced by a bounty—they consider it as prize money. At present they sent men to be fitted out at the slop-shops, but sailors did not like slop-shops, they liked to buy their own clothes—they liked to be like the old sailors, and get their clothing warm and comfortable. If the war continued, the sailors would not be content without bounty, now they knew that the soldiers got it. It had been said that it would be better to increase their pay—that they drank away their bounty money; but at present when they came on shore they receive gratuities, and they were much more likely to drink gratuity money than bounty money, with which they would buy clothes. He always considered gratuity money a very bad plan. He gave credit to the right hon. Gentleman the First Lord for what he had done, and hoped he would persevere. The First Lord had told them that promotions were not given by political influence. If so, it was a most extraordinary thing, and he believed he could give a few instances to the contrary. He hoped in tracing these plans he had said nothing which could offend any one. He saw hon. Gentlemen opposite taking notes; he had endeavoured, and trusted that he had not alluded to them in any terms which he ought not to have used, and if he had spoken loudly it was only because, in that House, people must speak loudly if they wanted to be heard.

SIR FRANCIS BARING said, the hon. and gallant Admiral had, in the course of his remarks, alluded to the system of retirements in the navy; and as it was a plan which he (Sir F. Baring) had had to carry out when at the head of the Board of Admiralty, and thought that those who discussed it had taken an unjust view of it, he trusted the Committee would allow him to explain the real grounds of that arrangement. In the first place, let them consider what was the state of the admirals' list which he had had to deal with. It was a matter which no one who had ever attended to the naval affairs of the country, or held a responsible office at the Admiralty, could have looked into but with the most uncomfortable feelings. It was no fault of gallant officers that they grew old; but unfortunately it came to pass that from year to year the average of their age increased, and promised to leave the country ultimately with scarcely an admiral under seventy years of age. His memory did not then serve him to mention what the exact average of their age was when the arrangement was considered. It was such as might pass muster in times of peace, but for active service and in a state of war it threatened to become a serious inconvenience. He must contend that they could have taken no steps—that they could have done nothing effective to remedy the evil, that would not have grated upon the feelings of many gallant officers. Well, he had to carry the plan through, and he hoped that no word dropped from him when he proposed it which threw the slightest imputation upon those gallant officers who were then removed from the active list. Let the Committee look for a moment at the history of promotions to the rank of admiral. In olden times the Crown exercised the power of promoting to the admirals' list, and when they came to the promotion of admirals by the will of the Crown, as represented by the Admiralty, those officers were set aside who were thought unfit for active service. That was done to a considerable extent, and naturally enough it produced the greatest dissatisfaction. But let it not be supposed that that dissatisfaction was created by the power being exercised by civilians sitting at the Navy Board. For example, there was the celebrated case of Lord Howe. He exercised that power, and set aside a large number of admirals, stating that they were inefficient. What took place? The cases were brought before the House of Commons, and canvassed there; and Lord Howe and those who defended him found themselves in the position of being obliged to prove that those officers were unfit. Then followed considerable discussion upon that point; that it was quite true *A.*, who had been set aside, was unfit, but that *B.*, who had been left, was still more unfit. Well, such discussions were, of course, most painful to the officers personally, and also highly inconvenient to the public service. The Duke of Clarence, then at the head of the Board of Admiralty, altered the rule. He gave up the right of the Crown to promote admirals—a power which had been resumed by the Crown subsequently. At the same time he placed upon the retired list those officers who had not served a certain number of years in active service whilst captains; and that arrangement was the same that was now in force. That regulation was carried into effect by Order in Council. Now, they were told that civilians were utterly incompetent, and did not consider the service of the navy or the feelings of its officers; but be it remembered that the Duke of Clarence was himself a naval officer; that at the time he was at the Navy Board Sir George Cockburn was also there; and that if there were any blame whatever, if there were anything harsh or grating upon the feelings of officers, by the arrangement then made, that arrangement was made by a Board which was especially a Naval Board, with a Prince of the blood, who had received a naval education, at its head. After the Duke of Clarence quitted the Board the names were replaced, and several plans were tried with the view of improving the list; but, unfortunately, it was found, when the question came before the House of Commons, that, notwithstanding all the efforts that had been made, the list was still, he would not say inefficient, but not such as an active list ought to be. The Committee would recollect that a Committee had been appointed, and that that Committee, so strong was the feeling on the subject, had divided against the Government. He (Sir F. Baring) was a Member of the Committee; but he thought the matter had best been left to the Government. Her Majesty's Government, however, was beaten, and the Committee therefore, forced the scheme on them. It was not, under these circumstances, the scheme of a civil Lord of the Admiralty; it was forced on the Government of the day by the Committee. But what were really the facts? By the old plan—the plan to which it was proposed to return—officers who had not served for a certain number of years, were still continued on the active list; they had no increase of pay, and, by the practice of the service, had no employment, and were what was technically called "dotted admirals," stopping the way for other and younger men, and preventing the active list from containing the number of able seamen that it ought to contain. It was, he (Sir F. Baring) admitted, painful enough to him to adopt the recommendation of the Committee, as he had to bear all the brunt of it; but he believed it was the only thing to be effected, after long and anxious consideration. Since that time the admiral's list had been gradually improving. When he took office, the last admiral promoted had been thirty-seven years a captain; he believed that now the junior admiral had been a captain of twenty-four years' standing; such was the improvement in the promotion. The hon. and gallant Admiral opposite had said, "You will not employ men, and then you place them on the retired list." He (Sir F. Baring) admitted it was a hard case in several instances; but it was impossible after a long war to arrange appointments in the service so as to employ all persons who were fitted for employment. But, on the other hand, if he was told that it was political influence which placed admirals on the retired list, he would ask the Committee to look at the fact; there were one Duke, four Earls, two Barons, three Honourables, four Baronets, besides Members of Parliament and men of good family on the retired list, and he would put it to the Committee whether, if political influence had any effect, or if things were given through interest, these officers would be neglected. Some friends of his own were among the number, and he thought he was quite right in placing them on the retired list, as they had declined, from various motives, to enter active service. He (Sir F. Baring), under these circumstances, implored the Committee not to run back into the old evil of having again such a list of admirals as that at times the Government would not be able to rely upon them for the performance of their duty—not from want of skill or inclination, but from advanced age and from being so long ashore. There had been various schemes proposed—among them a scheme of age, namely, to remove all officers above seventy; but he believed that would give most offence of all others, while it would remove from the service some of its most gallant and active officers. The same offence would be given if a scheme as regarded health were adopted. He (Sir F. Baring) believed the existing plan to be the best that had hitherto been devised for the purpose; but if a better one should be discovered he would have no objection whatever to a change in it. Until then, however, he trusted it would be adhered to. Before he sat down he might allude to an allegation made by the gallant Captain on a former occasion, and repeated by the gallant Admiral opposite that night. They had declared that the promotions of the First Lord of the Admiralty were systematically given away for political purposes or from favouritism. But he trusted that the House would not give entire credence to these charges. He did not believe them to be correct. His right hon. Friend the First Lord of the Admiralty had, on his part, denied them most emphatically. It was disagreeable to speak of himself, but if he did not take notice of the charge when on his legs, his silence might be misinterpreted, and he therefore must declare, so far as he was concerned, his promotions were not given away for political purposes, and his endeavour was to promote for the good of the service.

Mr. H. BAILLIE said, he would beg to ask the First Lord of the Admiralty whether he would lay all the papers connected with the movements of Admiral Stirling in the China Seas before the House? Captain Whittingham had already published a statement on the subject, to the effect that Admiral Stirling joined Captain Elliot with the flag ship and other vessels, forming an overwhelming force, for those seas, on the 7th of June; that that squadron remained off De Castries Bay until the 27th of June, exactly twenty days; that on the 27th of June they received orders to sail for the south; that during those twenty days they had never attempted to search for the Russian squadron; and that they had afterwards learned of a Russian prisoner that as late as the 27th of June one-half the vessels of the Russian squadron had got through a passage which had not been reconnoitred by Admiral Stirling.

Sir CHARLES WOOD said, that before answering the question of the hon. Member, he would wish to say a few words on other matters which had been brought forward in the course of the discussion. He trusted that his hon. and gallant Friend behind him (Captain Scobell) was convinced that the letter to which he had alluded was not written by him, but was written years ago, and addressed to the right hon. Member for Carlisle (Sir J. Graham). The hon. and gallant officer had likewise complained that a sufficient number of boys were not employed in the navy. If he had looked into the Estimates, he would have seen that during the past year the number of boys had been increased by 2,010. With regard to the hon. and gallant officer opposite (Sir C. Napier) he had stated several assertions which would not bear examination, and quoted from himself (Sir C. Wood) certain expressions respecting which he could only say that if the hon. and gallant officer's other authorities were not better, they would not be worth much. As regarded the offices of the Admiralty being divided between Whitehall and Somerset House, a Committee had sat in 1850, and that Committee had decided that it was necessary for the business of the country that the senior naval Lord and the secretary should have houses at Whitehall as well as the First Lord. The hon. and gallant officer had also objected to slops for the seamen, but a Committee of petty officers and seamen had sat on board the flag-ship and chosen, without reference to price, that which they considered best, and their choice was that which had been adopted.

Lord HOTHAM said, he would not offer any opposition to any portion of the Estimates; but with reference to the alteration in the appointments to dockyards, he hoped that the right hon. Gentleman would be able to assure the Committee that the admirals and captains superintendent, to whom those points had been abandoned by the Government, for the purpose, he (Lord Hotham) apprehended, of getting rid of all political feeling, would in their instructions have it made a point of honour as well as a matter of duty to abstain in like manner as the Government from making their appointments from political considerations. If that was done the Admiralty would render a great service to the country, and obviate a fertile source of complaint and recrimination at every recurring election for dockyard boroughs.

Mr. BENTINCK said, he hoped the present absurd system of placing a man at the head of a most important department of the State, like the Admiralty, whose antecedents and education unfitted him for the office, would soon be abandoned. It was a grievous as well as an absurd anomaly to place a civilian at the head of the Board of Admiralty. If reasons were adduced to supersede the arguments on that head, he (Mr. Bentinck) would give it up; but, until then, the practice was an anomaly so gross that it was in vain to refer to other abuses at the Admiralty while it existed.

In reply to Mr. H. Baillie's question, as to whether the dispatches relating to the squadron under Admiral Stirling would be laid before Parliament,

Sir CHARLES WOOD said, he would give an answer on another night.

Vote *agreed to;* as were also the following Votes—

(2.) 76,000 Men, for three months.

(3.) £2,000,000, Wages, on account.

(4.) £1,000,000, Victuals, on account.

(5.) £138,399, Admiralty Office.

(6.) £20,000, Royal Naval Coast Volunteers.

(7.) £58,982, Scientific Departments.

(8.) £153,795, Naval Establishments, at Home.

Mr. MAGUIRE said, he wished to call the attention of the Committee to what he considered to be the unfair distribution of public expenditure as between England and Ireland, and to the continued neglect by the Government of the great resources of Cork, which peculiarly fitted it for a naval station and dockyard for the building and repairing of vessels. The hon. Member said that, although England and Ireland were said to be an united nation, that oneness consisted in unity of taxation, but was not so plain and palpable in any other respect. When the late Chancellor of the Exchequer (Mr. Gladstone) sought to impose the income tax on Ireland, and the friends of Ireland represented her inability to bear that additional burden, owing to the fearful ordeal she had just passed through, it was answered that, if we consented to bear the same burdens as England, and to contribute our due proportion to the national exchequer, we should have a perfect right to a fair share of the public expenditure. The income tax was imposed, and in 1854 produced nearly £600,000, in all probability would produce £800,000 this year, and would shortly reach £1,000,000. But not one of the promises then held out to quiet Irish Members had been performed. On a former occasion, when this question was raised by Mr. Serjeant Murphy, the right hon. Member for Portsmouth, the then First Lord of the Admiralty, stated that the establishment of a steam factory at Cork, however convenient it might be for the mercantile marine, was not required for the navy. He (Mr. Maguire) contended, however, that the naval service required the maintenance of an efficient establishment at Cork, where there actually did not exist at present the means of soldering a tin kettle. It was not long since the *Atlantic*, having come in with a broken shaft, had to be towed across to Liverpool, because there was no means of repairing it in Cork Harbour. That, to be sure, was a merchant vessel; but a few days since, one of Her Majesty's steam sloops on the station had come into Cork Harbour, crippled in the same manner; and she too was obliged to be patched up, and sent across to England for repairs, because there were no facilities in Haulbowline, although it was the depth of winter. How, too, had this great naval station been upheld for years? After a great deal of remonstrance and complaint an Admiral was restored to Cork Harbour; but he hoisted his flag in a "jackass" frigate; and although for a short time the harbour was honoured by the presence of the *Ajax*, a really fine ship, yet at present it rejoiced in the

Conway, which, if not quite a "jackass," was certainly not beyond a "mule." The Admiral had at his disposal a small brig for the instruction of boys, a pleasure yacht, and perhaps a small steamer. If a vessel were in distress on the coast, the Admiral had not the means of sending her assistance; in fact, there was not under the British flag a more helpless officer than the Admiral on the Cork station. The hon. Member proceeded to say; I now come to the Estimates before the Committee, and I will show how fairly Ireland is dealt with. I may say, for myself, that I offer no opposition to any Estimate, and that, as an humble Member of the House, I have always lent every assistance to the Government to get all they demanded for the public service, leaving the responsibility of the proper or the improper use of those resources to them. The right hon. Gentleman now asks the Committee, amongst other items, for a sum of £3,663,000, for naval establishments at home and abroad—for wages at home and abroad—for new works and repairs at home and abroad—and for works done by contract, such as steam vessels, gun boats, &c. I ask English Gentlemen how much of that large expenditure of the public money do they suppose is to be expended in Ireland? Would they say £500,000?—or £100,000? Nothing of the kind—only £4,500! Is this fair, or just, or honest? Is it a proof of the existence of that Union of which we hear so much when we are called on to make sacrifices? Talk of Irish reciprocity—why it is English reciprocity with a vengeance. This is just the same game which has been played with Ireland since the Union—"Head I win, harp you lose." I pronounce it to be gross and monstrous unfairness. Let me glance at some of those items a little in detail. Under the head of naval establishments at home, you asked for a sum of £153,795. Of this sum there are just £1,226 for Haulbowline, as a victualling department. £36,494 are asked for the same establishments abroad. I now come to a large item, "wages to artificers, labourers, and others employed in Her Majesty's establishments at home." This, including £167,500 for steam factories, and other expenses, amounts to £1,190,000; and of this there is £675 for Haulbowline—in other words, for all Ireland. So that, for staff and wages, the Estimate proposed is exactly—for I have totted the items up—£1,490,511. Of this, there is a total of £1,901 for Ireland. I then come to a most important item, under the head of "new works, improvements, and repairs." It amounts to £864,332; and of this vast sum there is asked for Ireland just £2,463. The details of this munificent Irish expenditure are worth noticing. There is £446 for a roof over the coal yard, £993 for dredging and building a wall, and £1,024 for "ordinary and particular repairs and painting." The first item is asked for, because it is convenient to the service—because the largest vessel in the navy may lie along side Haulbowline and take in her coal. I saw one of the largest ships in the American navy lie along side, in the famine year, and when that noble ship was crammed with food for a starving people. As to the last item, it is absolutely necessary in order to keep the works and stores from rotting away. There is one other Vote to which I shall allude, and I think it puts the disregard of the claims of Ireland in a still stronger light. For the purchase and repair of steam machinery, and for steam vessels building by contract, the demand is £1,300,000. Here is the Government seeking extraneous aid, in order to meet the requirements of the public service, the resources of her own dockyards and factories being insufficient for the purpose; and yet there is no attempt to render the capabilities of a great Irish port—one of the finest and safest in the British dominions, available in an emergency of the kind. Of this I hold Ireland has a just right to complain, and I do most earnestly protest against it. If the Motion made in 1851 had been successful—if the promises so often made had been held sacred—the Government would have less reason at this moment to seek for aid from private dockyards. I contend that Ireland has as fair a right to a fair share of the advantages of this expenditure as England, and that Cork has as just a claim as any dockyard in England. I do not stand here as a beggar, to ask for alms; I stand here to demand a right. I do not petition for assistance to any private enterprise; I simply claim a share of a public expenditure. And I might add that if Irish Members would only take my advice, and act on my plan, they would very soon bring the most indifferent Secretary, or the most supercilious Premier to fair terms. I assert that Ireland is entitled to every consideration from England. She gives sailors to her fleet and soldiers to her army; she fights her battles and upholds her empire, and if she bore the brunt of danger, as she undoubtedly did, she had a right to justice and fair play. This continued refusal of justice was a gross violation of the promises of the Union; for amongst other inducements held out at the time was that of making Cork not only a naval station, but a naval dockyard, such as Portsmouth, Plymouth, or any other English naval port. But there were four steam factories now in England, and not one in Ireland; seven naval dockyards in England, and not one in Ireland; seven or eight complete naval stations in England, and in Ireland only one—and that one a mockery to the service, and an insult to the national pride. The hon. and gallant Member for Bath (Captain Scobell) felt peculiarly sensitive about the names given to the vessels of war, such as *Clinker*, *Thumper*, and such others; but I am not so sensitive, and provided I see a respectable flag ship and an effective force of vessels on the Cork station, I do not care whether they be *Clinkers* or *Thumpers*, or even *Puss-in-Boots*—so we have the substantial justice, I would be quite satisfied. The First Lord had stated that with all the efforts the Admiralty had made with respect to providing sufficient steam vessels and machinery, they had still fallen short—that with all the costly expansions of the existing factories, still they could not do all they required. If so, surely this was a conclusive reason why a factory should have been erected in Haulbowline. In stating what he had done, the right hon. Gentleman had made out the strongest case for Ireland; and I hope therefore that he will at length consent to consider the capabilities as well as the just requirements of Cork Harbour. There was another matter respecting which complaint had been made, that of not allowing the Admiral to remain a sufficient time in the port. It was the practice to remove him before he thoroughly understood the resources of the harbour, and could exercise such an influence as experience creates. But this is a minor matter when compared to the neglect of which not I, but the public of the south of Ireland, have a right to complain. I will mention two facts which, to my mind, display in a striking manner the character and importance of this neglected port. In the month either of December or January, a violent gale prevailed, and in some twenty-four or thirty hours as many as 350 vessels of every class and every nation, sought refuge in Cork Harbour. The other fact is this—in the autumn of the year 1853, the late First Lord of the Admiralty with the other Lords of the Admiralty, visited Cork Harbour. Soon after his arrival the right hon. Baronet (Sir James Graham) laid the foundation stone of the Admiralty pier; and at the very moment that the gun which proclaimed the ceremonial sounded over the waters, which was at dead low tide, one of the largest and deepest vessels in the navy was entering the harbour. Even unprofessional men can appreciate the importance of a harbour into which the largest vessel afloat may safely enter at all hours and at all states of the tide. The vessel which then entered at dead low water was the *St. Jean D'Acre*, a vessel that draws as deep a draught of water as any vessel in the navy. And, I ask, why is a harbour of this description to be systematically neglected?—more than that, why is Ireland to be denied every advantage which was promised at the time of the Union, now in the fifty-sixth year of its existence? A glance at the records of the two last years would show what sacrifices Ireland had made, by land and by sea—what strength she had added to the army and navy of England—and how whenever, in the most terrible struggles of the Crimean campaign, an Englishman bled an Irishman bled also. Her fine militia had furnished thousands of brave men to the line, and was still continuing to do so. She has given her men and her money and her blood to England; and on her part I demand that which she has been hitherto denied—simple justice. I am fully aware that nothing can be done at once by the right hon. Gentleman, or his colleagues, in office; but I do call on him to hold out hope which I trust may not be afterwards falsified, that within the next twelve months something will be done, by which Ireland may receive at least one practical illustration that the Union is a reality, and not a sham.

SIR CHARLES WOOD said, he should decline to follow the hon. Gentleman (Mr. Maguire) into a long discussion about the Union with Ireland, or about the comparative revenues and expenditure of Ireland and England, which were matters not much to the purpose. The hon. Gentleman and himself would start with very different notions as to the objects for which this naval expenditure was to be incurred. The hon. Gentleman seemed to think that the great object of the expenditure of public money was not the public service, but its distribution to different parts of the kingdom. Now, he (Sir C. Wood) happened to live in the north of England, and there was no dockyard in the north of England; but it certainly never occurred to him to think that Yorkshire and Lancashire were ill treated because there was no dockyard on the coast of either county. If the hon. Gentleman did not go to the length of asserting as the principle upon which this expenditure was to be justified, that it should be equally distributed all over the country, there was not much in his argument; but if he meant to lay down such a principle as that, it could not be admitted for a moment. He (Sir C. Wood) really did not think that to adopt such a principle as that would be to consult the real advantage of Ireland itself, which must be regarded together with that of the whole of the country. What the Government had to decide was, where it would be most convenient for the service that the dockyards should be erected. Some dockyards were established abroad, in the West Indies or in the East Indies, because it seemed to be most convenient, on the whole, to have places where ships might be repaired there. He certainly thought it would be much wiser to apply a large portion of the expenditure to complete the existing dockyards than to begin new establishments, at a time like this, which must for some time be imperfect, either at Cork or elsewhere in Ireland, or in the Humber, or in the Mersey, or in Scotland, or anywhere else in the United Kingdom. He could assure the hon. Member that he was far from underrating either the beauty or the convenience of Cork Harbour. He had recently visited it for the first time; but he thought the hon. Gentleman must be a little mistaken about the vessel which he had mentioned. He was not at all aware that she arrived with broken shafts in Cork Harbour, or that there was any difficulty in getting her safe home. It was always the intention of the Admiralty, as soon as the vessels came home from the Baltic, that when they were repaired they should be dispersed to different parts of the United Kingdom for the purpose of raising men. That had been done, and at the present moment there was a ship of the line at Dublin, two ships of the line and a frigate at Cork, and a steamer at Waterford. He hoped they would succeed in raising men; but although he would gladly bear testimony to the number of recruits raised in Ireland for the army, he could not say an equal proportion of Irish recruits were raised for the navy. With regard to the removal of the Admiral, the good people of Cork perhaps thought they could teach the Admiralty their duty on such a matter; but he (Sir C. Wood) trusted that he should on all occasions be found to do his duty fairly and properly, looking only to that which he believed to be most conducive to the service, and most advantageous for the whole country.

Colonel DUNNE said, he thought the hon. Member for Dungarvon (Mr. Maguire) was rather unreasonable in expecting any change in the system usually pursued towards Ireland by the British Parliament. The hon. Gentleman might, no doubt, easily obtain a Commission to inquire into the capabilities of the harbour of Cork, but he would not take much by his Motion. Had he forgotten that the Commission appointed to select the best harbour on the west coast of Ireland fixed upon Holyhead? England had recently been in difficulty, but Ireland had not made the the war her opportunity. Perhaps at some future time she would be in a position to bring her claims more strongly before the House. He contended that the Legislature had no right to tax Ireland, except for her own benefit. The taxes collected in England found their way back to the pockets of the people by means of the Government expenditure, but those raised in Ireland were entirely withdrawn from the country, and then the Irish were reproached for their poverty.

Mr. JOHN M'GREGOR said, he had listened with great satisfaction to the opening statement of the First Lord of the Admiralty, than whom no Minister of State had ever been more anxious to do what he considered right and just. Until the present unhappy war was brought to a termination—he hoped an honourable one—no great change could be expected to be made in our administrative system. He might be permitted to say, however, that great injustice had been done and great folly committed by the Admiralty in not taking advantage of Cork Harbour. He examined that harbour many years ago, and was able to pronounce it admirably adapted for naval purposes. In the last war Cork was the great rendezvous of our commercial fleets when waiting for convoy; but now, with the miserable exception of Spike Island, there was not a Government establishment there, and the sum of £250 a year was all that was laid out on one of the finest harbours in the world. A much larger sum had been expended on a wretched harbour in the island of Jersey.

In reply to the First Lord of the Admiralty,

Mr. MAGUIRE: I do not intend to propose any substantive motion, for it would be idle; but I must say a word or two in reply to the right hon. Baronet, whose answer to my proposition was one of the most flimsy and fallacious I ever heard uttered, especially to a demand based on reason and justice. The right hon. Gentleman said that, because there was no naval dockyard in that part of the country in which he resided, Ireland had no right to complain of not having one. But my complaint is this, that while there are seven dockyards in England, there is not a single one in Ireland; that while there are four steam factories in England there is not one in Ireland. Then the right hon. Baronet talks of the most convenient place, which he says Cork is not. This I deny, and I venture to say, so would dispassionate naval men. At any rate, a steam factory at Cork would be convenient for the repair of ships driven into the harbour in distress, not to say for ships intended for that very station. Then the First Lord, sitting at his desk in Whitehall, may communicate in one minute with the Admiral at Queenstown; so that inconvenience, so far as it may arise from want of direct and immediate communication, has been put an end to by the electric telegraph. The right hon. Gentleman rather sneers at Ireland, and hopes that her contribution to the navy will be larger than it was. Now, I tell the First Lord a fact--that no less a sum than £300,000 a year is annually paid, at Haulbowline and the Custom House at Cork, to the wives and families of sailors serving on board Her Majesty's fleet—so that that part of the country which suffers most from neglect has the strongest claims on the consideration of the Admiralty. It would be quite as well if the Admiralty would be advised by somebody; for if they had taken advice, and sent a proper number of gun and mortar boats to the Baltic, there would not have been two fruitless expeditions to deplore, and England would not be going out of the war, with the *prestige* of France so high as it is, and her own next to destroyed.

Mr. SPOONER said, he objected to the sums included in the Estimates as "allowances to Roman Catholic chaplains." He regretted that he had not been present when the First Lord of the Admiralty made his statement, that he might have learnt upon what ground he justified the proposition.

Sir CHARLES WOOD said, that the item was a new one, which he was fully prepared to defend, and he had before stated his reasons for including it in the Vote. There was a great number of Roman Catholic sailors in the fleet, and although divine service was performed every Sunday in all Her Majesty's ships according to the rites of the Church of England, the Roman Catholic sailors were not required to attend such service. He thought it was most desirable that all sailors engaged in the fleet should have the opportunity of attending on the Sunday the service of the religious body to which they might be attached, but at the same time it was not advisable to land them in a town, and turn them loose there to seek their several places of worship. He remembered that when Sir William Parker commanded the Mediterranean fleet, he allowed the Roman Catholic sailors to land at Malta in order to attend divine worship, and he found that the number of Roman Catholics in the fleet increased immediately to an amazing extent, but when measures were taken to compel the men who landed to attend service the numbers at once fell off. He (Sir C. Wood) had directed that temporary fittings should be placed in some of the ships in ordinary at the principal naval stations, and that the Roman Catholic officers and seamen should be allowed to attend divine service according to the rites of their Church every Sunday on board those ships. It could not of course be expected that Roman Catholic clergymen should officiate on such occasions without some remuneration, and the sums included in the Vote were proposed for their payment. He had been informed that yesterday, at Sheerness, two officers and fifty-nine seamen attended the Roman Catholic service; at Portsmouth, 120 officers and men were present; and the average attendance at Devonport was upwards of twenty officers and nearly 200 seamen. He hoped, therefore, that the Committee would assent to the Vote.

Mr. SPOONER said, he very much objected to any such Vote. He would not trouble the Committee to divide, as he was not aware, till the Estimate was put into his hand, that such a Vote was to be taken. But the question involved a great principle, and was not a mere question of expediency. That principle was that this was essentially a Protestant country, and that the Sovereign was bound by oath to maintain the Protestant religion. He was decidedly opposed to the principle of supporting the Roman Catholic faith by grants of money. The present Vote was no more to be justified than the grant to Maynooth. He must content himself on the present occasion with protesting against it, as it had come upon him by surprise.

Mr. M'CANN said, he wished to know whether the hon. Member for North Warwickshire objected to have the country defended by Roman Catholic soldiers and sailors, or whether he thought Her Majesty was in any way injured by their services? Did the hon. Gentleman think that the Roman Catholic sailors demanded anything from their country in this case to which they had not as good a right as their Protestant fellow-countrymen who joined them in defending their common country against its enemies?

Mr. SPOONER said, he did not believe that any injury was done by doing their duty to their Sovereign. He felt proud of the services which had been rendered to the country by Irish and Roman Catholic sailors and soldiers, and his sense of those services was not diminished when he discharged what he thought a duty to his Sovereign in objecting to the Vote. If the hon. Member thought that the Roman Catholic religion ought to become part of the established religion of this country, let him take the sense of the Committee upon that point. The question involved in the Vote was, whether the Sovereign was bound to support other churches besides the Established Church of the country? Dissenters had an equal claim with Roman Catholics in such matters, and numbers did not at all affect the question. The real point was, whether they were bound to support all sects, more especially that sect to prevent the domination of which the family of the present Sovereign had been called to the Throne?

Mr. BLAKEMORE said, he thought it desirable that the Committee should avoid religious discussions. He was far from undervaluing the services of Roman Catholics or from questioning their patriotism, gallantry, or loyalty. On the contrary, he was ready to acknowledge that, in those respects, they were quite equal, though he would not say superior, to their Protestant fellow subjects. He rose principally to remark that there were other nonconformists besides Roman Catholics, and he should not have objected to the Vote if it had been extended to all sects.

Mr. KINNAIRD said, he begged to ask if the right hon. Gentleman, having departed from the principle formerly acted upon, would have any objection to extend the system now in operation, and give an allowance to Presbyterians?

Sir CHARLES WOOD said, he had no objection, but there was this difference between Roman Catholics and Presbyterians—the latter did not object to attend on the services of the Church of England, whereas the former did, and that rendered a grant in the present case necessary.

Mr. VANCE said, he wished to know how far this innovation was to go? A Roman Catholic priest was to be paid for performing services to Roman Catholic sailors in port. Were we to go further, and have a priest on board when vessels were afloat? The Vote was a dangerous innovation, and they ought to know where it was meant to stop.

Mr. BLAKEMORE said, he would move that £240 be allowed for clergymen of other denominations.

The CHAIRMAN informed the hon. Gentleman that it was not competent for a Member of the House to propose any addition to the Estimates.

Vote *agreed to;* as were also the following Votes:—

(9.) £36,494, Naval Establishments abroad.

(10.) £1,190,309, Wages to Artificers, &c. at Home.

(11.) £109,913, Wages to Artificers, &c. Abroad.

(12.) £3,000,000, Naval Stores, on Account.

(13.) £864,334, New Works, &c.

Mr. W. WILLIAMS said, he objected to the amount of the Vote for Keyham, and wished to know how much more would be required?

Sir CHARLES WOOD said, at one time he had shared in the opinion of the hon. Member as to the expenditure for Keyham, but he had seen reason to change his opinion, and now believed that the establishment at Keyham would be most useful, and the completest establishment of the kind that ever existed in the country. He believed that at one time the right hon. Baronet the Member for Carlisle (Sir J. Graham) had also doubts as to the necessity of the expenditure, but that he was now of a different opinion.

Sir CHARLES NAPIER said, he wished to observe upon this Vote that he did not think enough was being done to provide docks and basins for large steamers. If the war continued, the wear and tear would be very great, and we should want much more room than we had at present.

Mr. CORRY said, he took some credit to himself for the progress made in the works, and fully concurred in the opinion of the hon. Baronet opposite (Sir C. Wood).

Vote *agreed to;* as were also the two following:—

(14.) £65,000, Medicines on Account.

(15.) £88,972, Miscellaneous Services.

(16.) £655,421, Half-pay.

Sir CHARLES NAPIER said, he wished to know why there was included in the Estimate a charge of three guineas a day for the salary of an Admiral of the Fleet when there was no such officer to receive it? .

Sir CHARLES WOOD said, that if there were not an Admiral of the Fleet at the present time to receive the salary the amount would be paid into the Exchequer. It was, in his opinion, desirable that the office of Admiral of the Fleet should be maintained as a reward for distinguished service.

Mr. W. WILLIAMS said, he wished to ask how it came to pass that while in the year 1853 there were only 254 admirals unemployed, there were at the present moment 296 in a similar position?

Captain SCOBELL said, he thought it was rather hard upon the senior admirals that an Admiral of the Fleet was not appointed. There were several field-marshals.

Sir CHARLES WOOD said, that there was no increase in the number of admirals on the active list. They still remained at the number of ninety-nine. The increase in the reserve list was owing to the number of captains, who, having attained a certain standing, instead of going to the top of the captains' list, went on the reserved list as an admiral. When placed on the reserved list they might rise in rank, but acquired no increase of pay. Their numbers must, as a matter of course, fluctuate from year to year.

Captain SCOBELL said, he wished to point out what he conceived to be an anomaly. A captain of three years' standing ranked with a colonel; a captain under three years' standing, with a lieutenant colonel. The half-pay of a captain of three years' standing was 14*s.* 6*d.* a day, but a colonel received 17*s.* The half-pay of a captain under three years' standing was 10*s.* 6*d.* a day, but a lieutenant colonel received 13*s.* 11*d.* a day.

Sir CHALES NAPIER said, he wished to know what harm would have been done by allowing all the admirals to remain on the same list, without wounding their feelings by having two lists? The Admiralty would still have had the power to select any officer they pleased for any command; and on their coming ashore they might have gone on half-pay at their real rank. The Government would thus have saved money; while they would not have wounded the feelings of deserving officers.

Mr. W. WILLIAMS said, he must complain of the increase in the reserved and retired lists. In 1853 the reserved list was fifty-five; in the present Vote it was eighty-one. In 1853 the retired list was 113; in the present Vote it was 133. He understood that when an admiral died all the others in the three ranks were raised, and the post captain, the oldest on the list, took the rank of rear admiral. If that were acted upon, there ought to be no increase of admirals, but a great diminution of post captains, and he did not find that decrease in proportion to the increase of admirals.

Sir CHARLES WOOD said, the retired list was fixed at 200. A certain portion of the retired rear admirals received 25*s.* a day. There were now twenty-nine of that class, but they would shortly be reduced to twenty-five. A certain number were retired rear admirals and captains, who either received £1 or 18*s.* a day. Any captain fifty-five years old, and of ten years' standing on the list, might voluntarily accept that retirement. It was offered in turn to every one. The number now happened to be 198, as there had been recently two vacancies, but the number fixed was 200, and that number was never exceeded. The number of officers on the reserved list was not fixed, and might vary. For example, last January the first two names on the list of captains were the hon. J. G. Cavendish and Charles Talbot. There was a vacancy on the active list of admirals. The gentleman with the aristocratic name, the hon. J. G. Cavendish, had not served his time, and he went over to the reserved list. Captain Talbot had served his time, and he went on the active list. But if there had been three or four captains together who had not served their time, they must all have gone over to the reserved list till they came to an officer who had served his time, and thus the number on the reserved list varied.

Sir FRANCIS BARING said, he did not think there was much force in the objection that, under the present system, an old officer might be put on the active list, and that a young officer might be placed upon the reserved list. If the Admiralty promoted young officers who had not served for their flags, and placed them on the active list, they would be considered dotted admirals, and would never be called into service.

Admiral WALCOTT said, the House should be made aware that the difference between the circumstances of the reserved and retired lists consists in this important fact—that officers are placed, by their own consent and option, on the retired list; while officers on the reserved list have refused retirement, being ardently desirous for further service in their profession.

Vote *agreed to;* as were also the following Votes.

(17.) £494,363, Military Pensions.

(18.) £147,685, Civil Pensions.

(19.) £6,000,000, Transport Service, &c., on account.

(20.) £756,487, Packet Service.

Sir ERSKINE PERRY said, that the Government had denuded themselves of a great amount of dockyard patronage, and that as it was to be hoped this was to be a permanent arrangement, he begged to suggest whether it might not be embodied in an Order in Council, to prevent future Governments from returning to the former objectionable system.

Sir CHARLES WOOD said, that when he held the office of Secretary to the Admiralty, twenty years ago, the patronage of the dockyards was so jobbed by the superintendents that the Admiralty took it away from them. The superintendents now faithfully and honourably performed their duties, and the Admiralty had given them the patronage again. But they would be responsible to the Admiralty, and he intended, so long as he was at the Admiralty, to hold the superintendents of the dockyards strictly responsible for the honest, conscientious, and faithful performance of their duty. He had no intention of taking the patronage away, but it was desirable there should be some check upon its exercise; it was, however, not intended to pass an Order in Council.

Sir CHARLES NAPIER: Sir, I must complain that the right hon. Baronet has not answered the question of the hon. and learned Member behind him (Sir E. Perry). [Sir C. WOOD: I said that it was not advisable to carry out his suggestion.] Well, I think it very advisable. There ought to be an Order in Council to put an end to the system immediately. While I was absent at dinner, the salaries of the Lords of the Admiralty were voted, and I should like to know why three of the Lords get £1,000 a year, and the fourth £1,200 a year?

Sir CHARLES WOOD: It occurs in this way; one Lord is allowed for a house.

Sir CHARLES NAPIER: Then why should they not all have allowances for a house? What is good for the goose is good for the gander.

Vote *agreed to;* House resumed.

COURT OF CHANCERY (IRELAND) BILL.

Order for Second Reading read.

Mr. J. D. FITZGERALD said, he would beg to postpone the second reading until Friday.

Mr. SEYMOUR FITZGERALD said, he thought it would be indecent to press on the measure so hastily. Members of the legal profession in Ireland could not judge of the Bill—at all events, could not express any opinion upon it—by that time; and it would not be fair to take it at a late hour on Friday night, after the House had been in Committee of Supply. It was almost seeking to entrap the House into an approval of the measure to which a large number of the Irish Members would be unable to give their assent. He thought it ought to be postponed for at least a week after the time mentioned by the hon. and learned Solicitor General for Ireland.

Colonel DUNNE said, he also thought a longer time should be given for the consideration of the Bill. He should offer every possible opposition to the Bill being proceeded with on Friday night. He was perfectly willing to get rid of the Incumbered Estates Act, and he would probably be disposed to do it in a much more summary way than the hon. and learned Solicitor General for Ireland, but several of the Irish Members were afraid that this Bill was only a device to transfer the powers exercised by that Court to the Court of

Chancery, with the view of making the Commissioners who sat therein Judges in the Court of Chancery, to the prejudice of the legitimate members of the legal profession. He thought, however, that every facility should be given for the consideration of the measure which was proposed to supersede it.

Mr. NAPIER said, that when the Bill was introduced he abstained from making any remarks upon it, as he thought it would be better to discuss it upon its second reading. He had had many communications upon the subject, but he had not had an opportunity of reading it. He objected to a Bill in which the profession and the public took so much interest, being brought forward at midnight. It was not fair to Ireland or the public.

Mr. J. D. FITZGERALD said, it was far from his wish to press forward the Bill with undue haste. A Bill was printed in July last, so that the right hon. and learned Gentleman might not be taken by surprise, and this Bill was the same, with some additional miscellaneous clauses. His only view in desiring its second reading so early was, that the present law will expire in July next, and because it would be desirable that the new law should come into operation at that time. He proposed to let the second reading stand for next Friday, when a day might be named for the Bill coming under the consideration of the House.

Second Reading *deferred* till *Friday*.

The House adjourned at a quarter after Eleven o'clock.

HOUSE OF LORDS,

Tuesday, February 12, 1856.

Minute.] Public Bill.—1ª House of Commons Offices.

COMMITTEE FOR PRIVILEGES—THE WENSLEYDALE PEERAGE.

Committee for Privileges to examine and consider the copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life (presented to the House on Monday the 4th instant), and to report thereon to the House.

Then the Committee proceeded to consider the matter of the said reference:

Lord LYNDHURST: My Lords, I was asked the last evening by my noble and learned Friend the Lord Chancellor, and by a noble Earl (Earl Grey), what course I intended to pursue in moving for this Committee. I declined then to answer those questions, because I thought it might lead to unnecessary discussion, and also because I thought it quite obvious to all persons who had paid attention to the proceedings that there was only one course which could possibly be pursued. I laid down these propositions: First of all, I stated that the force and obligation of long-continued usage was one of the principles of our constitution, and particularly that part which relates to the privileges of Parliament. I further stated that for the last 400 years no instance had occurred in which a commoner had been called up to this House to take his seat by virtue of a patent creating merely an estate of dignity for life. I considered two or three solitary instances which occurred at a remote period in turbulent and very disorderly times, before the constitution had assumed anything like its present shape and character, and before the Petition of Right, in the reign of Charles I., and more especially before the Bill of Rights at the time of the Revolution, could not justify any attempt to alter the hereditary character of this House, and that any attempt to do so would be inconsistent with the principles of the constitution. The course, therefore, which I am now about to pursue is, to prove and establish the facts which I then stated, and to call to your Lordships' bar witnesses to produce the records referred to in support of that argument; and I shall further request that the records, or those necessary for the elucidation of the subject, be laid on the table of the House, and that they be translated and printed for the use of members of this Committee, and of the other House of Parliament. My Lords, I have further to state, as far as relates personally to myself, it is a little hard upon me, sitting for many years in your Lordships' House, that the labour of searching into details should fall upon myself. I think it particularly hard, when I consider that the noble and learned Lord has a host of persons—I do not like to give them the designation which they usually bear in the profession, but I will call them myrmidons—employed for purposes of this kind, who could have saved me all the labour of detail. Having said thus much, my Lords, I shall call a gentleman from the Tower who will produce some of the records.

Lord CAMPBELL: Before my noble and learned Friend calls any witnesses, I will submit to your Lordships that, according to principle and custom, notice should be given to my right hon. Friend the claimant under this patent, who has an undoubted right to be heard. According to the precedent of the Brandon case, notice should be given to my right hon. Friend in order that he might appear by his counsel. I am anxious that your Lordships should not suppose that they are to proceed without giving to that right hon. person the right to be heard; but, upon inquiry, I find that the Motion that my right hon. Friend should be so heard ought to be made in the House and not in Committee. When your Lordships resume, therefore, I will make a Motion that the right hon. claimant might appear by himself or by his counsel.

Lord LYNDHURST: I ought to have added, that I shall produce extracts from the Journals to satisfy your Lordships that this is the correct course which I am now about to pursue, and a course perfectly consistent, and in accordance with Parliamentary usage from the earliest times.

Earl GRANVILLE wished to know what was the petition of the right hon. claimant to which the noble and learned Lord referred?

Lord CAMPBELL: I have not noticed any petition in this instance. I said that my noble and learned Friend—I will call him my noble and learned Friend—ought undoubtedly to be communicated with. He sat for thirty years as a judge on the woolsack; and he ought to be permitted to sit on and speak from the woolsack when he appears here to assert his claim.

Lord ST. LEONARDS: It is quite right my noble and learned Friend should be heard. I do not rise to object to the Motion which my noble and learned Friend (Lord Campbell) proposes to make; but I wish to call attention to what took place in the Brandon case. In that case counsel were heard for three parties in that case at the bar—for the Crown, for the claimant, and for the House. The Crown is, in this instance, furthering the claim of the claimant, and the House is resisting it; so that the claim is not watched in the ordinary way on the part of the Crown, by the Attorney General, so as to see that no improper person may obtain a seat in this House.

Lord CAMPBELL: That is a matter for future consideration. On the fairest principle my right hon. Friend ought to be heard.

Lord REDESDALE then put the question that the Keeper of the Records of the Tower be called in.

On the Motion of the Earl of Derby, it was ordered that Lord Lyndhurst do examine the witnesses sitting.

Then Henry James Sharpe, Esquire, was called in, and having been sworn, was examined as follows:—

Have you the Charter Roll of the 1st of Richard the 2nd, in the Year 1377, containing the Creation of Guichard D'Angle as Earl of Huntingdon?

I have.

Will you produce it?

The Witness produced the same.

Will you have the goodness to read that Part which relates to this Subject?

It is rather stained, and the Light is very bad, so that it is rather difficult to read.

It has been printed, I believe?

It has been printed.

What is it printed in?

In the Report on the Dignity of a Peer.

Will you read the Part which relates to this Subject?

The Witness read the same.

Have you the Translation of that?

I have not.

Will you make a Translation of it?

I will do so. The whole of the Document is printed.

You bring that Document from the Tower of London?

I do.

Have you a Parliament Roll of the 9th of Richard the 2nd, containing the Creation of Robert De Vere Earl of Oxford as Marquis of Dublin and Duke of Ireland?

I have (producing the same).

Have the goodness to read it.

The witness read the same.

Have you also the Charter Roll of the 9th and 10th of Richard the 2nd, and of the 10th of Richard the 2nd, containing the Creation of Robert De Vere as Marquis of Dublin and Duke of Ireland for Life.

Yes.

Will you read it?

The Witness read the same.

Have you a Copy of the whole of that?

I have not had Time to make a Copy of it. I did not receive the Summons of the House till between 9 and 10 o'Clock last night.

Is it printed?

All these Documents are printed in the

Appendix to the Report on the Dignity of a Peer.

Have you also the Parliament Roll of the 13th of Richard the 2nd, containing the Creation of the Duke of Lancaster as the Duke of Aquitaine?

I have (producing the same).

Will you read it?

The Witness read the same.

Have you the Charter Roll of the 21st of Richard the 2nd, containing the Creation of Margaret, Countess of Norfolk, as Duchess of Norfolk?

I have (producing the same).

Will you read it?

The Witness read the same.

Have you the Patent Roll of the 2nd of Henry the 5th, containing the Creation of John of Lancaster as Earl of Kendal and Duke of Bedford?

I have (producing the same).

Will you read it?

The Witness read the same.

Have you another Part of the Patent Roll of Henry the 5th, containing the Creation of Humphrey of Lancaster as Earl of Pembroke and Duke of Gloucester?

I have (producing the same).

Will you read it?

The Witness read the same.

Have you the Parliament Roll of the 2nd of Henry the 5th, 1414, containing the Creation of Richard of York as Earl of Cambridge?

I have (producing the same).

Will you read it?

The Witness read the same.

Have you the Parliament Roll of the 4th of Henry the 5th, 1416, containing the Creation of Thomas, Earl of Dorset, as Duke of Exeter?

I have (producing the same).

Will you read it?

The Witness read the same.

Have you the Parliament Roll of the 10th of Henry the 6th, and the Patent Roll of the 11th of Henry the 6th, and the Parliament Roll of the 20th of Henry the 6th, containing the Creation of Sir John Cornwall as Baron Faunhope and Baron Milbroke?

I have (producing the same).

Will you read those?

The Witness read the same.

You have now produced all the Documents specified in the Summons sent to you?

I have, and they are all printed in the Volume I have mentioned. I also produce the Patent Roll of the 11th of Henry VI. p. 2. m. 2., containing a Patent to the Duke of Bedford, and the Patent Roll 21 Hen. 6. p. 2. m. 1., containing a Patent to the Earl of Suffolk and Alice his wife, which I was desired to bring.

The Witness read the same.

Are they printed in Latin or in English?

They are printed *verbatim et literatim.*

You have no Translation of them?

No.

Are they printed in abbreviated Character?

Yes, they are printed *literatim.*

Besides accurate Copies of the original Documents, can you also make, for the use of the Committee, an extended Copy, without abbreviations, of each Document, and a Translation of each?

I can do so.

The Witness was directed to furnish Copies of the several Documents produced, together with Copies *in extenso* without Abbreviations, and Translations of the same.

You have not made any Search so as to be able to tell whether there are any other Instances than these?

I have had no Directions to make a Search.

You only lately had Notice of this?

At 10 o'Clock last night.

How long shall you be before you can get these Copies and Translations made?

It will take same Time; several Days certainly. Monday is the earliest Day by which it could be done.

What can you do by Monday?

I can send in Extracts of these Documents, or, in fact, Copies of these Documents, and Translations. That I understand to be what the Committee have ordered.

How long should you take to make a Search to ascertain whether or not there are other Instances of Life Peerages?

All Patents of Peerages are printed in the Appendix to the Report on the Dignity of a Peer. I mean all Patents down to the Reign of Edward the 4th, as far as they are in the Tower.

Are there none others?

There are none others in the Tower. In the later Series at the Rolls Chapel, since the Reign of Edward the 4th, none of them are printed.

How long would it take to make a Search at the Rolls Chapel for other Cases of Life Peerages?

I do not think it would take very long, because the Period is a short one.

How long would it take?

Perhaps till Monday.

You mean for the whole Period since Edward the 4th?

Since Edward the 4th.

The Witness was directed to withdraw.

While the witness was reading the Patent of the Marquess of Dublin, he was interrupted by

The Earl of ELLENBOROUGH, who begged the witness might read more slowly, because, even if it were English and not Latin, it would be difficult to follow him.

The LORD CHANCELLOR: Those of your Lordships who know what is the practice of the House are aware that, instead of asking the witness to read the documents produced, or extracts from them, he is merely required to hand them in. In this case it would be a mere waste of time, as these documents are already accessible to your Lordships. At the same time, I trust the Committee will feel that this is a matter in which they ought to proceed with the utmost rapidity; for, although my noble and learned Friend has an attack of the gout, yet, as that is passing away, and he will be in town this week, it is but too probable that he will present himself with Her Majesty's writ, and demand admittance to your Lordships' House. It is desirable, therefore, that your Lordships should proceed with the Committee as rapidly as possible.

Lord CAMPBELL said, he quite concurred in what had fallen from the noble and learned Lord as to the desirableness of proceeding with the utmost rapidity in this matter. But as to what had fallen from his noble and learned Friend, to the effect that the noble and learned Baron would demand admittance, he begged leave now to give notice that if he did, he (Lord Campbell) should move that he be not admitted to the House until the Committee had reported to the House, and he (Lord Campbell) most sincerely believed the Lord President when he said that no such attempt on the part of the learned Baron would be made. He apprehended that he would give full notice to the House of his intentions, when he knew that the House was engaged in examining the question. But the noble and learned Lord knew, as well as he did, that no one who came with a writ founded upon a patent could be admitted, if the patent were invalid.

The LORD CHANCELLOR said, he must entirely dissent from what had fallen from the noble and learned Lord. He might be wrong, but his opinion was, that whether the patent was valid or no, or with or without a patent at all, when a person appeared at their Lordships' bar with Her Majesty's writ, the House was bound to obey it.

Lord BROUGHAM said, he would not enter upon this emergent question of pure law; but he would merely state it as a matter of fact, that his right hon. Friend—or he would call him Lord Wensleydale—who was unhappily confined by a severe fit of the gout, forty or fifty miles from this place, had the intention which he (Lord Brougham) communicated on his right hon. Friend's own authority—of coming to town as soon as the law and the gout would allow him.

Lord CAMPBELL said, he hoped that if such an attempt were intended, that due notice would be given, and that it would be received as such an attempt ought to be received.

The LORD CHANCELLOR said, he hoped he should not be misunderstood that anything would be done without giving the fullest notice. It would be from no intentional disrespect, if Lord Wensleydale attempted to take his seat; but, at the same time, his noble and learned Friend was entitled to his view of the case, and that, without any disrespect to the House, he was bound to present himself for admission; indeed, he would not be *rectus in curiâ* if he did not appear and demand to be admitted.

Earl GRANVILLE said, he thought he must have been misunderstood in the matter to which allusion had been made by the noble and learned Lord. It was true, as his noble and learned Friend (the Lord Chancellor) had said, that they had no wish to take the House by surprise; but, at the same time, he would not be understood as giving a pledge that they were to wait for the Report of the Committee. They might continue this discussion the whole of the Session, and the Queen's prerogative would remain all that time in abeyance. He must protest against being supposed to have given any such pledge.

Lord CAMPBELL said, he had certainly understood the noble Earl to say that no attempt would be made to prejudge the question until the Committee for Privileges should have reported its decision. He was in favour of expedition, but due time ought to be afforded, and the opportunity of inquiring into the propriety and validity of an act which had no precedent in the history of the House for four centuries.

Lord ST. LEONARDS could not help rising to speak upon the very important question which had been raised by the noble and learned Lord (the Lord Chancellor). His noble and learned Friend insisted that by the law of this country, if the Crown issue a patent, confined, as in this case, to a life dignity, accompanied by the usual writ of summons,—upon that patent being brought to the table of the House, and read in the face of the House, they could not, however invalid the patent might be, refuse to receive the noble person who brought it, because he had a writ of summons from the Crown, and had a right to a seat by virtue of that writ of summons. But let the House consider for a moment the difference between an ordinary writ of summons, unaccompanied by a patent, and a writ of summons founded upon a patent. If the writ of summons stood by itself they knew that, from the earliest period of their history, its effect was to enable the person who brought it to come into this House and sit there by virtue and in force of it; without a word about descendible quality. They took their seat at once in the House, because the writ of summons ennobled their blood to the extent of their lineal heirs. But how was that consistent with the case of the present claimant, who came there with a patent, conferring only a life dignity, and who would tell their Lordships that the last thing he wished to claim was that of hereditary dignity? Assuming the right of the Crown to confer the writ of summons, that of itself implied an hereditary dignity, and the effect of the learned Baron taking his seat by virtue of the writ of summons would be, that on his death the dignity would descend to his daughter. But was the Crown at this time of day in the habit of granting to the most favoured subject a patent extending to females? So much did the practice incline the other way, that it would come with surprise on the Crown itself; for, in point of fact, all patents were now confined to heirs male. Nothing, in his opinion, was more clear than the distinction which he had pointed out; and although he always listened with great respect to his noble and learned Friend (the Lord Chancellor), he thought that a greater fallacy never was uttered than that which he had stated to their Lordships, confounding the one case with the other. The noble and learned Baron—if that was the title by which they chose to call him—was a person for whom he had a very great respect, and whom he should be very glad to see take his seat in the House, if he came with a descendible title; but if he came in any other shape they might depend upon it that the opinion of the House must be taken before the question could be satisfactorily settled. Independent of the principle involved, there was the Brandon case to guide them. The noble person who then claimed to sit as a British Peer founded his claim on the patent of the Crown, and presented himself to the House; thus raising the question as to his right and dignity. The Queen herself was present in the House during the debate, which continued for a very long time. Eventually the question was decided in the negative, and the noble person did not take his seat. Every precedent, therefore, as he (Lord St. Leonards) apprehended, was directly contrary to the right now claimed.

Earl GREY submitted to their Lordships that the course the proceeding had taken was very irregular and inconvenient. The noble and learned Lord who moved that the witness should be examined had partially examined him; and in the middle of the examination a conversation had sprung up, and they were now discussing, without any information before them, or any definite question put to them, the most difficult and delicate point on which they would have to decide. Surely, that was not a convenient course; and, being as willing as other noble Lords to expedite this business as much as possible, he should suggest that the noble and learned Lord who called this witness, instead of requiring their Lordships to hear read a quantity of law Latin, with which, he was sure, the noble and learned Members of their Lordships' House must be much more familiar than the majority of the Peers—for he confessed that he could hardly follow him—all the documents having been already printed by public authority, and being formally in possession of the House—the most convenient course would be, instead of having them read, to appoint some persons to assist the noble and learned Lord who had brought the subject before them. It was hardly reasonable, as the noble and learned Lord had himself stated, that he should have to search for all these documents himself. Let the noble and learned Lord, then, choose some gentleman to assist him to make such selections from the documents in the library of the House and elsewhere, as he may appoint; and having obtained them, let them be printed and brought before them; and then the noble and learned Lord might found some distinct Resolution upon them, calling upon the Committee to decide the point. He was never very sanguine of success by conducting an inquiry before a Committee of the Whole House; but if it was to continue, that was the only course to adopt to put an end to the inconvenience, and put an end to such irregular discussions as the present.

Lord BROUGHAM agreed with his noble Friend that the House having unwittingly got into a legal argument, which, however important, was as yet immature, and which had nothing to do with that stage of the proceedings, the sooner they got out of it the better. He was sorry to say the gravamen of the offence did not lie on his side of the House, but on the other—not with his noble Friend the Lord Chief Justice, but he was sorry to say with the Lord Chancellor, who had brought the House into the difficulty by broaching the subject. Another suggestion of his noble Friend's opposite (Earl Grey) was one well worthy of consideration—namely, that for the purpose of expediting the decision of the question, and facilitating the proceedings, his noble and learned Friend should have the assistance of competent persons in the selection and presentation of documents to the House. Almost all that could be required were printed, and would be found in their Lordships' library; and that course might be the more necessary because his noble and learned Friend (Lord Lyndhurst) had to prove a negative. In ordinary Committees for Privileges sitting to consider individual peerages, the House received invaluable assistance from certain Members of the legal profession—whom he could name if it perhaps were not invidious to do so—who attended to the subject of peerage law, and were expert inquirers into these matters. Why should not their aid be conveniently and profitably called in by the House on the present occasion? He should have no objection to make a Motion to that effect.

Lord LYNDHURST said, that the documents in evidence might have been read over twenty times during the time this discussion had been going on. He thought it was better to proceed as they were at present, and after that day to consider the suggestion of his noble Friend. He should be glad to know what the Lord Chancellor thought on the matter.

The LORD CHANCELLOR said, he had no objection to the suggestion that his noble and learned Friend (Lord Lyndhurst) should have competent assistance in conducting that inquiry, but it was for the Committee to sanction the course proposed.

Lord BROUGHAM said, he would suggest to his noble and learned Friend that Mr. Fleming should be associated with him, to assist him in the performance of the task he had undertaken.

Lord LYNDHURST said, he was very unwilling to be placed in the position which he then occupied; but, having undertaken that task, he was anxious to go through with it. He thought, however, that some Members of that House ought to be associated with him in preparing the case for the consideration of their Lordships.

Lord CAMPBELL said, he shared the opinion that it was advisable his noble and learned Friend (Lord Lyndhurst) should have the assistance of a gentleman specially qualified to aid him in his researches, and he believed that the gentleman named by his noble and learned Friend (Lord Brougham) would be a proper person to select for that purpose.

Lord LYNDHURST said, that what he wished was, that there should be associated with him a number of his noble and learned Friends, and that they should then have the assistance of some Gentleman specially conversant with details of that character.

Lord BROUGHAM said, he should most cheerfully give his noble and learned Friend any aid he could afford in conducting the investigation.

Lord ST. LEONARDS and Lord CAMPBELL also expressed their readiness to assist in that inquiry.

The Earl of DERBY said, that the noble and learned Lord on the woolsack expressed a great desire to have that inquiry expedited as much as possible, and that was, no doubt, the desire of every one of their Lordships. Now he would suggest to the noble and learned Lord that he would himself very greatly contribute to the accomplishment of that object, as well as facilitate the decision of the question at issue, if he would move for the production of copies of those grants of peerages on which he relied in arguing in favour of the validity of the recent exercise of the prerogative of the Crown.

The LORD CHANCELLOR said, that he had nothing to move for in the matter. The precedents on which he relied were all contained in a volume which had been already printed, and the necessary extracts from that volume had already been ordered to be produced.

Lord LYNDHURST said, that he would do all in his power, with the assistance of his noble and learned Friends and of the gentleman who was to be associated with them, to expedite the decision of the point at issue. But he would remind their Lordships that in an inquiry of that importance, they were bound to take every step that was necessary to enable them to arrive at a right conclusion. They were not to put in comparison with an important constitutional question of this kind the personal convenience of a particular individual, however respectable. He was sure that their Lordships would concur with him that whatever time might be necessary to thoroughly investigate the subject would be properly employed in coming to a right conclusion upon it.

Lord BROUGHAM stated, that, however desirable despatch might be in that matter, there could be no doubt that they ought to take care not to make more haste than good speed.

Lord LYNDHURST said, he did not know that they could do anything better than to adjourn until Monday next. He therefore proposed an adjournment of the Committee until Two o'clock on Monday.

Lord CAMPBELL gave notice that when the House resumed he would move that his right hon. Friend (Lord Wensleydale) should be heard by himself or his counsel in support of his claim to sit in the House.

The LORD CHANCELLOR said, he could state, on the authority of his noble and learned Friend Lord Wensleydale, that he would decline to take any part in those proceedings. His noble and learned Friend considered—and, as he (the Lord Chancellor) believed, properly considered—that the whole question was at present *coram non judice*. Without intending any disrespect to this House, he meant to claim admission to the House by virtue of his patent and writ, or by his writ alone. And as he intends to take that course, so does he intend respectfully to decline the jurisdiction of this Committee. He said he had received no intimation that the question had been referred by Her Majesty to the House; and until he should receive such an intimation he could not recognise their right to deal with it.

Lord CAMPBELL said, that that might be a very natural view of the question for his noble and learned Friend to entertain; but that was no reason why their Lordships should dispense with regularity in their proceedings. He should therefore make the Motion of which he had given notice.

Earl GRANVILLE asked what would be the effect upon the public mind if the Committee were now to adjourn for another week without any intimation being given of the course which they were about to adopt? After the evidence which had been taken, he was as much at a loss to know what course was to be taken as he was when the Committee first met. At the same time he had no wish to oppose the adjournment.

The Earl of ELLENBOROUGH said, he understood that the evidence which had been given at the bar was to be printed for the purpose of placing before their Lordships facts on which they were to proceed; and it was impossible to go on until they had read those facts.

Earl GREY said, that evidence had been called to prove facts which were admitted on both sides, and which no man had ever doubted or disputed. Having occupied themselves for an hour in proving that which every one knew, they were now to adjourn for a week to prove additional facts with which every one was equally familiar. What they wanted was, some clear and definite issue brought before them. If their Lordships were prepared to vote that the patent granted to Lord Wensleydale was illegal, they ought, as it appeared to him, to receive a notice to that effect; but let them not continue the present form of proceeding, which, he was very sorry to say, had degenerated into something not very dignified. He submitted that if the Committee were to be of any use, those who had asked the House to go into it were bound to advise the House as to the course which it ought to adopt; and the ordinary plan would be to move a resolution on the subject.

The Earl of DERBY observed, that the question before the Committee was perfectly clear; it was the validity of a patent purporting to convey to a commoner the right of sitting in their Lordships' House, that right not being descendible to his heirs. The noble Earl (Earl Grey) said that the precedents quoted in the case were admitted on both sides of the House, and were a matter of notoriety. But he would remind the noble Earl that the House was now called upon to proceed in a judicial capacity, and that they were not at liberty to act on matters of mere notoriety, but were bound to have the evidence legally before them. If it should result from that evidence that there was no precedent in existence for the step which had been taken in the present case—that the House had never allowed the holder of a life peerage to sit and vote as one of their body—he thought that it would go far to lead the Committee to come to the conclusion that the recent exercise of prerogative was, to say the least of it, unconstitutional.

EARL GRANVILLE said, that having already stated the ill effect which the adjournment of the Committee was calculated, as he thought, to produce on public opinion, he did not mean to offer any further opposition to the Motion.

THE EARL OF ABERDEEN said, that he felt so strongly the objections to the appointment of that Committee, that he had voted against the Motion of his noble and learned Friend (Lord Lyndhurst), although he entertained opinions very much the same as those of his noble and learned Friend with reference to the patent itself which had been brought under their Lordships' consideration. He thought that the appointment of a Select Committee for Privileges in that case was sure to lead to inconvenience such as that which they had already begun to witness; and it appeared to him that the appointment of a Select Committee, as suggested by his noble Friend behind him (Earl Grey), to consider the question, was the only course calculated to lead to a satisfactory conclusion upon the point at issue. And what had been the actual result of their proceedings? Why, the result had been, that they were obliged to appoint what was equivalent to a Select Committee to conduct the inquiry.

LORD LYNDHURST said, he thought the course which had been pursued in the matter was perfectly natural and intelligible. The direction of the Committee for Privileges was that they should examine, consider, and report upon the patent granted to Baron Parke. They were then examining into the facts, and after the examination should be concluded, they would have to consider them, and then to report the result of that consideration to the House. Was it to be said that they were to have no examination in the case? And how could they examine without hearing evidence? It was stated that they had brought their present difficulties upon themselves by agreeing to a Motion for referring the patent to a Committee for Privileges; but his reply was, that if he had not moved for a Committee for Privileges, precisely the same difficulties would have arisen in an inquiry by the whole House. He did not believe that a single instance could be found, in which a question as to the validity of a patent of peerage had been raised, that that question had not been discussed either by the House itself or by a Committee for Privileges.

THE MARQUESS OF CLANRICARDE did not think that any inconvenience would result from the present mode of inquiry. If the House had taken the matter into its own hands it would have been necessary to collate the precedents bearing on the case, and to ascertain what they were worth. That was exactly the course which the Committee was advised to pursue, and he really could not see what objections could be taken to it, especially when he recollected that in the debate on Thursday night the organs of the Government stated that one of their objects in granting a life peerage to Baron Parke was to raise the question.

EARL GRANVILLE denied having stated that a life peerage was granted to Baron Parke with a view to raise the question. In answer to the argument urged on the other side, that this was a wanton exercise of the prerogative, he stated that a similar offer having been made to a learned and very distinguished Judge, and he having declined it on the ground that he knew such a creation to be unpopular, the Government thought it a decided advantage that so eminent a man as Baron Parke should be the first to accept the dignity.

THE EARL OF CARNARVON said, that those noble Lords who had no special acquaintance with the law, and who thought that an inquiry should be instituted into that matter, had no choice left to them but to vote in favour of a Motion supported by almost every noble and learned Member of the House—that the question at issue should be considered in a Committee for Privileges, and having adopted that course he thought they were bound to go on with it. For his part he regretted that the discussion had ever been raised. He thought it very unfortunate that the validity of the creation of a life peerage should have been mooted, and doubly unfortunate that Her Majesty's Government should have persevered in a course of proceeding upon the subject which was opposed to the general sense of their Lordships. He could not but think that the support which the Government had received from Members on all sides of the House, in the present delicate condition of our foreign relations, entitled the House to more forbearance in return.

The LORD CHANCELLOR wished to correct a misapprehension which seemed to have arisen in some quarters of a statement he had made on Thursday last. It had been supposed that he had stated that Lord Wensleydale had been selected in order to try the validity of the creation of a life peerage. Now, it was impossible that he could have made use of any such language. He solemnly protested that he had never heard a whisper, until the evening before Parliament had met, that the validity of the proceeding could possibly be questioned. What he really stated was, that it had occurred to Her Majesty's Government, that if it were desirable to create life peerages, no better selection could be made for a commencement of the exercise of the power than Lord Wensleydale, who was not poor, and who was not likely to have any posterity to whom a title could be transmitted. On the first day of term his noble and learned Friend the Lord Chief Justice suggested to him a doubt as to the policy of such a step; but added that he had not the least doubt of its legality. [Lord CAMPBELL: No, no!] His noble and learned Friend said "No," and he (the Lord Chancellor) must, of course, have misunderstood him; but he protested most solemnly that his noble and learned Friend had used language to him which he had so understood, although he must, no doubt, have understood it incorrectly.

LORD CAMPBELL said, if the House would allow him he would state to the best of his recollection what passed between him and his noble and learned Friend on the occasion in question. He told his noble and learned Friend that he had heard that Lord Wensleydale was to be called to the House of Lords as a Peer for life, and he asked his noble and learned Friend whether the rumour was a well-founded one? His noble and learned Friend replied that it was; and he (Lord Campbell) then stated that he was sorry for that, as he should be obliged to make a row about the matter as soon as Parliament met.

EARL GRANVILLE said, he had reason to believe that five years ago, at all events, his noble and learned Friend (the Lord Chief Justice) thought that the creation of a life peerage would be perfectly legal; and, admitting that he has accurately described the conversation he had with his noble and learned Friend near him (the Lord Chancellor), he should like to know the precise date since that period when his noble and learned Friend had changed his opinion upon the subject.

LORD CAMPBELL said, he had never formed any decided opinion one way or the other. In the course of the debate the other night he frankly acknowledged that the impression on his mind was that the Crown might create life peerages. His authority for thinking so was Lord Coke; but he was not aware upon what the doctrine rested, nor was he acquainted with a single precedent on the one side or on the other. But when he came to examine the subject, and when he found there had been no instance of such creation for a period of 400 years, and that even beyond that period no instance had been produced in which a commoner had sat in that House as a Peer for life, the impression on his mind was considerably weakened; and he had no hesitation in saying that, unless some such instance were produced, he should come to the conclusion that it was beyond the prerogative of the Crown to create a Peer for life only.

THE MARQUESS OF CLANRICARDE said, that, after what had been said he must admit that he had misapprehended what had fallen from his noble Friend the President of the Council upon a former occasion with reference to the creation of the life peerage under discussion. At the same time it was a misapprehension which had been shared in by several other noble Lords. There was no good reason at the present moment why that peerage should be created merely for judicial purposes, and he was, therefore, at a loss to know why it had been granted if not to try as soon as possible the question of Privilege which it involved.

LORD BROUGHAM observed, that whether the Government had created Baron Parke a Peer for life with the view of trying the question involved or not, was a matter, of course, on which he could give no decided opinion. It was, however, difficult to imagine that they could have any other object in view, inasmuch as in the case of his learned Friend, who had not, and who was not likely to have, a son, an hereditary and a life peerage were of precisely the same value.

Lord LYNDHURST moved that any additional documents which he might have to submit to their Lordships should be printed and laid upon the table on Monday, in connection with the evidence which had already been adduced.

Viscount DUNGANNON said, that, although he as much as any man should rejoice at seeing a lawyer of Baron Parke's eminence elevated to the peerage, yet that he must deprecate strongly the unusual course which had been taken by Her Majesty's Government to effect that object. It was a course which, if persevered in, would pave the way for the utter annihilation of the dignity and real independence of their Lordships' House. It was upon that ground that he had felt it to be his duty to vote for the Motion of the noble and learned Lord, to refer the question to a Committee of Privileges.

Proposed to adjourn this Committee to Monday next at Two o'clock. Accordingly, Adjourned to Monday next, Two o'clock.

House resumed:

Lord CAMPBELL said, he should take that opportunity to move, That notice should be given to the right hon. Sir James Parke, to the effect that he might be heard before the Committee of Privileges, either in person or through counsel; and in order to obviate any inconvenience which might arise as to the position which his noble and learned Friend should take in the House, an intimation might be added to the notice to the effect that his learned Friend might take his seat upon and speak from the woolsack.

The LORD CHANCELLOR objected to the words "Sir James Parke" which his noble and learned Friend proposed to introduce into the notice. No person could deny that Her Majesty had created the late Baron Parke Baron Wensleydale for some purposes, and he had a right to be designated by that title. His claim to sit in that House was the only point on which their Lordships were at issue.

The Earl of DERBY said, that the question of title which had just been raised recalled to his recollection the circumstance that he had seen the words "Baron Wensleydale" inscribed upon the Roll of their Lordships' House. Their Lordships not having admitted the claim or right of that person to sit in the House, he called in question the propriety of his name being placed upon the Roll. He called their Lordships' attention to the fact, in order that the title of Baron Wensleydale being on the Roll of the House should not be held as a precedent, or be of any weight in this or any other case.

Lord REDESDALE said, that the words appeared upon the Roll upon the authority of the clerk who had prepared it, and upon no other.

The Marquess of LANSDOWNE said, it was impossible to admit any Motion that would imply a doubt as to the title of Baron Wensleydale. It was the undoubted prerogative of the Crown to confer such a title. His noble and learned Friend (Lord Campbell) had progressed very much on this subject. He admitted that he had changed his opinion—that in former years he believed Her Majesty had the title, privilege, and authority to make such peerages as the present, but that, on looking into the authorities, he had altered the opinions he then held. Neither his noble and learned Friend, however, nor any other noble and learned Lord had, up to that moment, ventured to intimate a doubt as to whether Her Majesty had or had not the right to confer any title and give right of precedence. He would be surprised, indeed, if his noble and learned Friend should state that he had any doubt on the subject; but it could only be with a doubt on this subject that the House should be at all called to entertain the question. By all the authorities he had read, and in all the speeches he had listened to, it was admitted that Her Majesty had the right—a right supported by a cloud of witnesses—to confer titles of precedence. The question arose only when the person upon whom Her Majesty had thought fit to confer a title presented himself to be admitted into their Lordships' House. Baron Parke would appear in that House as Lord Wensleydale; made Lord Wensleydale by Her Majesty; entitled to precedence as Lord Wensleydale—a precedence of which their Lordships, with all their Committees and all their reports, could not legally deprive him.

Lord REDESDALE said, he did not think it advisable that his noble and learned Friend (Lord Campbell) should persevere in that part of his Motion which set forth that Lord Wensleydale might be heard in person before the Committee of Privileges. In the case of the Brandon peerage the Duke of Hamilton was not heard in person, but through his counsel—a precedent which, in his (Lord Redesdale's) opinion, it was advisable to follow in the present instance. He might add that Lord Wensleydale could have no claim to be heard from the woolsack, even though he should appear in person, inasmuch as he was no longer a Judge; neither could he address their Lordships from his seat, except under a heavy penalty, his right to sit in that House not having as yet been recognised. It was for obvious reasons not desirable that he should be called upon to speak from the bar, and upon these grounds it was that he (Lord Redesdale) asked his noble and learned Friend to withdraw that portion of his notice to which he had just referred.

THE EARL OF ABERDEEN remarked, that the case of the Duke of Hamilton which had been quoted by the noble Lord was not one in point, inasmuch as that noble Duke was one of the sixteen Scotch Peers, and was of right entitled to sit and vote in Parliament.

Lord CAMPBELL consented.

Then it was *agreed*, That the Right Hon. James, Baron Wensleydale, be at liberty to be heard by his Counsel, if he think fit, on Monday next, before the Committee for Privileges appointed, &c.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 12, 1856.

MINUTES.] NEW MEMBERS SWORN.—For Cambridge University, Right Hon. Spencer Horatio Walpole; for Newcastle-upon-Tyne, George Ridley, esq.

NEW WRIT.—For Leominster, *v.* George Arkwright, esq., deceased.

PUBLIC BILLS —1° Juvenile Convict Prison (Ireland); Contractors' Disqualification Removal. 2° Prisoners' Discharge Society; Charitable Uses; Joint-stock Banks (Scotland).

THE CONFERENCES AT CONSTANTINOPLE—QUESTION.

MR. LAYARD: I wish to ask a question of the noble Lord at the head of Her Majesty's Government; but if it be inconvenient to him to answer it at once I will repeat it on Thursday. There is a report that Conferences are being held at Constantinople for the arrangement of certain questions referring to the rights of the Christian subjects of Turkey, and also for the settlement of the Principalities; it is also reported that from these Conferences the representative of the Sardinian Government has been excluded, and that he has in consequence protested. I wish to ask the noble Lord whether the Sardinian Minister has been excluded from these Conferences; and, if so, on what account?

VISCOUNT PALMERSTON: It has been arranged between the Governments of France, England, Austria, and Turkey that the representatives of the three first-named Powers at Constantinople should meet for the purpose of considering, in conjunction with the Turkish Government, the measures referred to in the fourth and first points—that is, the arrangements to be made by the Sultan in favour of his Christian subjects, and those to be made in regard to the Principalities. The Sardinian Government has not been communicated with upon these matters. They were not considered to be connected with the general treaty of peace, but were intended, if possible, to be settled by the authority of the Sultan independently, and not as part of the arrangements resulting from that treaty. The Sardinian *Chargé d'Affaires* applied to be admitted to the Conferences. The Ambassadors of England and France had no instructions upon the subject. They wrote for such instructions; and meanwhile the Sardinian Minister had returned to Turin. The proceedings of the Conferences have hitherto been confined to matters arising out of the fourth point—namely, the arrangements to be made for the protection of the rights and privileges of the non-Mussulman subjects of the Porte.

MUNICIPAL REFORM (SCOTLAND).

MR. EWART moved, for leave to bring in a Bill to extend the provisions of the Scottish Municipal Reform Act to certain royal burghs in Scotland, now excluded from the benefits of that Act. It had been originally intended that nine Royal burghs of Scotland comprehended in his proposed Bill should be reformed like all other municipal bodies in the same country; but on account, he believed, of the smallness of some of them, this intention had not been carried into effect. The Royal burghs, withdrawn from the operation of the general measure for the reorganisation of similar corporations, had been left to endure all the evils of a magistracy, which, being self-elected, was, to a great degree, irresponsible. The object of the Bill which he now requested the permission of the House to introduce, was to put an end to this exceptional and anomalous state of things, by extending to the unreformed Royal burghs the same principle of popular control which had been already applied with such advantage to the reformed Royal burghs of Scotland. It would be difficult to exaggerate the injury that had been inflicted on the Royal burghs by abandoning them to an old and vicious system, which in other places had been long since consigned to oblivion. In one of these burghs which he represented, there was no reciprocal confidence between the ratepayers and their municipal representatives; no material improvement was permitted to be effected, nor was it possible to bring the burghs within the operation of the Borough Police Bill of Scotland. The magistrates, who, being, as already observed, self-elected, were not amenable to popular control, very often resided at most inconvenient distances from their burghs—in one instance a principal municipal officer resided fifteen miles from the scene of his duties. In fact, these towns might be said to be governed by the ghosts of departed corporations; which, however, notwithstanding their visionary character, came down and consumed an annual dinner for the good of the community. The anomalies complained of would be abolished by the present Bill, to the introduction of which he had learnt with satisfaction that it was not the intention of the Lord Advocate to offer any opposition. It might be said, that some of the burghs were too small to be entrusted with the privilege of self-government; but others of them, whether viewed with reference to population, public spirit, or intelligence, were fully competent to elect their own magistrates, instead of having them forced upon them; and it was for their benefit that the Bill, for which he now solicited the attentive consideration of the House, was especially intended.

VISCOUNT **DUNCAN** said, that there was no intention on the part of the Lord Advocate to oppose the introduction of the Bill, although he could not, as at present advised, hold out any hopes that his hon. and learned Friend would give it his support. The reason why the nine Royal burghs referred to had been nominally excluded from the operation of the Scottish Municipal Reform Act was, simply, that in some cases their population was so insignificant that it was altogether out of the question to think of extending the principle of representative Government to them. There was one burgh in particular the constituency of which did not, when the Scottish Municipal Reform Act was passed, exceed twenty-eight, on whom would have devolved the duty of electing a council of fifteen members; and, therefore, even though the principle of self-government had been applied to it, the magistracy would, to all intents and purposes, be still self elected. He would not resist the introduction of the Bill, but, in the absence of the Lord Advocate, who had no such sanguine expectations of it as were entertained by the hon. Member who had brought it forward, he could not hold out any promise that the Government would support the measure in its subsequent stages.

Leave given.

Bill ordered to be brought in by Mr. EWART, Mr. ELLICE, and Mr. BAXTER.

AMENDMENT OF THE LAWS.

MR. **NAPIER** rose to move the following Resolution:—

> "That, in the opinion of this House, as a measure of Administrative Reform, provision should be made for an efficient and responsible department of public justice, with a view to secure the skilful preparation and proper structure of Parliamentary Bills, and promote the progressive Amendment of the Laws of the United Kingdom;"

and said, I shall endeavour, Sir, by placing before the House this Resolution, to redeem the promise I made towards the close of the last Session of Parliament, to bring under the consideration of the House a subject which, though domestic in its nature, is not inferior, either in interest or importance, to some of those more exciting questions of our foreign policy, which have of late engaged so much of our attention. The subject is manifestly of great moment, since it relates to the amendment and consolidation of our laws, and the composition and character of our current legislation, and the improvement generally of the administration of justice. It has been truly and wisely remarked, as a most singular circumstance, that while in our arts and manufactures, and in all other matters appertaining to the development and advancement of the country, improvements have gradually taken place—that in this which is of the last importance to the interest of every individual in the empire—the framing of the laws under which we live—no material advancement has been made, and that the subject can scarcely be said to have attracted any great amount of public notice. The subject is not an isolated or departmental question:—it is, on the contrary, one in which the whole community has an interest: the House cannot but acknowledge its magnitude, nor fail to be sensible that it is its duty to take the subject zealously in hand, and to do everything in its power to improve, as far as possible at least, the theory and practice of its current legislation. I will invite, therefore, the calm consideration of the House, first, to the actual existing state of things; next, to the remedies that have been proposed, but have failed to accomplish the object intended; and lastly, to the remedy which in person I venture humbly to submit for its adoption. And I will add, that, having given notice of this subject so far back as last Session, I hope the House will be prepared to come to some conclusion in regard to it, for the public mind has become thoroughly wearied with all the plans that have been hitherto tried.

Perhaps it is first of all important to observe the magnitude of the evil with which we have to grapple—for men can never sufficiently appreciate the nature of a remedy until they have thoroughly mastered the magnitude of the evil to which it is intended to be applied. Now, I do say advisedly of our laws, that they are in a condition disgraceful to civilisation. We have, first of all, our written and our unwritten law—our statutes, our customs and traditions, and our mercantile law, scattered through innumerable volumes. We have, then, three distinct systems of legislation in progress—for England, for Ireland, and for Scotland—to each of which Parliament is every day making additions; so far as Scotland is concerned, I will do her the justice to say, she gives very little trouble; Scotland is very much of a self-supporting country. The Scotch do not interfere with others, and though they take, and very commendably, good care of themselves, they do not trespass very much upon the attention of the House. On the other hand, no division of the United Kingdom suffers so much from the present condition of our laws and our current method of legislation as Ireland. In my opinion, we are far from allowing the full benefits of the Union to Ireland; for instead of endeavouring to make identity of legislation the rule, and dissimilarity the exception, we have on foot for Ireland a very ineffective system of law-making—a system which is of a special and distinctive character, and which, being set in motion for the most part about midnight, does not tend to promote the interests of that part of the kingdom, nor to draw closer the bonds of amity between the two countries. Putting aside private and local Acts, there are between England and Ireland no fewer than 18,284 public statutes. This enormous addition has been made to the common law of both countries, and is wholly independent of the Scottish law, which rests on a different basis altogether from that of England and Ireland, and one which I do not seek to disturb. Of statutes for England and Ireland, there are nineteen volumes Irish and thirty-four English. But in the case of Ireland there are additional elements of complication. No fewer than 2,263 statutes passed before the Union are peculiar to Ireland, and 1,300 other statutes of the Imperial Parliament enacted since that period also apply to that country only. The confusion of Irish law is, however, still worse confounded by the fact that in addition to the foregoing mass of statutes Ireland is subject, under what was called Poynings' Law, to all the Acts passed in England down to the reign of Henry VII., so that for that country we have a double set of statutes—a system of legislation which has occasioned injustice and inconvenience. Well, to the confusion thus introduced into the Statute-book, it will be necessary, in the first instance, to apply the work of reform. Lord Bacon, writing at a period when our public statutes were only 2,171 in number, remarked that—

> "so great was the accumulation of statutes, so often did those statutes cross each other, and so intricate were they, that the certainty of the law was entirely lost in the heap."

Yet during the reign of Her present Majesty alone, the public Acts which have been passed, almost equal the number in the entire Statute-book as it stood at the death of Queen Elizabeth. Some of the Acts still suffered to encumber the Statute-book are so absurd and even ludicrous in their nature as only to require to be named in order to be universally scouted. For example, one of these laws imposed a penalty on Irish prelates for collating an Irishman to a benefice in England, or for bringing an Irishman to Parliament to discover the counsels of Englishmen to rebels; another defined what classes of Irishmen might come to dwell in England, declaring that none should be permitted to do so who had not procured a testimonial from the Lord-Lieutenant; another related to the carrying of coals to Newcastle, a heavy penalty attaching to its infringement; another prohibited a man, under a pecuniary penalty, from keeping more than 2,000 sheep; and another was intended to regulate abstinence from flesh in Lent and other usual times. At the close of Queen Anne's reign the number of public statutes in existence was 3,277, of which no fewer than 2,074 had been either wholly or partially repealed, had become obsolete, or had expired; leaving 1,203 Acts in force. Nevertheless, the most recent expurgated list contains 10,047 expired or obsolete statutes for England alone. Last year a Resolution was moved in the House for the sweeping away of this huge heap of dead legislation; but that most desirable object had not yet been accomplished. Indeed, the noble Premier told us the other night that the task was one which far exceeded the powers of the present Government, or any other that was likely to succeed it. Certainly that reply does not hold out much hope that anything will be done in the direction suggested by the Resolution submitted to the House—at any rate no attempt has as yet been made to carry it out, and that result, supplies I think, an argument in favour of the remedy which I shall endeavour to propose.

During the last Session of Parliament there were some 134 public Acts passed, of which ninety-two were applicable to the United Kingdom, ten to Great Britain, twenty-two to England and Ireland, and 102 to England; but all that mass of legislation was huddled together into the Statute-book, brought into it without any due consideration of the existing law. And yet that mischievous accumulation is allowed, although from the time of Elizabeth every enlightened statesman has felt that the country was groaning under the increasing weight. I will ask, then, is it for us, with all our resources and learning, to remain quiet, and take no steps to remove this incubus and dead weight which bestrides and oppresses the legal system of the Empire like a nightmare? Now, it is very remarkable, when we come to consider our abortive efforts, to contemplate the efforts made in other times and in other countries. And, first of all, to take the Justinian Code. That mighty work was perfected in less than four years—fourteen months being spent upon the task of expurgation and selection—from an accumulation of laws ranging over a period of ten centuries; while the Pandects and Institutes, reducing3,000,000 of sentences to 150,000, were completed within three years. But how was that accomplished? Why, Justinian selected a distinguished man, with a staff of seventeen lawyers under him, who gave their undivided energies and exclusive attention to a work which they regarded as an honour and ambition to execute, and which they executed with such marvellous success, as has rendered their conjoint labours a monument of wisdom for the admiration and instruction of after times. And what was the case of the Code Napoleon? Why, it was upon the 12th of August, 1800, that the commission of jurists was first appointed; and in four months after they submitted their report. That report was submitted to the press and the courts for their criticism and opinions. In July, 1801, the discussions on the project commenced in the Council of State, which were continued until January, 1802, when they were interrupted until September of the same year. They were then resumed, and continued until the 17th of March, 1804, when, after 102 sittings, the work was concluded. But we have a more modern instance of how the work of consolidation may be carried on, in the case of the State of New York, which has completed a digest of the statute law, incorporating with it so much of the common law as cannot well be separated from it, the whole being reduced to three octavo volumes; and Mr. Justice Parker, a Judge of the Supreme Court of New York, in July, 1853, said:—

> "The 'revised statutes' only profess to be a codification of the statute law; such parts of the common law as they comprise are only what could not be separated from statutory enactments. Practically no inconvenience is felt from the circumstance that part of the law is in the form of a code, and the remainder not; nor is the want of precise definitions of the terms used in the code found to create difficulty. On the whole, the revision is considered entirely successful, and is popular with the profession."

So far, therefore, as relates to the Justinian Code, the Code Napoleon, and the reform of the New York Laws. We know that Bacon made proposals to James I., in his time, relative to the consolidation and reform of the laws. And when James made that eminent man Attorney General and a Privy Councillor, out of gratitude for the favour thus shown to him, he drew up a paper, declaring that the best return he could make to His Majesty would be to give up his time and attention to what he called the reducing and re-compiling of the laws of England, proposing to expurgate all repealed, obsolete, and unsuitable statues, especially the Penal Acts, which he thought were unfit to be continued upon the Statute-book, as they were at variance with the spirit and temper of the times. And he goes on to make this pertinent remark, and I will advert to it because there are those who are in the habit of saying, "Let these obsolete statutes alone, they injure no one, and so take no further notice of them." Well, Lord Bacon pithily says,—

> "The leaving on the Statute-book Acts which are at variance with the spirit and temper of the times in which we live, impairs the authority of the rest; and we ought not to have the living die in the arms of the dead."

Therefore he says that, when you proceed to the work of remodelling our laws you ought to proceed in accordance with the wisdom and enlightenment of the age; and—what is more important than the mere technical improvement of the language of Acts of Parliament—you ought to take care to mark out the boundaries of legislation, allowing their due weight to the reasonable agencies, the education, and the moral influences of the age, upon which your legislation ought not to encroach. Lord Bacon, on the occasion I have already referred to, when speaking of the Justinian Code, alludes also to the *Sexviri* of Athens, who were "standing commissioners to watch and discern what laws waxed improper for the time, and what new law did in any branch cross a former law, and so, *ex officio*, propounded their repeal." And he says he would recommend commissioners of this kind to be appointed by both Houses of Parliament —not, however, to interfere and control the Houses, because Parliament would never give up its paramount functions, but only to prepare and propound. James made a speech to Parliament on the subject, and, in rather quaint language, he tells them:—

> "There be in the common law divers contrary reports and precedents; and this corruption doth likewise concern the Satutes and Acts of Parliament, in respect that there are divers cross and cuffing statutes, and some so penned as they may be taken in divers—yea, contrary—senses; and therefore would I wish both those statutes and reports, as well in the Parliament as common law, to be once maturely reviewed and reconciled, and that not only all contrarieties should be scraped out of our books, but even that such penal statutes as were made but for the use of the time (from breach whereof no man can be free), which do not now agree with the condition of this our time, ought likewise to be left out of our books, which, under a tyrannous or avaricious king, could not be endured; and this reformation might, methinks, be made a worthy work, and well deserves a Parliament to be sat of purpose for it."

Mr. Napier

And although at that time the statutes did not number many more Acts than were passed in the reign of Her present Majesty alone, the evil was felt to be so great that the proposition recommended by Bacon to remove the accumulation was laid before Parliament. Coming down to the later period, Mr. Hargrave, a most enlightened jurist, well known to the profession of the law, alluding to the yearly augmentation of the evil, holds, in 1787, this language:—

> "Would Bacon and Hale have remained unconcerned spectators of the most dangerous of all juridical diseases? Would they not have earnestly supplicated the Sovereign, or, perhaps, the Parliament, to save the country from that ruin which must ensue the moment the science of law and the administration of justice shall cease to be practicable?"

Now, since the time when this passage was penned, the statutes have doubled in number. At length, in the year 1816, the evil was felt to be so great, that a Resolution for classifying the statutes was proposed in the Lords, and was carried. A similar Resolution was then submitted to this House, and was assented to; upon which an Address was presented to the Crown, and some partial consolidation followed, and so the matter ended. Since that year no less than 4585 acts have been added to the public statutes. About the year 1816, however, the country possessed some great law reformers. There were Sir James Mackintosh, Sir Samuel Romilly, and Lord Brougham, who, from that day down to the present, has unceasingly given the country the benefit of his valuable and energetic labours. In the year 1826 we were presented with the great work of Sir Robert Peel, which I must declare to be one of the greatest monuments of his practical statesmanship and ability that he has left behind him. I refer to his consolidation of our criminal code. *Monumentum œre perennius.* Sir Robert Peel availed himself of the best assistance in perfecting this consolidation; and he freely acknowledged that when he applied to the lawyers and Judges for their assistance, it was conceded in the most hearty manner. Accordingly, that attempt was eminently successful. But this step in advance applied only to our criminal law. In 1833, when Lord Brougham was Chancellor, he appointed a Commission which gave in its Report in 1835, and they came to this conclusion:—

> "We also think that a complete and systematic consolidation, accompanied with an adjustment of

> the enactments to precedent and judicial decision, is practicable and desirable; but so extensive a reform, however beneficial, could not, we are aware, be safely accomplished without great pains, nor ought it to be attempted without cautiously weighing the means of performing so arduous a task, and steadily contemplating the difficulties to be encountered in its execution."

Nevertheless, nothing was done. So it would seem there has been a great deal of advising, a great deal of pointing out what ought to be done. Well, we want the thing to be done. In 1843, Lord Brougham addressed a letter to the right hon. Baronet the Member for Carlisle (Sir J. Graham), who, I believe, took a deep interest in this subject when in office. At last, in February, 1853, the present Lord Chancellor laid before Parliament a plan for the consolidation of the statute law. He proposed that the work should be commenced forthwith, and his plan was, I think, an admirable one, and it only required to be carried out effectively. He proposed to begin with the work of expurgation—then to classify—then to consolidate—and, when the consolidation was effected, they were to take pains as to the new additions—and it is a very important point that, while we are consolidating the old law, we should not go on accumulating new statutes, which would require to be dealt with in a similar way hereafter; for, above all, the principle was to be kept in mind as of the last importance, that when you set about amending the old law you must take care to preserve the standard of reformation so as to bring it to bear upon your new legislation. I believe that if that plan were carried out properly, you might stand well, and might proceed wisely in the work of legislation; and, observe, instead of having a double set of English and Irish Acts, you might have one Imperial code for the two countries, as well before the Union as after it. What I think ought to be done is this—we ought to take the two sets of statutes, availing ourselves of the decisions pronounced, and reduce all to one code for England and Ireland, continuing the work after the Union, when the task would be the more easy. And here I must confess my disappointment when I lately heard the noble Lord at the head of the Government, speaking of the first feature of the plan proposed by the Lord Chancellor in 1853, which every one must consider necessary, say that it was impracticable. I cannot help hoping that, occupied as the noble Lord is with matters of such importance to the country and to Europe, he unwittingly gave utterance to an opinion by which, on more mature reflection, he will not wish to abide.

I have thus pointed out to the House the state of the existing statute law, and I think I have shown that it is in a state in which it ought not to remain; and that though various efforts have been made from time to time by means of various Commissions to bring about a reform, the Commissions had not succeeded in effecting the work committed to them. I now come to the next branch of my subject, which will, I think, be found of still greater importance. I mean our current legislation. I fairly confess, however, I am all but appalled by the magnitude of the evil now before me. With regard to the laws which have already been made, though it is not creditable to any country that our statute law should remain in such an unsatisfactory state as ours in England, and though the laws ought to be reduced to a practical and intelligible form, yet, aided by the good sense of the people, we may struggle on, ill-digested as the law is. But when we come to our current legislation, we must acknowledge that the magnitude of the evil requires that it should be grappled with at once. It has frequently been my desire to do what I could to the best of my ability to assist in the work of legislation; but I am obliged to own, I have failed in that object. I find, night after night, the same faulty system pursued; the same style of Bills brought in over and over again; the same statements made, and the same announcements delivered by the organs of the Government—"Oh, we will let you introduce your Bill, but we will not promise to consent to its details." And so it goes on night after night, and Session after Session. The other night we had a Bill before us relative to the execution of judgments throughout the United Kingdom. Why, we have had the same measure before us for the last four or five Sessions, and it now stands for second reading. At first I was inclined to think the measure might be a useful one; however, after considering the subject before a Select Committee, I saw reason to change my opinion, and it was rejected by the House, now to be reproduced. The other night I heard that my hon. and learned Friend near me (Mr. M'Mahon) is going to let us have the old Fishery Bill once more to bewilder us. Now I wish that some of our financial gentlemen would take account of the cost of this abortive system of legislation, for I think the amount of money thus wasted would be adequate to keep up a competent staff to assist us in legislating wisely. My idea with reference to the framing of Bills is this—that you cannot have a Bill properly framed or carried out until it becomes an Act of Parliament, unless some paramount authority, having charge of the Bill, understanding the whole subject, will consider every Amendment made in it with reference to the whole, at the same time being thoroughly versed in the state of the law connected with the subject referred to by the Bill. At present Bills are often introduced by non-professional gentlemen, who may have some particular interest to advance by the particular subject of them, but who know nothing of the existing state of the law in reference to the measure proposed. Well, when they are proposed, the Government look around, and ascertaining that it will be prejudicial to their interests to oppose their introduction, permit them to be introduced, intending however, to trip them up in the scramble upon some subsequent stage. Now that is not a proper state of things. In 1828, Lord Brougham brought forward his great plan of law reform, and I believe most of his recommendations, thought then by many to be visionary, have been ultimately carried out. Before that time Sir Samuel Romilly, that able man, supported by a small handful of coadjutors, suggested many reforms that have since been carried out. My impression is, that if you had a department —presided over by a wise and learned administrator, assisted by a competent staff, to watch the state of our laws, and to supervise every measure, to observe the working of the law, and to propound seasonable and apt amendments—a remedy for the evil now complained of would be afforded. In my humble judgment, nothing is more calculated to prejudice the work of law amendment than by delaying needful reforms demanded by the exigencies of the times; for in course of time people get tired of waiting, and are finally glad to accept some rash and undigested effort in place of a matured and well-arranged scheme. Lord Brougham, in his speech, in 1848, on the subject of law making, enumerates a number of extraordinary mistakes made by the Legislature; and although the amount of these mistakes justify the language he had used in respect to them, the noble and learned Lord was by no means very complimentary as to the system of legislation which occasioned them. The noble and learned Lord said—

> "Here the Legislature bears the aspect not of a doting person, who forgets in old age recent events, not recollecting one day or one hour what he had said the day or the hour before; but of one who, being in the very last stage of mental imbecility, forgets at the close of his sentence what he had said at its commencement."—[3 *Hansard*, xcviij. 886.]

He then proceeds to give instances the most singular as to the state of the law. Of one section being wholly forgotten in the enactment of another—and of the complete contradictions which were exhibited in the several provisions of the same Act. He then gives some striking instances in which such anomalies occur, with which the House is not unfamiliar. There are some, however, in regard to Ireland, which I shall slightly allude to, for the purpose of showing the great inconvenience and injustice of the system. There was a statute passed in 7 & 8 *Vict.* c. 76, to facilitate the transfer of land. In the next Session it was found necessary to amend that Act, and a statute was accordingly passed to amend it. In the third section it was necessary to except the operation of a clause, but, by an unfortunate mistake in using the word "release," instead of lease, the greatest confusion arose. Litigation and discussion arose, and the benefit of the statute was for some time lost to Ireland. One would suppose, after Lord Brougham's exposition of the evils of this system, in 1848, that the matter would be in some degree remedied. But no. In 1849 an important statute passed on the 26th of June in regard to certain leases made under powers affecting lands held in perpetuity. Well, another Act was passed in the same Session, being c. 110, to suspend the operation of the previous Act; and then came an Act, in the early part of the subsequent Session, to amend them both. As regards the regulations of process and practice in the superior common law courts in Ireland, the case is still more peculiar. For example, the 13 & 14 *Vict.* c. 18 was passed to enact a certain law, and then the very next statute, c. 19, was passed to amend c. 18. And then, during the very next Session, the 14 *Vict.* c. 17 was passed to amend both. Now, what occurred when the English Procedure Act was brought in? The 103rd section of the English Bill, when going through the House, was intended to extend to all the courts of civil judicature, both of England

and Ireland, a number of clauses, from the 18th to the 32nd, which should apply to all these courts. But when the Bill went up to the House of Lords, there was some section omitted, which altogether altered the original numbers of the sections. The extension of some of the clauses thus became confused and unintelligible. The 33rd section was not applicable in its nature to the inferior courts in England, and it was not required at all in Ireland; but although another part of the measure was much wanted in Ireland, it produced great delay in that country, which entirely lost the benefit of the 18th section, which was of the greatest importance, and the 33rd, which was not wanted, was substituted in its stead. Next year a Bill was brought in to amend this Act in regard to Ireland, and subsequently another Bill to amend it in regard to England. Such cases would be impossible if there existed a proper department to assist the business of legislation, presided over by a man of experience, whose learning and labour would be at the service of the House. When laws are to be made we should have the benefit of the combined knowledge and wisdom of the most experienced heads: the laws should be made upon some sound plan combining uniformity and system; when hon. Members apply for leave to introduce Bills, there would be a Minister of Justice in the House, who would be able to inform the House as to the state of the law upon the particular subject, and to say whether such a measure was needed. By such a system the country would be saved an enormous expense. I do not, however, put forward this question upon the ground of economy. I put it upon the ground of efficiency, for efficiency ought to be the first end aimed at—generally speaking, whatever is most efficient will be found the most economical. If you tot up the expense occasioned by litigation in consequence of the blunders of Acts of Parliament, by the printing of Bills brought in to increase, and others to remedy these blunders, by the delay and confusion created, by the printing and upsetting in due time of so many abortive measures—if, I say, you tot up all this expense, you would find that there would be a great saving to the country in point of money, if a system such as I propose were adopted, and by which all legislation would be carried on in a direct, efficient, and straightforward way. Let us have a proper person appointed to preside over a separate department, to superintend it, and to sit in this House, who could apply his whole mind and knowledge to this one great subject. The country is entitled to the best services that can be obtained wherever they can be had. A man's first duty is to his country. The country has the first claim upon the best ability that can be had: and if the expense of the system I suggest is greater than the expense of the present system, that will be no argument aginst it. I say that plain justice requires that our legislation should be based upon such a system as I propose. The Acts of our Legislature, which affect the well-being of the community, the peace of society, and possibly the union of the two countries, should be drawn up in a plain, intelligible, and comprehensive manner. It is an object most worthy the attention and the consideration of Parliament. Another source of inconvenience and anomaly arises from legislation on the same subject being founded on the Reports of Commissions, having no communication with each other. Now, what occurred in regard to the Justices of the Peace Acts? There was a law passed on this subject for England in the Session of 1849. In the next Session there was a law passed for Ireland. In the course of four years these Statutes were changed three times. The greatest confusion was occasioned by one of these Acts having inadvertently repealed the Small Tenements Act, and the Repealing Act had to be repealed. We see often, when Acts are prepared by different Boards and Commissions, that great mistakes also occur. There were two Commissions existing in 1833—one to inquire into the state of the common law, and the other into the law of real property. These separate Commissions brought in two ably-drawn Bills; but by one of these Bills the limitation for the recovery of rent was six years, while by the other the term was extended to twenty years. Both Bills passed the Legislature in the same Session, and became law; the natural consequence was, that a conflict of litigation subsequently took place in order to decide which period was the true limitation. Now, this was the result of appointing two sets of Commissioners without unity of plan. These two bodies did not communicate with each other, but introduced separate measures, which were passed without much criticism, because it was naturally presumed that, emanating from such authorities, they were properly drawn up. What occurred in 1848, in regard to the Bankruptcy Act, passed for Ireland? I took a clause from Lord Brougham's *Digest*, and put it into the Irish Bankruptcy Bill, and that Bill received the assent of the House. The House of Lords then sent down a Bill for England, containing the same clause; and the House of Commons cut out that very same clause from the English Bill which they had before admitted into the Irish Bill; thus making an important difference between the laws of England and Ireland. In our duplicate legislation, a small verbal difference gives rise to inconvenience and litigation; and it also happened that occasionally, when it was discovered that in an Act amending a former Act, which did apply to England and Ireland, some words were employed which did not include Ireland, or the recital referred only to the former English Act, doubts were raised as to whether any portion of the amended Act applied to that part of the Empire. There was the Act for the Apportionment of Rent. It was an Imperial Act, but it only recited the English Statute, there being a parallel Statute in Ireland also. What was the consequence? Discussions arose as to whether the new Act applied to Ireland—because the English Act was alone referred to. In the last Session we had an Act to amend the Fines and Recoveries Act. There was an Act for England and an Act for Ireland, which were, however, very similar, but not identical, in their language. The new Act only recites the English Act, and again the question as to Ireland is reopened. Surely in such cases from the beginning, we ought to apply the one Act to the two countries. I will mention another instance of the irregular and unjust manner in which legislation is conducted. The Board of Works passed an Act of Indemnity, as I might call it, generally every year. What occurred last year? Towards the end of the Session it was brought in at a time when the Members were leaving, and when there was little chance of any successful opposition. An Act was passed in 1853 which was disapproved of geenerally in Ireland. Well, last year I found this other Act still more objectionable framed upon a similar model. I spoke to several Members whose constituencies would be affected by it to oppose its passing. I myself had to remain ten days in London, watching the Secretary of the Treasury, like a police officer day and night—for the House was then sitting continuously—with a view of opposing the progress of the measure. I went to the Secretary for Ireland to ask some questions about it, and I was told that it was not in his department. The Solicitor General for Ireland, on being applied to, said the same thing. I then asked whose Act it was, and was informed that it belonged to the Treasury Department. I had to threaten that if it were not modified, and made more conformable to reason, I would take strong measures against it in both Houses. Ultimately, after waiting at the House for ten days together, and having come over from Ireland for this purpose alone, by dint of perseverance, but at the expense of great personal annoyance, I succeeded in getting the Bill much modified. Now, surely a Member of this House ought not to be subjected to such a state of things as that; whereas, if there had been a proper and responsible officer in the House, I could have gone direct to him, and stated my objections to him, and held him accountable for the result.

Such, then, is the way we are now proceeding with our current legislation. You will now see how many men of high position from time to time have attempted to remedy this evil. Lord Bacon advised the appointment of Commissioners in Parliament, like the Sexviri at Athens, to watch all the current measures, and to declare what the law was, and whether it required any improvement or alteration. Lord Brougham, in his speech of 1848, said this—

> "I have often urged the necessity of a Board being formed of skilful professional men, not to supersede, but to aid both Houses of Parliament in the preparation of public Bills. It is a task which no one man, how gifted soever, can hope satisfactorily to execute, because several men are required of different habits of thinking, of various turns of mind, to sift the subjects successively dealt with in our numerous Statutes. At the head of this Board should be the Minister of Justice or his deputy. The necessity of this office I have repeatedly urged, and I may before I sit down once more recur to the subject."—[3 *Hansard*, xcviii. 893.]

In 1849, also, the noble and learned Lord addressed a valuable letter to Sir James Graham upon the same subject. Let me now call attention to the evidence given by Lord Langdale, who was examined in 1848 before the Committee in respect of fees in courts of justice. Lord Langdale said—

"My opinion is that you want an office of Government in which the affairs of justice should be the particular object of attention. I would not desire any greater proof of the necessity for such a Minister than may be seen by looking at the condition of the several courts of law and equity, and in examining the Statutes passed in any year for many years last past. Look at the way in which Acts of Parliament are expressed, and how they have to be interpreted by the Judges, who often toil in vain to find any meaning; and if, in the absence of any constituted authority, or of any person specially charged with the duty, some individual should attempt an Amendment of the Act, it is not improbable that the Amendment may prove as unfortunate as the Act itself."

Then he said—

"How frequently important Acts of Parliament are passed in such a state that it is almost impossible for the Courts to act upon them; what blunders are continually made in legislation; how it becomes necessary to repeal in one year what has been done in the former year, because it is manifestly erroneous; when we see all this, we must, I think, be of opinion that it is absolutely necessary to endeavour to establish some better mode of proceeding, to provide an authority for the collection of the required information, and to bring to the rescue all the skill and experience which can be obtained, for the purpose of securing more prudent and careful legislation."

He went on to say—

"You ought no sooner to discover a defect, or what appears to be a conflicting course of proceeding, than you ought to report that to the authority, whose duty it should be to consider of a remedy;"

and he added—

"I think that you would have a very laborious and busy office, and acquire something like a hope of improving the law and the administration of justice upon a steady and prudent plan."

Again, he said—

"I believe you cannot work out a system of safe and national law reform without an authority of that kind."

There was an important discussion in the House of Lords on the 14th of March, 1853, in which Lord Lyndhurst drew attention to the state of our current legislation. The Lord Chancellor had then given notice of a measure for the consolidation of the statute law. Lord Lyndhurst took the opportunity of drawing their Lordships' attention to the current legislation, the cause of its imperfections, and the remedies he proposed. In the course of his speech, the noble and learned Lord instanced a case which had given rise to much litigation and discussion, in consequence of the occurrence of the word "may" in an Act of Parliament. The case was argued in one Court for some days, and a decision at length arrived at. Subsequently the case was brought into another Court, when a contrary decision was come to. That inconvenience would have been remedied if the Legislature had used the words, "may at his discretion," or "shall at his discretion." Lord Lyndhurst then expressed himself in the following language—

"It always appeared to him that it would not be difficult to provide a remedy; that they ought to have some person of competent information appointed by the Government, with such assistance as might be necessary, to make himself master of every Bill, to watch it in its progress, and to communicate from time to time to some authorities in either House any observations that might occur to him with reference to the Bill, either in its original or amended state. It was a subject for the consideration of the Government." [3 Hansard, cxxv. 136.]

The Lord Chancellor, on the same occasion, said—

"He felt as strongly as his noble and learned Friend could feel the absolute necessity of coming to some arrangements whereby their legislation for the future might be made more perfect than it now was."

Lord St. Leonards observed—

"Here lay the true remedy for the evil—that every important Bill should be framed by a competent person, and that no one should be allowed to introduce an alteration which was not afterwards submitted to the person who framed the Bill."

On the 28th July, 1853, after adverting to improvements in legislation, with regard to private Bills, Lord Brougham said—

"But when we shall have put this branch of legislation upon a right footing, surely we cannot stop short of the other, and leave the preparation and passing of Public Acts in its present most unsatisfactory state. How often have men of all parties avowed their ardent desire to see this grievous defect remedied, whether by appointing a Minister of Justice, or a Board, or a Board acting with or under that functionary. All men are agreed on the evil. No one denies or doubts its magnitude, Yet I remember a lamented friend of mine in this House, one of the most sagacious of observers (Lord Ashburton), saying, 'This is, of all the improvements you have ever propounded, the most undoubtedly required; and, nevertheless, you will find it easier to carry all the rest than this.' I would fain hope that the time approaches when the difficulty may be overcome." [3 Hansard, cxxix. 848.]

I find the Statute Law Commission, at the end of the last Session, conclude their Report thus—

"Perhaps nothing satisfactory towards the improvement of future legislation can be effected until either a Board or some other persons are appointed whose duty it shall be either to prepare or revise and report upon all Bills before they are brought into Parliament, and to watch them during their progress through the two Houses, either as officers of the Lord Chancellor or some other minister, or as officers of the two Houses of Parliament."

Now, it is my opinion, that the main cause of the failure of these attempts at legislation is the manner in which the responsibility is scattered. It does not do for a man preoccupied with other engagements merely to sit down and spend half an hour or so with the disposition to forward law reform. The Members of the Government have a multitude of other occupations to attend to; there is no concentration of mental power upon this great subject. It is confessedly a great, nay, a gigantic work, requiring men of great power, ability, and energy to carry it out. But that is the very reason why that work should be attended to by a man, or a body of men, whose sole duty it should be to help forward efficient legislation. What has been said, that everybody's business is nobody's business, is perfectly true as regards legislation. We see every day individual Members ushering into the House Bills on various subjects, many of which require an amount of attention which no individual Member, private or otherwise, can be expected to give to them; and amid the pressure of business generally the most imperfect measures are sometimes permitted to go forth as law. If a man wants a deed connected with his own property drawn up, he will go to the man well, if not best qualified to prepare it. Such, however, is not the practice in this House. Lord Lyndhurst in compliment to Lord Brougham, said he was the *chargé d'affaires* as regarded legislation until a Minister should be appointed to preside over that important branch of the public interests. No doubt the noble and learned Lord has done great things, and the country ought to feel greatly indebted to him. At the same time, unless a man has the office and the authority properly committed to him he cannot adequately perform the duties he may be willing to undertake. What takes place? We send our statutes before the courts. They are sometimes carped at by the Judges, who, in trying to explain their meaning, are often heard to say, "it is not easy even to guess what the intentions of the Legislature were when this Act was drawn up." And sometimes our statutes are held up to open ridicule. The Legislature, to be sure, have sometimes retaliated upon the Judges by saying that their objections are merely technical and forensic. Now that, I say, is injurious to public justice and the authority of law; it is not the state of things which should exist, or which could exist, if we had the Legislature and the Judges co-operating together as they ought; the one giving us valuable suggestions founded upon their observations as to the working of the law, and the way in which it might be improved; while the other body could effectually carry out these suggestions and improvements by well-considered measures of legislation. If we had a proper person of high standing, and with the kind of staff required, he could communicate with the Judges upon all subjects connected with our legislation, and could obtain ample assistance from eminent jurists and other authorities. He would also have the opportunity of receiving most valuable suggestions from all parts of the country about amendments in the law. Many good suggestions are constantly coming up from the country; but in the present state of things one does not know what to do with them. In my humble judgment, if we had a proper department constituted for this purpose—one that would receive and record every practical suggestion made to its head—that would hold communications with magistrates and judges, and that would preserve a record of judicial decisions and constructions—that had in its employ a skilful body of draughtsmen to prepare Acts, &c., in a proper and efficient manner, and persons acquainted with Irish and Scotch law who would see that our laws were made as Imperial as possible, it would be one of the greatest advantages that could be conferred upon the country. And we should then have the Houses of Parliament engaged with broad principles and great truths rather than with petty details, with which we have too often to deal most injuriously under the present system; we should have our Acts of Parliament uniform and harmonious. We should have our laws properly classified in our Statute-books; and if we could get our laws properly expurgated, classified, and consolidated, we could at all times be enabled to amend our statutes without disturbing the whole framework of our legislation. Taking any one of our Statute-books we find the enactments flung together, as with a pitchfork, in a confused heap. Commissions and Committees and amateur legislation have been tried in vain. I would get rid of all that; but the reports of these Commissions and Committees might be rendered available by a proper department, such as I have described. There is a great body of information now before the country supplied to us by practical men. We have a great body of wise hints which have been suggested by the working of the law. With a proper staff of good workmen all this would be available. We have a Board of Public Works, we have a Department of Public Health, we have a Board of Trade, we have a department for the affairs of War; and it is now proposed that there shall be a separate department for Education. I ask you, then, whether you do not think that Justice is entitled to a department as much as any one of these subjects I have mentioned? Is not this a subject that concerns every man?—which concerns the dignity of the Legislature, the authority of the law, the security and the peace of society—for are not all these involved in the establishment of such a department, filled by eminent and practical men, to carry out one great system? My opinion is, that the current law of the land ought to be the expression of the mind of the people of this intelligent community; and that the old laws should be amended and reduced to conformity with this standard of excellence. We might thus be able to realise the science of jurisprudence which ought to fix the true boundary of wise legislation. It is not for me to dictate, though I have considered the details of this department. I think the better course to take would be to appoint a proper person in the first instance, who would be competent to organise the department and to work out the details of it. Act as regards this department as you have acted in regard to the other departments of the Government. Do it at once, and do it with energy and determination. I only hope that the House, as they have got the subject before them, will now give me their opinion on my proposition. I brought it forward at the end of last Session; and all my conferences with enlightened and intelligent men since then have confirmed me in my resolution to persevere with this remedy, and to take the sense of the House upon it. I ask you to unite together, like men of sense and decision, to rescue our laws and the administration of justice from the state in which they now are. Many good things have been done; but even yet, in the administration of the law we have delays which inflict hardship and injustice. But would you have had the working of many of our laws in their present inconvenient state if you had long ago established a department of this kind? Look to your Ecclesiastical Courts, and see the reforms which are so urgently required and are still doggedly withheld. Look to your Church system;—no Church discipline can be properly enforced—look to your County Courts—they are far from being thoroughly organised and established. Look to your highest Court of Appeal, and say whether you can justify the condition in which it struggles on. Even your ordinary procedure is in an unsettled state. Here, then, you have a great work to do. I do not see, for the life of me, why in the department of the law there should be any difference between England and Ireland in mere matters of procedure. A great object should be to relieve all courts as much as possible from technicality and form, leaving them to decide upon the substantial rights of parties. I propose that this new department of justice should occupy itself with the amendment of the old law, with the supervision of the current legislation, and with keeping a watchful eye upon all measures for the reform of the law. We are told in the eastern fable that it was by the cleansing of the old lamp that the secret of its power was discovered. If we are in good earnest we shall be able to summon the Genii of the Lamp to our assistance. We shall have voices from the dead to urge us forward. We have to support us the example of the enlightened Bacon, the noble simplicity of Hale, the manly and majestic wisdom of the lamented Romilly. We shall have the aid of one who still survives—one to whose exertions in the cause of law reform a deep obligation is due; to whom may be applied the language of my eloquent countryman—that he has "winged his eagle flight against the blaze of every science with an eye that never winks and a wing that never tires." I mean Henry, Lord Brougham, who, during a long life, has devoted himself to the cause of law reform, persevering to the end with a vigour and energy perfectly wonderful at his advanced age, "for his eye is not dim nor his natural force abated." It is earnestly to be hoped that effect will now be given to a proposition which that noble and learned Lord has so often and so ably submitted to Parliament. I do hope that the House will now join me in giving effect to the proposition which I now humbly make. If we are in earnest we shall succeed, and we may make our laws consistent, rational, clear, and intelligible. Then let us write them upon new tables and deposit them in the sacred ark—the respect and the affections of the people.

MR. COLLIER, in seconding the Motion, said, the able and comprehensive speech which had just been addressed to the House by his right hon. and learned Friend made his task a very easy one. He might observe, however, that it was almost impossible to overrate the importance of the question which his right hon. and learned Friend had brought before them. True, it was not attended with much popular excitement; the right hon. and learned Gentleman did not come with his hands full of petitions, or supported by declamations from the hustings and the platform; the subject might never make a very valuable electioneering cry; but it was one of far more importance than many which had agitated the country from one end to the other. It was one which affected the general health of the body politic. Nations, like individuals, were very apt to be careless of their general health, while sufficiently impatient of any acute disease; when political maladies, such as the rottenness of our representative system, the restrictions on our trade, became unbearable, then, indeed, the outcry was loud enough, and the remedy was somewhat roughly administered amidst a good deal of excitement and clamour. But this Motion addressed itself to an old constitutional malady, which pervaded to a certain degree every member of the body politic, but which, because it was not absolutely intolerable—and we had been used to it time out of mind—we were apt to regard as an unavoidable dispensation of Providence, rather than the result of our own supineness and neglect. He believed the evil to be, that our jurisprudence had not kept pace with the progress and development of the nation, and so necessarily tended to clog and retard them. Our national character, habits, manners, modes of thought, had changed since the middle ages more than our laws. In all other departments of the State, in manufactures, shipping, *matériel* of war, we were anxious to avail ourselves of every new invention, and all the resources of modern science; and yet in our courts of law we had a fancy for strange mediæval machinery, venerable with the accumulated dust of centuries. We had at present tribunals and modes of procedure as much out of date and out of keeping with everything around them as a galley of the reign of Elizabeth would be among a fleet of steamers. We had courts of law with machinery so defective as not only to be unable to do complete justice to suitors, but to be occasionally compelled to do injustice; and, as a remedy for that evil, we had another set of tribunals acting on different principles and restraining the first in their involuntary career of iniquity. Not content with courts of law and equity, we had Ecclesiastical Courts, acting upon a third set of principles, and with a third mode of procedure, all this machinery being so admirably arranged that the three sets of Courts might be all brought into operation at the same time upon the same subject-matter with different results. Again, we had the highest tribunal in the country — the Supreme Court of Appeal—which ought to command the respect and veneration of the whole people, reduced to two law Lords, differing from each other and coming to no conclusion. He need not allude to the differences between the law of real and that of personal property, some no doubt inherent in the nature of things, others arbitrary and conventional; or to the numerous abortive attempts to facilitate the transfer of land, and thereby relieve it of some of its most grievous burdens; or to the unsatisfactory state of the law of husband and wife, which permitted men who could afford it to purchase from the Legislature, by way of indulgence, that divorce which was unknown to the law. Nor need he allude to the unsatisfactory state of the law relating to church discipline, sufficiently exemplified in the recent case of an unfortunate archbishop, who, intending only to institute a preliminary investigation, found himself set in perpetual motion by a mandamus from the Court of Queen's Bench, and ingulphed in a bottomless vortex of litigation.

> " Fluctus ibidem
> Torquet agens circum, et rapidus vorat æquore vortex."

He need not at that time refer to the defective state of legal education, and the imperfect arrangements of the Inns of Court, the result of which was that, although we had many able practitioners in every practical branch, yet we had few men capable of comprehending the whole law of the country, and fewer still with any comprehensive knowledge of jurisprudence as a science. Next there was the Statute-book, which was a collection of laws "without form and void," arranged upon no conceivable plan, of which no man could say how many were obsolete, how many repealed, how many were still in force, and which had hitherto defeated every attempt at consolidation or arrangement. The worst of all was, that these evils were not past but present, continuing, and increasing. Every year the stream of turbid and confused legislation flowed on, annually depositing a certain amount of noxious sediment, full of the seeds of litigation; and unless means were taken to stop or purify it, would continue to flow *in omne volubilis œvum.* Some, no doubt, would almost despair of remedying so gigantic an evil; yet should it be said that the Roman laws, having accumulated for ten centuries with scarcely an attempt at digesting them, were reduced to order in the space of three years—that Napoleon was able, amidst the distractions of a new empire and the unsettled state of public affairs, to codify the laws of France—that the Americans had codified the laws of New York—that almost every country in Europe, except ourselves, had a code of laws—but that, nevertheless, to put our Statute-book into anything like shape, and to adapt our laws to the exigencies of the times, was a task beyond the ingenuity, industry, and perseverance of the English nation? Were we prepared to give up the task as hopeless? If we had done our best and failed, there might be cause for despair, but our main hope for the future lay in this, that we had scarcely taken a step in the right direction. The true secret of failure was, that the reform of the law was nobody's business. It was manifest, without the slightest disparagement of the law officers of the Crown, that that was a task which they could not accomplish. The Lord Chancellor, for example, who was one of the most overworked officials in the kingdom, had his judicial duties to discharge—his duties as Speaker of the House of Lords, his duties as an adviser of the Crown, and his duties as the patron of a vast number of livings, and he consequently had no time to devote to the great work of law reform. It was but recently that law reform had been considered any portion of the functions of a Lord Chancellor. During the period that Lord Eldon held the office he (Mr. Collier) was not aware that he ever proposed a single measure of reform, and he seemed to regard it his duty to oppose and thwart all such proceedings on the part of others. That venerable guardian of existing institutions apparently thought it his duty to watch with jealous eye the intrusion of profane reformers into the sacred and mysterious precincts of the law. The Attorney and Solicitor Generals had their private business and public duties to attend to, and they could not be expected to apply themselves to the task. Recourse had consequently been had to Commissions, but he was sorry to say they had not generally turned out to be satisfactory. The Common Law Commission was, no doubt, satisfactory within the comparatively limited scope of its powers, but unfortunately several Commissions seemed to have been selected on the principle of balancing conflicting opinions, so that the result was equilibrium or dead-lock. The Commission on the Law of Partnership, for example, reported that the state of the law was satisfactory, and should not be altered, a Report which had been reversed by the all but unanimous decision of the House. In the Commission on the Ecclesiastical Courts five differed from three on some points, two differed from seven on others, and one differed from all the rest in everything. Then recourse was had to a Board to revise and consolidate the statutes, which effected nothing, each Commissioner taking a ramble for himself among the mazes of the Statute-book, and in the end coming back to very much the place he started from; and that Board was again succeeded by a Commission which did no better, and the result was that the Statute-book remained impregnable, no improvement whatever having been effected. It was quite clear, therefore, that if we wished to succeed we must take some means of a totally different character from those we had hitherto adopted. He would not rely on the example of foreign countries, but would ask the House to look at the precedents furnished by our own. We had the precedent of a Minister at War who had reduced the chaos of military administration to something like order, and we now saw a portion of the Serpentine flowing through the Horse Guards. We had also a Minister of Poor Laws who exercised his functions with singular success; we had a Minister of Health and of Works, and why should we not have a Minister of Justice? The task of simplifying and consolidating the Statute-book was a great work and one that ought to command the time and energies of the ablest men they could get. It was not a work to be trifled or coquetted with—it was not to be the amusement of the *dilettante* lawyer, or the casual occupation of the spare time of the busy practitioner—it was a work which ought to occupy the whole mind and attention of the most earnest, able, and vigorous man whose services the country could command. The Government would gain strength from the appointment of such an officer, and he believed it would hereafter be as necessary for the Government to have a budget of law reform as a budget of finance. This Minister of Justice (he did not care by what name he was called) should have a competent staff and offices, to which should be returned all the judicial statistics of the country. We were singularly deficient in judicial statistics, both civil and criminal, and in that respect we were behind all other countries in Europe. This Minister should have the means for collecting extensive information as to the working of the whole system of the administration of justice, and from that information it should be his duty, in conjunction with his colleagues, to prepare those measures which the Government were to submit to the House. In addition to that he might, with great advantage, superintend general legislation. He did not mean to say that he should dictate to, or interfere with, private Members, but he believed Members generally would be glad to have a competent authority to refer to, with the view of ascertaining the technical effect of Bills or Amendments which they wished to introduce, and if such an officer existed, they would avoid many gross errors of legislation. On this subject he would relate an anecdote which had been told by Lord Lyndhurst. Some time ago a Bill was passed, making it penal to forge a parish register, and the penalty it imposed was divided into two moieties, one-half of which was to go to the informer, and the other half to the parish. It was thought, however, that pecuniary penalties were not enough, and a proposal was made to substitute, by way of punishment, transportation for fourteen years. A clause to that effect was carried, but the proviso with regard to the division of the penalty remained, and the consequence was that the informer and the parish had to divide the fourteen years' transportation between them—the parish had to be transported for seven years, and the informer for seven years. Now, mistakes of that sort could not possibly happen if the officer he described were appointed. The Motion of his right hon. and learned Friend, indicating, as it did, a pressing want, which was generally felt and acknowledged by Lords Lyndhurst, Langdale, and Brougham, and by the Attorney General, and indicating a remedy without presuming to dictate to the Government the precise form in which that remedy was to be administered, was an important step in the direction of law reform, and would, he trusted, command the approbation and support of the Government and the House.

Motion made, and Question proposed—

"That, in the opinion of this House, as a measure of Administrative Reform, provision should be made for an efficient and responsible Department of Public Justice, with a view to secure the skilful preparation and proper structure of Parliamentary Bills, and promote the progressive amendment of the Laws of the United Kingdom."

Mr. BAINES said, that in his opinion that House and the public were greatly indebted to his right hon. and learned Friend (Mr. Napier) for having brought the subject of his Motion before them, and for having done so in so able and interesting a manner. It was a subject the importance of which it was hardly possible to exaggerate. He (Mr. Baines) himself had long had occasion to observe and lament that state of things with regard to the statute law of the country, which his right hon. and learned Friend had so clearly pointed out. He believed he might, without fear of contradiction, say that not only in that House, but amongst the public at large, there was a general concurrence of opinion as to the existence of great evils in the condition of our statute law, and also as to the necessity of some speedy remedy for those evils. The only question that could be raised on the subject was, what that remedy should be? His right hon. and learned Friend had not himself proposed any distinct remedy; though he had, he (Mr. Baines) thought, established to the perfect satisfaction of every one who had heard him, that there did exist a state of things which called for some remedy or other. Indeed, the right hon. and learned Gentleman had set out by stating that he did not propose to suggest very minutely any particular remedy. He had spoken merely of the establishment of a department of public justice. He (Mr. Baines) observed that on that subject the views of the right hon. and learned Gentleman differed greatly from those of the hon. and learned Member for Plymouth (Mr. Collier), who seconded the Motion, but who suggested the appointment of a Minister, whose functions would be much more extensive than those of such a public officer as that alluded to by his right hon. and learned Friend (Mr. Napier). To speak of a Minister of public justice for the country, and of a department of public justice being added to the Government, was simple enough in itself; but the House should remember what, to the public mind, was involved in that proposition. Some persons would be disposed to think that a Minister of public justice would have high political as well as legal functions; and he rather thought that that was the view taken by the hon. and learned Member for Plymouth; but the right hon. and learned Gentleman who had brought forward the Motion had, on the contrary, most carefully abstained from any suggestion of that kind. He had confined himself to the question whether it was or was not desirable, on public grounds, that there should be a department of public justice, "to secure the skilful preparation and proper structure of Parliamentary Bills, and to promote the progressive amendment of the Laws of the United Kingdom." The affirmative of that was the principle, as he understood him, that his right hon. and learned Friend contended for. He (Mr. Baines) had already stated, not only as his own humble opinion, but as what he believed to be the opinion of the great majority of those in that House, and of those out of it, that there did exist a state of things which called for some remedy. Nothing could be stronger on that point than the passage from a Report which had been adverted to by his right hon. and learned Friend—a passage which was to be found at the conclusion of the Report of the Statute Law Commission—made at the end of last year. He would beg to direct the attention of the House again to that passage, because it said that there was nowhere an existing remedy, and in it was shadowed out by the Commission what the remedy should be. What the Report stated was—

> "Perhaps nothing satisfactory towards the improvement of future legislation can be effected until either a Board or some other persons are appointed, whose duty it shall be either to prepare or revise and report upon all Bills before they are brought into Parliament, and to watch them during their progress through the two Houses, either as officers of the Lord Chancellor or some other Minister, or as officers of the two Houses of Parliament."

Now, the Report containing that suggestion was worthy of every respect and consideration, seeing that there were attached to it the names of the Lord Chancellor, Lord Lyndhurst, Lord Brougham, Lord Campbell, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron, Lord Wensleydale, Vice Chancellor Page Wood, and many other gentlemen of the highest authority on subjects of that nature. That being their view of the subject—that being the conclusion come to by the Commission at the end of last Session—perhaps the House would allow him to call their attention to what had been done by the Statute Law Commission since they had resumed their sittings at the beginning of the present Session of Parliament. He had had the honour of being added to that Commission, and he could, therefore, speak of what they had done since the commencement of the Session. The first thing that they had done was, to take into consideration the recommendation in the Report to which he had just referred, and the question of how that could best be carried out. They had since been constantly applying themselves to that subject with steady perseverance. He was happy to be in a position to inform the House that very great assistance had been afforded to the Commission by some valuable suggestions laid before them by the right hon. Member for the University of Cambridge (Mr. Walpole) and by another member of the Commission, the hon. and learned Member for East Suffolk (Sir F. Kelly), and a plan had been devised by them, which, he believed, was likely to receive the sanction of the Commission, and which would carry out the objects shadowed forth in the passage which he had quoted to the House. Those objects he took to be identical with the objects which his right hon. and learned Friend (Mr. Napier) had in view when he brought forward the Motion now before the House. He was not now at liberty to state what the particular plan was; but when perfected it would be laid before the House. That being so, the question arose whether it might not be desirable for the House to see what was the precise plan which had received the sanction of those eminent personages before hon. Members adopted any other. The House would probably think it better to adopt that plan than to assent to a principle which, however valuable it might be, was of an indefinite character, and which clearly could not pledge them to anything at all. He believed he was authorised to say that that was the view taken by the right hon. Member for the University of Cambridge, and by the hon. and learned Member for East Suffolk, whose unavoidable absence on this occasion he greatly regretted. He would repeat, that, individually, he was very sensible of the great importance of the object proposed by the right hon. and learned Gentleman, and that he conceived that the House and the public were greatly indebted to him for bringing it forward. He trusted that there would be no real division of opinion on a question where unanimity was so important.

Mr. LOCKE KING said, he was glad to find, from the observations of the right hon. Gentleman who had just spoken, that the Motion brought forward in a speech of so much ability and moderation would not be opposed by the Government. Complaints of the injustice perpetrated by the law, and of the horrible expense of law, had been made for many years, and it was high time that some measures should be taken for remedying those evils. Many of the laws which were the subjects of complaint could be traced to that military system of organisation which was at one time found to be the most convenient mode of governing the people of this country—and the result of changes which had been made had been merely to substitute subtle and secret oppression for the savage barbarities and the open cruelties perpetrated in past ages. The laws of this country were now in such a state of complication that they could hardly be understood by lawyers themselves. The chaos in which the Statute law was involved had already been shown, and the hon. and learned Gentleman who seconded the Motion had explained to them how new Acts of Parliament which were passed only added to the existing confusion. The unwritten law—which he hoped would be brought under the consideration of the new department—was, if possible, in a still more unsatisfactory state; for, if he understood rightly, the last decision of a Judge was the rule of law, and remained so until it was reversed by the superior wisdom, or the want of wisdom, of some succeeding Judge. They had heard of a Roman Emperor who had his laws written in very small characters, and placed upon pillars at such a height that they could not be read by the people; but the people of this country were even in a worse position with regard to the written law, which was buried in obsolete and defunct statutes. The law of England had consequently been shunned, ridiculed, and dreaded, instead of being appealed to, respected, and loved. No prudent man would venture to appeal to the law in any case where a comparatively small amount was involved, however strongly he might be convinced that he had justice on his side; and one of our most popular writers, in referring to the state of the law, had said that there was scarcely an honest practitioner who would not give, who does not give, the advice, suffer any wrong that can be done you, rather than come here. It might seem strange that such a state of things should so long have been tolerated; but the fact was, that some people had been cajoled into the belief that one day or other some change would be made; others believed that the injustice was a necessary part of our institutions; and others again were satisfied that the system was maintained solely for the benefit of a class. It had been proved that precedents were not wanting for the course recommended by the right hon. and learned Member for the University of Dublin in bringing forward the Motion, now under consideration. They had already a Minister of Public Works, a Minister for the administration of the Poor Laws, a Minister of Health, and a Minister of Education; and only the other day the disasters which arose in the East from the mismanagement of our military system had led to the appointment of a special Minister for the War Department. Surely, then, there was strong reason for appointing a Minister to see that justice was administered to the people. The right hon. Member for Leeds (Mr. Baines) seemed to think that the proceedings of the Statute Law Commission were likely to lead to beneficial results; but he (Mr. King) must confess, that he had no faith in Commissions. A Commission had been appointed on the subject in 1830; but all the Members had died off, or had been used up elsewhere, and the only surviving Member of the Commission—which during twenty years did nothing whatever—being a personal friend of the Lord Chancellor, was appointed the sole paid Member of another Commission which had as yet done nothing. He considered that the Lord Chancellor ought not to have allowed a private friend to convert into a sinecure, an office which ought to be of the greatest importance, ought to be one of great labour. From the law officers of the Crown much assistance was not to be expected in effecting these reforms, for they were constantly attending to other matters ; and he wished such a change could be made as would oblige them to attend exclusively to the business of the Crown and of that House. The subject was taken up by Lord Lyndhurst, who, in a speech delivered at the end of last Session, complained—

> "That there was a want of cordial co-operation between the Lord Chancellor and the law officers of the Crown in the other House. His noble and learned Friend had issued a Commission for the consolidation of the Statute law. His noble and learned Friend was the President of that Commission, he sanctioned all its proceedings, and the law officers of the Crown also attended its meetings. The Report of that Commission was laid on the table. On looking at that Report, he found it signed by all the Commissioners except the law officers of the Crown. He therefore took it for granted that they differed from the Lord Chancellor upon that Report. He relied upon this for substantiating what he stated—that there was a want of co-operation and good understanding with respect to law reform between the Lord Chancellor and the law officers of the Crown. This had led to the greatest possible inconvenience, and it showed that without a good understanding between the legal authorities of the Government it was in vain to expect an amendment of the law. The result was, that up to the present time, when they were going to adjourn for the holydays, not one single Government Bill for reforming the laws of England had been passed. This was a most unsatisfactory state of things and required explanation." [3 *Hansard*, cxxxix. 1191.]

Without a Minister of Justice it was useless to expect measures for the amendment of the law. From the Commission it was hopeless to expect anything. From in-Chancellors, nothing ; from ex-Chancellors, nothing. He had been much struck with a passage in Lord Campbell's *Lives of the Lord Chancellors*. With reference to the character of an ex-Chancellor, Lord Campbell inadvertently let out the secret, when he said—

> "Deduction should be made in respect to his having done so little to improve the law and the institutions of the country, when he had abundant leisure to prepare measures, and might be supposed to have sufficient influence to carry them through. From long experience at the bar, and as Judge in the courts of law and equity, many points must have presented themselves wanting an amending hand. His own emoluments could no longer have depended in any degree upon the continuation of abuses, and surely, having discovered some, he might have corrected them without materially affecting the offices and reversions held by himself and his family."

Only the other day, when he put a question to the noble Lord at the head of the Government, he rather raised a laugh at his (Mr. L. King's) expense. He had asked if the Government intended to bring in a Bill to declare what statutes were repealed; but he thought the laugh was rather at the Lord Chancellor than at him, as the Lord Chancellor had announced he had himself intended doing so in 1853. He believed the only practical mode of amending the law was by adopting the Resolution now before the House, and he should, therefore, cordially support the right hon. and learned Gentleman's Motion.

MR. WIGRAM said, he was of opinion that very great advantages would arise from the course suggested by the right hon. and learned Gentleman the Mover of the Resolution. He need not trouble the House at any length with his reasons for supporting that Resolution ; for he believed that every Member in the House agreed with the right hon. and learned Gentleman that there was a great deal of important work to be done, and nobody whose business it was to do it. That being the case, let them appoint some one to do it. His right hon. and learned Friend had clearly pointed out the object to be attained ; but with, as he (Mr. Wigram) thought, great discretion, he had not attempted to chalk out—for it was not the business of any Member not sitting on the Government benches to do so—the particular remedial plan which ought to be adopted. However, there was a distinct proposition in the Resolution, one to which he attached importance ; namely, that provision should be made for an efficient and responsible department of public justice. He thought the word "responsible" was that on which his right hon. and learned Friend laid particular emphasis. The right hon. and learned Gentleman had not said whether one of the existing Crown officers should take charge of this department. He (Mr. Wigram) was sure that if one of the law officers of the Crown sacrificed his private business in order to devote his time to the business of the public, the country would be happy to afford that officer ample remuneration. He thought it essential to the efficiency of the proposed department that the person who would have the superintendence of it should have a seat in that House. The right hon. Gentleman the Chancellor of the Duchy of Lancaster had alluded to the heads of such a department as if they were to be underlings, not having a seat in Parliament; but a plan to manage things in that way would, in his opinion, be perfectly useless. Of course, a Minister of Justice would require, and should have, a great deal of professional assistance; but he should occupy a "responsible" position, and be present in that House. At present amendments in the law did not emanate from the Government. He did not mean the present Government in particular, for he believed that since Sir Robert Peel, about thirty years since, brought in Bills for the improvement of the criminal law, which led afterwards to the Bills for improving the law of real property, no Minister of the Crown had brought in an original measure for law reform. He did not attach much importance to plans for codifying the entire law. A useful Bill was passed last Session for consolidating the laws relating to merchant shipping; and so they might codify all the laws relating to any one particular subject; but he despaired of seeing any successful scheme for codifying in one general Act of Parliament the laws of England. So great was the public desire for amendments in the law, that private Members were induced to come forward with a sort of amateur legislation. Very important measures had been introduced in that way. But private Members could only get one day in a week, Wednesday, then the Treasury benches were generally empty, or only occupied by some Member who was not in a position to speak on legal subjects; and the consequence was, that many of such measures had to be dropped, or were passed in such an unsatisfactory form that they were thrown out by the Upper House. Under such circumstances he should support the Resolution of his right hon. and learned Friend if a division were come to on the subject. However, he trusted the Government would accede to the Resolution. Such an expression of the opinion of the House as would be involved in its adoption would be the first practical step towards attaining an end that all considered to be desirable.

SIR GEORGE GREY said, his right hon. Friend (Mr. Baines) not only expressed the concurrence of the Government in what had been said by the right hon. and learned Gentleman opposite as to the importance of the object, but also stated that the Government entered fully into the spirit of the Motion. They agreed with him that there were defects in the form of the statutes, and that there was a serious inconvenience in the present state of the Statute-books; and that it was important that a remedy should be applied to those defects. So far all parties seemed to have the same general objects in view; but what the right hon. and learned Gentleman's Resolution proposed was that, "as a measure of Administrative Reform, provision should be made for an efficient and responsible Department of Public Justice, with a view to secure the skilful preparation and proper structure of Parliamentary Bills, and promote the progressive amendment of the laws of the United Kingdom. Now, he hoped that the right hon. and learned Gentleman might meet the Government in the spirit they were disposed to meet him, and that after the statement of his right hon. Friend the Chancellor of the Duchy of Lancaster, he (Mr. Napier) would not ask the House to pledge itself to that Resolution, while the matter was under the consideration of the eminent and learned men who composed the present Statute Law Commission, in order that hon. Members might have the benefit of their opinion on some of the points to which the right hon. and learned Gentleman had called the attention of the House that evening. A draft Report had already been submitted to the Lord Chancellor, and would be laid before the Statute Law Commission at their next sitting at an early period, which embraced all the subjects adverted to by the right hon. and learned Member for the University of Dublin. When it had received the sanction of the Commission, and undergone the considertion of the Government, that Report would be submitted to the Crown and to Parliament. The House would then have the benefit of determining on the best mode of effecting the object which all agreed ought to be effected. The Government having met the Motion in that spirit, he hoped the House would not be asked to pledge itself to the appointment of a new Secretary of State, as he had been termed, or an officer of high rank in the Government, charged with the duties which the right hon. and learned Gentleman would place upon him, and which he (Sir G. Grey) believed would be far beyond the powers of any individual to perform, unless he was assisted by a very numerous, able, learned, and highly-paid staff. He fully agreed with the right hon. and learned Gentleman in the remarks he had made upon the hasty mode in which Bills were passed, the careless manner in which Acts of Parliament were worded, and the great inconvenience which resulted from the present mode of legislation. He agreed with him also that it was desirable an efficient remedy should be applied to that state of things; but he feared that no Minister of Justice, though appointed according to the views of the right hon. and learned Gentleman, however responsible to Parliament, and though assisted by an able, learned, and numerous staff, would prevent many of the evils he had pointed out, unless individual Members of Parliament consented to abandon some portion of that free right of dealing with the details of every Bill that came before them, which was now the cause of many of those inconveniences of which the right hon. and learned Gentleman so justly complains. It might be better and more conducive to the public interest, as well as to the correct language of Acts of Parliament, if the House attended, as suggested by the right hon. Gentleman, to the great principles of legislation, and left the details of Bills to be settled out of the House by persons competent to the task; but experience has told us that that was impossible. Whatever Bill was brought in, however carefully it was prepared, and though its object might be generally approved of, there was hardly an instance upon record in which it was not amended before passing through its various stages, and the Amendments were frequently made upon the Motion of Members with short notice, or without any notice at all, and sometimes at a late stage of the Bill, and without the House having the opportunity of considering fully the bearings of the Amendments. The manner in which business was transacted there was, in fact, the chief cause of many of the evils to which the right hon. and learned Gentleman had adverted in his speech. He admitted that that might be corrected to a certain extent by every Bill being originally submitted in draft, after leave given to bring it in, to a public department, such as that which the right hon. and learned Gentleman wished to create, or to some other department to which Parliament might ultimately decide upon confiding the duty of revision; but it was difficult to keep the language and the details altogether distinct from the principle of a Bill; and he thought hon. Members would be extremely jealous of confiding to any department of the Government the power of revising Bills and altering the language in which they were framed, without exercising control over that revision, and reserving to themselves the right they now exercised of moving or adopting Amendments upon any measure, however carefully it might be prepared. The right hon. and learned Gentleman alluded to the facility with which Bills were introduced on various subjects that had undergone discussion and been already negatived; but he (Sir G. Grey) did not think any remedy could be applied to that, unless the House was prepared to say, that after a Bill had been rejected in one Session it should not be again introduced in the next, and he did not imagine they were prepared to go that length. It was desirable, however, that the House should support the Government in resisting the introduction of Bills to which they entertained a decided objection, provided there was no prospect of their ultimately receiving the sanction of the House. He thought, also, the House would be of opinion, and rightly, that the public time would be saved by taking the discussion and asking the decision of the House on earlier stages of Bills—or on asking leave to bring them in—where their details were known and had been fully discussed already. Upon the general question he agreed entirely with his right hon. Friend (Mr. Baines) that the subject was one of great importance, and that it was desirable the most efficient means should be adopted for effecting the object they all had in view; but that they would be taking a hasty step if, before they received the recommendations of the Statute Law Commission, they pledged themselves to effect the object in the particular way now proposed. The hon. and learned Gentleman (Mr. Wigram) had alluded to the absence of all attempt on the part of Government to codify, classify, or improve the system of legislation. The hon. and learned Gentleman had alluded in terms of just praise to the important reforms in some of the statutes which were effected by the late Sir Robert Peel, when Secretary of State for the Home Department; but in saying that nothing had been done since, he was not doing justice to some of the successors of that distinguished statesman. He (Sir G. Grey) took no credit to himself for what was done when he filled the office of Secretary of State in the former Government; but he could not forget that that valuable consolidation of the Criminal Law, known as Jervis's Acts, one of the greatest improvements in the Statute Law of the country, was effected by the present Chief Justice of the Court of Common Pleas whilst Attorney General. With regard to the question of classification and consolidation he had received information from Gentlemen on both sides of the House who were members of the Commission on the Statute Law, which led him to believe that the best course was, to take subject by subject in rotation, and classify the statutes on each, as suggested by the hon. and learned Gentleman, and that was the course which had been adopted by the Commission, and considerable progress had been made in this work, and he hoped that at no distant period Parliament would have the benefit of the labours of the Commission. The right hon. and learned Gentleman had referred to what had been done in France in the way of codification at the beginning of the century; but it must be borne in mind that the object could be more rapidly effected under an absolute Government, and that here the result of the labours of men, however eminent, must be submitted to both Houses of Parliament, in the shape of a Bill, to undergo a first and second reading, and the examination of all its details in Committee; and that operation he (Sir G. Grey) feared would render the work of codification or classification here much greater than in countries which did not possess what in other respects is the inestimable advantage of free institutions. He hoped, then, that the right hon. and learned Gentleman would be disposed to take the assurance of the Government that the subject had already engaged their attention, and that they hoped soon to be able to take a decisive step respecting it, and that he would not ask the House to pledge itself to the creation of a new department, which he termed the Ministry of Justice, without specifying the plan by which he proposed to effect his object, the nature of the staff to be formed, the expense it would involve, and the precise nature of the duties the new officer would have to perform. The subject was one which could not be disposed of by a mere Resolution of that House. It was one involving important details requiring very careful consideration, and he therefore trusted that the right hon. and learned Gentleman would not press his Resolution.

Lord JOHN RUSSELL said, he thought the House was greatly indebted to the right hon. and learned Gentleman (Mr. Napier) who had brought forward the Motion. The right hon. and learned Gentleman laid before them an evil of great extent and importance. He had also with great moderation proposed a remedy for that evil, and he (Lord J. Russell) did not think that the remedy proposed was open to the objections made by the Chancellor of the Duchy of Lancaster (Mr. Baines)—namely, that it was vague and indefinite; because it was the duty of the right hon. and learned Member for the University of Dublin not to enter into details, or dictate to the Government in what particular manner a new office should be constituted, but simply to point out the principle upon which he desired it to be established. But while he thought the right hon. and learned Gentleman quite justified in making his Motion, he did not himself see, however, after what had been stated by Members of the Government, that the House could well proceed to adopt the Resolution, inasmuch as they were told that the Statute Law Commission had nearly agreed upon recommendations, which, no doubt, would deserve the serious consideration of the Government and of Parliament. But whilst, therefore, he considered they were bound to wait in order to see those recommendations in their matured state, and in all their details, there was an obvious difference between the proposition of the right hon. and learned Gentleman, and that which he understood to be the proposition that was to be propounded by the Commissioners. The right hon. and learned Gentleman proposed that there should be a responsible Minister appointed. What his name should be was immaterial, but he should be a responsible Minister, sitting in Parliament, proposing and conducting through the House of Parliament in which he sat—and he presumed he would sit in that House—such measures of legal reform as the Government should have approved of. Now that he (Lord J. Russell) thought would be a very great advantage and convenience. Having a seat in that House he would be there to defend his own propositions, and to show in what respect they were better than the Amendments proposed; or if he chose to give way on any particular points of detail he might do so, and the House would be disposed to listen with great deference to the arguments of a Minister who was perfectly competent, as, of course, he would be, to deal with the question both of existing laws and the principles of proposed laws. That was a totally different thing to having what seemed to be intended, whether under the Lord Chancellor or some other Minister, certain officers whose business it would be to frame the details and correct the language of Acts of Parliament. Those persons would be valuable, no doubt, in avoiding such gross blunders as those of which illustrations had been given the House that night; but with respect to the general principles of our legislation, not having seats in that House, not being able to explain themselves, and not knowing what the wishes of Parliament might be, he apprehended they would have little weight and very little authority with the House. They might, possibly, to a certain degree, correct the language of Acts of Parliament, and prevent inconsistent clauses being introduced into those measures, when in their ultimate shape they were about to pass. Thus far a certain degree of utility would belong to them, but for the accomplishment of the great object which the right hon. and learned Gentleman (Mr. Napier) had in view, he conceived their utility would be very little. Now, what he should be glad to see, and what he thought we had been in want of a good many years, was a department with an officer at its head which should make the particular question of law reform its business, which should obtain from the Government certain days and sufficient time to bring forward its measures without having to wait until the end of the Session for that purpose, and who should call the attention of Parliament seriously to such measures as it might so think fit to propose. Let the House observe the manner in which an officer of that sort would be useful. It was a great many years since that he heard in the other House of Parliament the late Bishop of Lincoln—an eminently learned and able prelate—call the attention of Lord Stowell—that most eminent and learned Judge—to the defects in the law with respect to the discipline of the clergy. He said, that in a case of very gross and notorious immorality on the part of a clergyman, giving scandal to all his neighbourhood, he (the bishop) was obliged to institute proceedings that had gone on three or four years, had cost him £4000 or £5000, and had not even then arrived at a satisfactory conclusion. Here, then, was a great defect in the law, and one which did not apparently require any considerable depth of legislation to reach it; but up to the present day that defect had, he believed, never been corrected. To the present day those cases of immorality still occur, the bishops are obliged to proceed at great expense to themselves, and he did not know that it would have added anything to the facility of legislating upon it if the late convocation had taken that subject under its special care and attention. Rather, he was afraid, they would only have embarrassed the Legislature in dealing with it. Well, upon a subject of that kind, it appeared to him that if they did not listen to the notions which were put forth as to ecclesiastics alone being fitted to judge on the subject, a prosecutor or Attorney General for the Church should be able to bring such cases before a tribunal where he would obtain a speedy judgment, the Church would thus get rid of the scandal of having such notoriously unfit Ministers, and the Prelates be spared that which was now good ground of complaint with them. Several years ago, under the Government of the late Sir Robert Peel, he (Lord J. Russell) took charge, at the end of the Session, of a Bill for the reform of the Ecclesiastical Courts. But the time having arrived when the usual massacre of Bills took place, he was obliged to give up that measure, and the question of reform of the Ecclesiastical Courts was still waiting the attention of Parliament. Let him not be told that the law officers of the Crown could amend these things—they have already a great deal too much on their hands; their official duties, combined with their private practice, forbade that. His right hon. Friend (Sir G. Grey) seemed to think that the Minister of Justice himself would hardly have sufficient time for the performance of the important duties that would devolve upon him; but if that were so, if the Minister whose attention was specially devoted to that office, and to no other business, would find the task too much for him, what must be the case of the Lord Chancellor and the law officers of the Crown, who had other and multifarious duties to discharge besides? Many cases were known to hon. Members in which measures in themselves of no party consequence or significance had taken years and years in making their way through that House. Among others he might mention the Charitable Trusts Bill, which he introduced two years ago; that question had for thirty years been under the consideration of Parliament. Then, again, there was the question of the County Courts; that had been twenty-five years under consideration. Year by year had the House of Commons, and in all probability the House of Lords, been employed on those subjects, and yet at the end of each Session their task was left unfinished. The fact was, they seemed in that House to be taking the very reverse of the course which had been pursued in the case of the steam-engine. A good many years ago, it was asserted that the waste of power was so great, that the steam-engine would never prove of much use; but subsequently Watt and other eminent inventors had introduced such improvements, that we were able to apply steam to all the purposes for which it was required, and there was now little or no waste. Parliament, fifty years ago, got through whatever business it had to do, whereas now, although Mr. Speaker very often sits in that chair from twelve to four o'clock in the day, and then from six in the evening till two in the morning, many Bills have to be given up at the end of every Session, and all the power created by such protracted sittings does not contribute to the effect of useful and wholesome legislation; in short, it was wasted. He concluded, then, that among other things we wanted some department of Government which should be specially devoted to the object of improving the laws. At the request of the Government, however, he was perfectly ready to wait until the new propositions which were recommended by great and learned authorities were laid before the House; but he must say that he had made up his mind upon the subject; that as between the two propositions—that of having a responsible Minister—and the other having a certain number of lawyers or clerks, whose duty it would be to alter and amend the details of Bills before they came into Parliament—the former was the most philosophical, the most practical, and the most conducive to that amendment of the law, which, he believed, was one of the greatest and most important objects to which Parliament could direct its attention.

Mr. DRUMMOND said, it was agreed on all hands that a great deal ought to be done; that the present law officers of the Crown could not do it, and that the Commissioners did not do it; he could not, therefore, see what possible objection there was to the adoption of the propositions, which the noble Lord who had last addressed them had admitted to be most admirable in every way. The Government would not bind themselves in any way by agreeing to the Resolution before the House, and he therefore hoped they would not oppose it.

Mr. MALINS said, he fully concurred in the general objects which his right hon. and learned Friend (Mr. Napier) had in view, but he thought there would be great practical difficulty in dealing with the subject in the manner proposed. He could not agree with the observations of the hon. and learned Member for Plymouth (Mr. Collier) that the laws of England were in such an imperfect state as he had described them. Instead of regretting that so little had been done in the way of law reform, they ought to pride themselves, he thought, that so much had been done for the improvement of the law since 1826. No doubt there were great imperfections in our statute laws, but if the House abdicated its legislative functions in favour of a public officer, withdrawn from the active duties of the legal profession, would they attain the end they had in view? Alterations in the law were now proposed by men conversant with the evils to which a remedy was to be applied —men who knew where the shoe pinched; but if their duties were to be performed by a public officer, with whom would the idea of such alterations originate? The best legislation that could be had was that of practical men, who, seeing an evil, came forward to remedy it. The great evil to which his right hon. and learned Friend proposed to address himself was that in connection with legislative laws or Acts of Parliament; but when it was considered how many Bills were brought in every year, relating to revenue and the mercantile law, such as the great measure on partnerships and joint-stock companies, it was surely the duty of the law officers of the Crown to attend to those matters; and if they constituted one of them Minister of Justice, would not that officer then have a greater capacity, after being withdrawn from his private practice, for understanding the state of the law and the alterations requisite to be made than at present? He thought the proposition of his right hon. and learned Friend, though one deserving respectful consideration, beset with many difficulties, and he was not prepared at present to concur in the Resolution. The noble Lord (Lord J. Russell) opposite had pointed out some imperfections in the present system, and had mentioned that twenty-five years ago he had charge of a measure proposed to remedy defects in ecclesiastical discipline, but those remedies had not been carried into effect up to the present time. But did the noble Lord suppose that the appointment of a Minister of Justice or some such officer would have effected the object he had in view? It was not so much the difficulty of preparing an Act of Parliament in a good form—for the Government had the means of obtaining the best assistance for that purpose—as the inherent difficulties of the subject, and the opposition encountered in various quarters, that had retarded that measure. Though no man was more anxious than himself to make the laws of England as perfect as possible, yet, as his right hon. Friend the Chancellor of the Duchy of Lancaster had stated that the Statute Law Commission, a body of men whose opinions were entitled to the highest weight, had a scheme before them on the subject, he thought the House was bound to withhold any assent to the present Resolution until it knew what their recommendation might be; with the understanding that that recommendation should be made known to the House as early as possible. The hon. Member for East Surrey (Mr. L. King) seemed to entertain a strong impression against the constitution of that body, but he (Mr. Malins), having been in communication with some of the learned members of it, thought they were proceeding on the sound principle not of attempting what would always be found utterly impracticable—anything like the codification of the laws of England generally—but of making a codification of the laws on particular subjects. He had been told by one of that learned body that they were now prepared shortly to submit to Parliament one Bill repealing all the Stamp Acts, and re-enacting them in the simplest possible form. The same thing had been done with respect to the shipping laws in the last Session, or the Session before, by the right hon. Gentleman opposite, and the Statute Law Commissioners were proceeding on the same wise principle of taking up one subject and consolidating scores of Acts of Parliament into one. If it were proposed that some person should be in that House to advise it in the passing of Bills, so that they might pass in the best possible form, to that he would give his cordial support; but, considering how hastily, to a certain extent, legislation must be done, and how Bills were read, clause by clause in Committee, and alteration made at the moment, he was unable to see, unless the House was prepared to surrender up its judgment to some public officer, how the proposed system of a Minister of Justice could produce any material change. If a Bill passed that House, was it afterwards to be referred to a Minister of Justice? and, if so, would the House defer to the judgment of any individual in such a matter? He thought it would not, and therefore he concluded that such a proposition, however well it might sound in theory, would in practice fail altogether. A suggestion had been made that greater consideration should be given to amendments of the law, but the right hon. Gentleman, the Chancellor of the Duchy of Lancaster, so well qualified to form an opinion, well knew the difficulties which private Members experienced in their attempts to pass Bills for the amendment of the law. He (Mr. Malins) himself had given, that very night, notice of a Bill that would greatly improve the law of England, because it would abolish the distinction between specialty and simple contract debts. And why had he given notice of such a Bill? Because in the course of his professional practice, he had found that great injustice was inflicted upon creditors by a law which enabled a man, simply because his debt was acknowledged by a sealed instrument, to have priority over every other creditor whose debt was not so acknowledged; and, under such instruments, one creditor alone often swept away the whole of the property of a debtor, leaving nothing whatever to the rest of the creditors. He hoped, then, that he should have the general assistance of the House during the progress of the measure, and that he should be permitted to press the Bill through all its stages. But what difficulties would he not have to contend against! If he should obtain leave to introduce his Bill, he should have to sit in that House night after night, and probably till two o'clock in the morning, although he had professional duties to attend to, until his turn came to proceed with the different stages of the Bill. The Government, no doubt, professed great anxiety for the amendment of the law, but he wished that they would give greater facilities to private Members to carry their measures through the House. By so doing they would be doing as much towards the improvement of the laws as, in his opinion, by appointing a Minister of Justice, who, unless he were a practising member of the legal profession, would gradually lose that knowledge which would enable him properly to perform the functions of a Minister of Justice. Although he (Mr. Malins) concurred generally in the principles laid down by the right hon. and learned Gentleman the Member for the University of Dublin, he was not able to concur in the precise terms of his Motion, and he would therefore urge him not to press his Motion until the Commission now sitting should have presented its Report.

MR. EWART said, that there would be no security for the lasting improvement of the laws of this country, without the establishment of a Minister of Justice. There should be one officer, whose time should be devoted to the amendment of the law, and the simplification and uniformity of legal phraseology. Under him should be a department working for those ends. The presence of such an officer would be at once felt as an advantage. We were about to recognise the same principle in the appointment of a Minister of Education. We had felt its advantages in the appointment of a Minister of the Poor-law. The presence of such a Minister in Parliament had effectually put a stop to the complaints which were previously made. In the same manner a Minister of Justice would meet the requirements of law reform. He might introduce new laws. He might consolidate existing laws. He might prepare the way to a codification of the law. He might render as clear and as concise as possible the wording of our Acts of Parliament. Some time ago, his (Mr. Ewart's) lamented friend Mr. Aglionby had moved for a Committee to inquire into the best mode of improving the phraseology of Acts of Parliament. The Government then undertook a similar inquiry. Mr. Edmonds reported on, and drew what were called model acts; Sir John Romilly had done great service by abolishing the vain repetitions which formerly encumbered every clause of an Act of Parliament. But, under a Minister and a department of justice the wording of our laws might attain the perfection of clearness and uniformity. Not only in these respects, but generally, the appointment of a Minister of Justice would give a motive power to the whole system of law reform. It would far surpass any temporary amendments of their old legislative machinery. He was persuaded that, in two or three years, the beneficial effects of such a step would be felt by the country; and he should certainly, because he could conscientiously, support the Motion of his right hon. Friend.

MR. WILKINSON said, he had every disposition to take the word of the Government, and he would, therefore, not advise the right hon. and learned Gentleman to persevere in his Motion; but if the Motion were persevered in, he should feel bound to vote for it. If the scheme hinted at was to involve the creation of a Department or Ministry of Justice, there could be no harm in such a Resolution as this having been passed; and, if not, he thought it would fall short of what was really wanted. Not only in framing new laws, but in the repeal of obsolete statutes, the House required such an official adviser. He would mention, as an instance, that there was a statute of George II., 120 years old, which imposed a penalty of £500 upon every man who should sell stock which he had not got in his own name. Now, if that obsolete statute were acted upon, it would interfere most seriously with all the operations of the money market; and, he would venture to say, if it was put in operation the Chancellor of the Exchequer would not be able to raise a loan. That was an example of the anomalies and inconsistencies which were allowed to remain on the Statute-book, and which required for their removal the assistance of such a department as was proposed.

VISCOUNT PALMERSTON: Sir, there can be no doubt that the subject which the right hon. and learned Gentleman has brought under discussion is one of the deepest importance, and one fully deserving the attentive consideration of this House. At the same time, however plausible his proposition to appoint a Minister of Justice may be, I think that many of those who adopted his view of the subject have perhaps not a sufficiently clear idea of the functions which such a Minister would have to perform, and, upon considering the question more fully, might find greater difficulties than at the first sight present themselves to their view. I do not, however, mean to say that such an appointment might not possibly be advisable, but I think it is one that ought to be well considered before the House agrees to a formal Resolution affirming, positively and at once, that such an office ought to be created. The hon. and learned Gentleman the Member for Wallingford (Mr. Malins) has, I think, adverted to the difficulties which would arise in the working of some of the functions proposed to be assigned to that officer. Now, I apprehend the objects in view in making such an appointment are three—one would be to direct the legislation of this House, another would be to originate measures, and the third would be an endeavour to reform and improve the existing legislation. With regard to the two first of those functions, it is very easy to say that a Minister of Justice would prevent Parliament from falling into errors as to measures passing through the two Houses of Parliament. We have heard the story, not a new one, about half of a penalty of transportation going one way, and the other half another way. No doubt there are many cases in which Bills pass into law containing errors, conflicting with existing statutes, or failing to accomplish the purposes in view. But I think much doubt may be entertained whether the appointment of a Member of the Government, whose duty it would be to attend to those matters, would be sufficient to prevent altogether the recurrence of such mistakes; because it is impossible that either this or the other House of Parliament could be called upon to abdicate their functions, and I am inclined to think individual Members would not yield their opinions implicitly at the *dictum* of the officer in question. That Member of the Government might say, "I think such a proposition a bad one; I think it is liable to this or that objection, and that the words proposed are not such as to meet the end in view;" but the individual Members of the House would persevere possibly in retaining their opinions, and would most likely find them backed up by the House, and the Minister of Justice might find himself—as Members of the Government sometimes do—left in a minority when a division took place on the particular question under discussion. Therefore you cannot possibly combine the absolute power of a Member of the Government to direct legislation in the way he may think proper, with that course of action which is inherent in the constitution of a deliberative assembly like this. Weight might certainly be attached to the recommendations of such a public officer proportionably with the legal attainments and professional knowledge of the individual who might fill that office. My noble Friend behind me (Lord J. Russell) has quoted the difficulties attendant upon, and length of time that has elapsed in, the passing of a great variety of important public measures; but if he will allow me to say so, I believe that those difficulties and delays were owing, not to the absence of such an officer as has been proposed, but rather to the great variety of opinions always offered to the passing of every great measure for improving the laws of this country. Such measures can only be carried by the conviction of the majority of the two Houses of Parliament, and that conviction certainly may be accelerated by good arguments urged by a particular Member of the Government; but those delays did not arise from the difficulty of framing proper Bills, but from the difficulty and impossibility of inducing Parliament to adopt those Bills when properly framed. And, therefore, so far as the functions of a Minister of Justice would consist in assisting and directing this and the other House of Parliament, I think a somewhat exaggerated view has been taken of the advantage which would arise from the creation of such an office. I do not, however, mean to say that much convenience might not sometimes result from it. With regard to the other point—namely, the reform of our existing legislation, I think hon. Gentlemen have rather lost sight of what has been done when they represent that no considerable progress has been made in the way of legal reform. It is perhaps rather a good tendency of the human mind to undervalue what has been done, and to fix attention mainly upon that which remains to be done. That tendency is not at all to be despised in the abstract, because it is a tendency that leads to human progress. Nevertheless, when we are endeavouring to fix our own minds to the real state of things, we must not forget that great progress has been made of late years in improving the law in its various branches. That is rather a reason for going on, and by no means a reason for opposing obstacles to any further measures of improvement; for it cannot be denied that there is ample room for further improvement. My right hon. Friend the Chancellor of the Duchy of Lancaster stated that the Statute Law Commission is at the present moment engaged in considering propositions that are to be submitted to Parliament for adoption, and my hon. Friend who spoke last, said it is a question whether the proposal which is to be made will be a proposal for continuous, or merely temporary, improvement. I believe that that very question is now under the consideration of the Commission, and I think that, considering that those eminent men who have been appointed to the task have at the present under their deliberation proposals which may eventually go far to meet the views of the right hon. and learned Gentleman opposite (Mr. Napier), he would do well to adopt the suggestion of my right hon. Friend—that is to say, to waive for the present asking the House to agree to the Resolution which he has proposed, reserving to himself—if he should find that the labours of the Commission have not been such as the House is entitled to expect, and such as are not calculated to lead to any sufficient and satisfactory result—the right of renewing his proposal at a later period of the Session in such a shape as he may deem most likely to lead to practical and efficient results. I can assure the right hon. and learned Gentleman and the House that Her Majesty's Government are sensible of the extreme importance of this matter, and that, so far from wishing to throw any obstacle in the way of improving the laws, I feel it to be one of those matters which it is the duty of the Government to pay the greatest and most earnest attention to. I hope, therefore, that the right hon. and learned Gentleman will not press his Resolution on the House at the present moment, but that he will, at least, wait to see what may be the result of those deliberations of the Statute Law Commission in which they are at present engaged.

Mr. M'MAHON said, he regretted that the Government should resist the unanimous wish of the House for the appointment of an officer such as had been proposed, which would almost raise the House of Commons, if he sat in that House, to a level with the House of Lords in the mode of preparing Bills. In the House of Lords all the Government Bills were introduced by the Lord Chancellor, and if any amendments were made, revised by the Judges: whilst in the House of Commons there was no one really responsible for the details, so that its Bills were a disgrace to a legislative assembly. An officer was required who should discharge the same duty for Public Bills which was so well performed by the Chairman of Committees for private Bills. He would take that opportunity of mentioning the case of an objectionable clause in the Merchant Shipping Act of last Session, which it would have been the duty of a Minister of Justice to have observed and struck out. Another object to be attended to was the assimilation of the laws of England and Ireland, which, if it were effected, would save Parliament the separate discussion of so many Irish Bills. The Report of the Statute Law Commission had been expected Session after Session, and since, as he believed, upwards of £100,000 had already been spent on Statute Law Commissions, there ought to be no longer delay.

Mr. CRAUFURD said, he understood that the right hon. and learned Member for the University of Dublin had spoken of an attempt of his (Mr. Craufurd's) to improve the law, he meant the Judgment and Executions Bill of 1854, and had stated that the Select Committee found it utterly impossible to frame that measure in a working form, and that at their recommendation it was rejected. This was not the fact; but the Bill, which had the co-operation of the right hon. and learned Gentleman himself when it was brought in, passed through the Select Committee, and through the House of Commons, and it only failed to become law because of the late period of the Session, owing to the opposition of some Irish Members during its progress. He hoped the right hon. and learned Gentleman would be satisfied with the general approval his object had attained, and would wait to see the details of the proposal of the Statute Law Commissioners.

Mr. ROUNDELL PALMER said, that although there could be no question as to the utility of the discussion which had taken place, it did not appear clear to him that it would be equally useful for the House to adopt the Resolution in the particular form in which it was submitted. By far the most important part of the Resolution was, that which recommended "that there should be provision made for an efficient and responsible department to promote the progressive amendment of the laws of the United Kingdom;" for although such a department might be useful in correcting errors in the framing of Acts of Parliament, he thought that the advantages to be derived from it in that particular might very easily be exaggerated. With regard to the more important object, on the other hand, no one could doubt that there was room for more concentrated and systematic action of the Government on the subject of law reform. By "law reform" he meant not merely measures for the collection of the laws upon a particular subject into a small code, or for the improvement of the administration of justice; but a general review of the defects of the law in all its branches, and progressive and systematic attempts to remove or remedy those defects. The present organisation of the law was not, he admitted, favourable to systematic and concentrated action of that kind, and no object could be more worthy of the attention of the Government than the introduction of such improvements in their legal departments as would tend to accomplish that end. Thus much he was willing to concede; but when it was proposed—and of this interpretation the present Resolution was assuredly susceptible—that there should be a new department of the State, and a new Cabinet Minister in the House of Commons to represent the Government for the purpose of promoting an amendment of the law, the question assumed a different aspect; and he could not but think that, connected with this view of the matter, there were considerations which had not as yet been fully brought out. In the first place, they would do well to inquire whether, as things at present stood, they were entirely without a Minister of Public Justice in the Government? He was inclined to believe that such an officer was known both in theory and practice to the constitution; and, if so, it became them to consider whether it might not be better to improve what they already possessed than to create, especially in that House, a totally new department. If he were asked whether there was a Minister of Justice in this country, he would reply that he recognised such an officer in the person of that great functionary who, holding the seals of Chancery, was likewise a member of the Cabinet Councils of the Sovereign. The combination of both offices was to be justified by the fact that it was as Minister of Justice to the Crown that the Lord Chancellor had a seat in the Cabinet. It might be said that there were other functions devolving on him which so usurped his time as to disqualify him for the efficient discharge of the duties incidental to the latter character. If so, might it not be practicable to relieve him of those other functions, more particularly as, to say nothing of subsidiary tribunals, there was now a Court of Appeal which had so lightened the business of the Court of Chancery as to render it possible to dispense with the attendance of the Chancellor in that Court during a great portion of the year? Nay, more, if it should appear that the attendance of the Chancellor upon the judicial business of the House of Lords interfered materially with the general supervision of the legal department of Government, he was not sure that the daily presence of that high officer in the Upper Chamber would be insisted upon as indispensably necessary. This, at all events, was certain, that the proposed appointment of a new Minister of Public Justice, such as the right hon. and learned Member for the University of Dublin seemed to indicate, could not be carried into effect without disturbing the present position of the Lord Chancellor, considered as a great Minister of State, of the Attorney General, and, to a certain extent, of the Home Secretary. That some reorganisation and redistribution of the powers of those various departments was very much needed he was not prepared to deny; but, while making that admission, he must decline to commit himself to a Resolution which prejudged the question whether it might not be better to attain those ends by improving and remodelling what we already possessed than by venturing on so great an innovation as the creation of another Cabinet Minister for that House. There were considerations, too, of an economical character which the Commons, administrators as they were of the national finances, could not afford to disregard. If a great officer of that kind were to be appointed he should be a man deeply conversant with the law; and as he would have to abandon a lucrative profession, and would go in and out with the Ministry, it would obviously be necessary to provide for him a large salary and a handsome retiring allowance. All those facts and arguments conducted him irresistibly to the conclusion that the House would act most prudently by resting content with the great advantage that could not fail to follow from the present discussion, and declining to commit itself to the Resolution of the right hon. and learned Gentleman.

MR. NAPIER, in reply, said that a great deal of the argument against his Resolution turned, he was happy to find, on the details, and not on its principles. The right hon. Chancellor of the Duchy of Lancaster argued that the appointment of a Minister of Justice would be the abdication of the functions of the House; but if the House was to wait for the Statute Law Commission, of which he (Mr. Napier) was one, before it expressed an opinion, would it not equally delegate its functions? He had the highest respect for the Commission and the Members of the Commission; but he did not believe that such a body of persons so constituted was fit to exercise the functions of that House. What he wanted was, not to transfer the legislative functions of the House to any department, but to create a department which should aid the House in the exercise of those functions. The noble Lord at the head of the Government and the right hon. Baronet the Home Secretary had thrown cold water on the proposition on matters of detail; but he placed the Resolution in its largest form of principle before the House, and was ready to modify it in any point which touched on details. He disclaimed the idea of being influenced by party motives. He had not solicited the attendance of any one of the Members with whom he was in the habit of acting; and he could in all sincerity declare that he had brought forward this Motion in an independent spirit, and uninfluenced by any other feeling than a sense of the great importance of the question to which it related. He did not pretend to dictate to the Government the precise manner in which the object which the Resolution contemplated should be carried into effect. That he would leave to their own discretion, and if their objection was merely one of detail he would willingly make such an alteration in the wording of the Motion as might render it more acceptable to them in that respect. With that view he was willing to omit the words, "secure the skilful preparation and proper structure of Parliamentary Bills," thus leaving it to the option of the Government to receive or reject the suggestions of the Statute Law Commissioners. He hoped that the Government would accede to his proposal, and not compel him to divide.

Sir GEORGE GREY said, he was sorry that the right hon. and learned Gentleman considered it necessary to divide the House after the discussion which had taken place. He certainly thought that they should not be called upon in a hasty manner to create a new Cabinet Minister with such large and extensive powers as the Resolution of the right hon. and learned Member contemplated, and, if carried out, would necessitate. To the words suggested to be left out he had no objection; but if the right hon. and learned Gentleman would consent to omit the words, "for an efficient and responsible Department of Public Justice," the Government would not oppose the Resolution so modified.

Mr. NAPIER: I accept your terms.

Resolved—"That, in the opinion of this House, as a measure of Administrative Reform, provision should be made, with a view to secure the skilful preparation and proper structure of Parliamentary Bills, and promote the progressive amendment of the Laws of the United Kingdom."

HARBOUR OF REFUGE (CARDIGAN BAY).

Mr. LLOYD DAVIES, in rising to move for "a Select Committee to inquire into the advisability of constructing a harbour of refuge and defence in Cardigan Bay, and whether it may not be advantageous, also, to employ convict labour in the said works," said, I have to solicit the kind attention of the House whilst I submit a statement involving particulars of the last importance—the safety of human life and the preservation of property to an incredible extent, the protection of our country from being polluted by a foeman's foot, and last, though not least, the remunerative and useful employment of the convicts of our country, now festering our social condition, and the evil arising from which will, if not arrested, become a gangrene that will not admit of moral cure. The particulars which I propose submitting are extracted from unquestionable sources, capable of being authenticated in the most indubitable manner, and I can supply, if necessary, the page of every return from whence I have obtained my figures.

Milford Haven is distant from Holyhead ninety-eight nautical miles, or about 120 miles land measure, and comprehends within the Bay of Cardigan twenty or more small harbours or creeks, so difficult of entrance from their intricacy and shallowness that experienced mariners prefer trusting to the mercy of the waves, rather than hazard the uncertain asylum which either of these could afford. All vessels going down channel and requiring shelter try to make for Milford Haven, but often when nearing the headland of St. Davids are driven back the whole distance to Holyhead with a dangerous lee shore on their right; and should the wind shift to the opposite point before reaching Holyhead, they would be wholly unable to make that port, which is inaccessible to ships going up the Channel with the wind pure northerly. Nor is the roadstead of St. Tudwalls at all a secure anchorage, as a gale from south to east would place in danger of being driven on shore every ship riding there at anchor. Lest it should be supposed that the commerce of these small ports within Cardigan Bay is unimportant, I will state its extent in a few of them. Cardigan port alone has 210 ships, with a tonnage of 11,894—Cardigan and Fishguard have entering them strange vessels annually 710, equal to 35,000 tons—five ports within the bay have entering them yearly 5,369 ships, equal to 414,686 tons, therefore the local traffic alone is so important as to demand attention; but when you glance at that which passes up and down St. George's Channel, exposed to all the horrors of shipwreck, without a single port to seek refuge in, it would seem incredible that any Government or people should so long have placed in jeopardy the lives of so many of the bravest of Her Majesty's subjects and so enormous an amount of the nation's wealth. The property covered by marine insurance is at least £200,000,000, a great proportion of this passes by the Bay of Cardigan, and it must be recollected all ships from the southern hemisphere and from America must sail up St. George's Channel, and pay 33 per cent more I am told than if not approaching St. George's Channel. I will not disguise that a portion of this excess is attributable to the difficult navigation of the Mersey; but the larger share by far to that of the channel of the Welsh coast; the annual tonnage up and down which is at least 11,000,000. There is a commander of great experience who now hears me, who navigated a steamer from Holyhead to St. David's Head, there encountered a gale, and was obliged to run back the whole distance to Holyhead, and in constant peril of being wrecked. An hon. Member of this House who is largely engaged in commerce, told me, there is hardly a year within which he does not lose a ship or two in Cardigan Bay—it is true they are insured, and he does not lose much; but that amount is a loss to the Insurance Company, and so much treasure lost to the nation, besides the valuable lives, the fearful sacrifice of which I will now supply some notion of. Within these few years there have been, *The Packet of Cardigan*, all hands lost. *The Margaret*, all lost. *Agnes Lee*, eleven perished. *Thetis*, six. *Safety*, one. A ship unknown, all perished; and not a vestige to tell whence they came. Ship unknown, one life lost. Another unknown, one life lost. *Cambrian Press*, all perished. *Phœbe*, all perished. "*Reformer*," one lost. *Diamin*, part of the crew lost. *Ramley*, all lost save one. The tonnage of the above (such as were known) was full 12,000. Four ships became total wrecks, and the tonnage unknown. These were off Cardigan. Off Fishguard, the *Trevor*, from Glasgow, lost one life. *Alert*, eight lives. *Catherine*, all hands lost; the *Martha*, five perished. A *Barque*, from Archangel all hands lost. A *Smack*, unknown, all perished. *Union*, one drowned. A *Schooner*, name not known, five men lost. What a fearful catalogue of human sacrifice to the want of human precaution to construct a place of refuge!

The gale of October 22nd, 1846, caused no less than twenty vessels to be blown ashore at one spot (Fishguard) and all either wrecked or seriously damaged. I will now read you a letter possessing all the simplicity of truth from a sailor employed under Lloyd's agent at Cardigan, who witnessed most of those fatal scenes I have enumerated, and whose manly emotion was often deeply excited at beholding the brave, but abortive, efforts of the gallant spirits consigned to death within a few yards of those who stood helpless and speechless at the agonising scene:—

> "I have for years been employed by Lloyd's agent, and have been an eye-witness of many painful scenes arising from vessels wrecked, all of which might have been avoided had there been a Harbour of Refuge to run to in their distress. A large vessel called the *Thetis*, on her voyage down the Channel, was driven by stress of weather upon the Cardigan Bar, and in a few hours became a wreck; out of thirteen lives two only were saved, and these washed on shore on a piece of the wreck. All this time they were within a quarter of a mile of land, but the sea was running so high that every effort which was made to save their lives proved ineffectual. I also remember the *Agnes Lee*, nearly on the same spot as the *Thetis*; she stranded on the Cardigan Bar; twelve men constituted the crew, but one alone was left to tell the tale. One November night six ships were wrecked, and nearly every soul on board perished. All these would have been saved had there been a Harbour of Refuge."

My hon. Friend the Member for Merioneth tells me that off his coast very recently, four vessels, the smallest of which was a thousand tons burthen, and the largest not less than two thousand tons, were wrecked, and when the hon. Member with other Gentlemen formed a deputation to the Trinity House to direct the attention of the authorities to the necessity for some protection, the heartless official's reply was, "They had no business there," as if it were in human power to resist the storms of Heaven and control the turbulent waves. On this occasion five lives were lost; it is true, not all belonging to the wrecked vessels. One of them, a brave fellow, aged only twenty-two, who from the age of seventeen had been the sole support of six brothers and sisters, unlike the officials of Trinity House, did not wait to consider whether the ships had any business there, but risked his own life to save that of others, and fell an early victim to his courageous humanity. What atonement can be offered by those who neglect a public duty for the life of such a man as this?

There is a shoal or reef in sight at low water, which runs out into the sea many miles off this coast, and is not marked on any chart. A lighthouse was promised here, instead of which something like a railway signal pole has been erected on the summit of a hill, which, owing to the descending fogs from the higher mountains inland, cannot be seen five days out of the 365; indeed, you should insure a fine day to get a look at it; and then it is not needed.

I now approach the second part of my proposition, the constructing the harbour of refuge one of defence also. And what time so opportune to discuss such a question as that when we possess an army capable of any achievement, and a navy that can sweep from the sea any force it may be opposed to. It is when at peace and in security that due preparation should be for times of war and of danger. In the one case the act is precaution, in the other it is fear—without such precaution we endanger our existence in the scale of nations, and place in jeopardy our enormous wealth by trusting our defences to empty sea-boards. There are some here who may recollect the alarm in 1797, and if not, history supplies the facts. There were then 150,000 men called the army of England encamped on the opposite coast of France, and Barras, addressing Napoleon (then General Buonaparte), said—

> "Crown so illustrious a life by a conquest which this great nation owes to its outraged dignity. Go, and by the punishment of the Cabinet of England, strike terror into the hearts of all who would miscalculate the power of a free people—go, and chain the monster who presses on the seas—go, and punish in London the injured rights of humanity."

Napoleon went to the seaports—catechised the seamen who knew aught of our coasts and of our people, and returned to Paris, saying—"It is too doubtful a chance—I will not risk it—I will not hazard on such a throw the fate of France."

Mr. L. Davies

In 1803, again, 1,300 vessels of all sorts were assembled, capable of carrying 3,000 cannon, and when Napoleon was told of the danger of encountering some part of our naval force in the passage across the strait, answered, "Supposing 100 of these craft sunk by the English, and ten or fifteen thousand men lost, you lose a greater number every day in a single battle, and what battle ever promised such results as the invasion and conquest of England." In a few weeks after this threatened invasion, 300,000 volunteers enrolled; but what will they avail against disciplined troops that once had made good a landing, whereas, if there were defences, even of an imperfect character, these raw troops could, as the Russians have done in the Crimea, fight behind them, and arrest the onward progress of invasion till other aid arrived. When the discussion, a few years ago, about Greece took place, France increased her seamen; when that discussion terminated amicably, they were dismissed. We must recollect that the "ditch of England," as Napoleon termed the passage between us and France, is no longer formidable. Steam has overcome the difficulty, and the natural ruggedness and inequality of our coast has ceased to be our security. I now offer the opinions of the greatest man of modern times, and second to none in ancient history—the Duke of Wellington. In his letter to Sir J. Burgoyne, he says—

> "As we stand now, and if it be true that the exertions of the Fleet are not sufficient to provide for our defence, we are not safe for a week after the declaration of war." Again—"I have contemplated the danger to which you have referred, I have done so for years; I have drawn to it the attention of different Administrations at different times. I quite concur in all your views of the danger of our position and of the magnitude of the stake at issue. I know of no mode of resistance, much less of protection from the danger, excepting by an army in the field capable of meeting and contending with so formidable an enemy, aided by all the means of fortifications which experience in war and science can suggest."

Common prudence, every principle which should guard our safety, suggests the necessity for action, if we hope to avert scenes of anguish and misery to those more dear to us than life or possessions; for, although strong in our courage, these will serve but little where the appliances of war and means of protection are not to aid us. To those whose thoughts are intent on wealth need I say more, than that the property insured in this kingdom is equal to £1,200,000,000 and how much more not insured? And all this exposed to the ravages of an enemy.

I now enter on the third part of my proposition, the employment of convict labour to construct these works; and, by thus engaging them, with the knowledge that their labour defrays the cost of subsistence, and that at the end of a given period, the surplus gained will be their own, you inspire, for the present, obedience, and a manly independence that they live by the sweat of their brow, and, for the future, the hope, the certainty of means to re-establish themselves in some honest calling or pursuit, with a restoration to that society they once belonged to, with credentials to ensure re-admission; instead of which their labour is now all but unproductive, and when released as ticket-of-leave-men, their ruffian violence renders private life insecure, they corrupt the youthful mind of those cast on the world unfriended and uncared for, and thus add to the pollution which now excites the apprehension and the sympathy of every considerate mind.

Annual Loss.		Average daily number of Prisoners.	Average Annual Cost.	Average Annual Earnings.
£15,775 2 11	In Pentonville are	412	£29 6 5¼	£5 9 1½
14,277 19 0	Parkhurst	541	30 14 6¼	4 6 8¾
32,388 17 11	Millbank	702	57 7 8¾	11 5 0
	Portland	1,477	31 16 6	29 0 0
	Out of these 1,477 are 988 employed on Government works, and they earn £35 10 6 annually, being £3 15 0 more than the cost of maintenance.			
37,506 14 0	Dartmoor	1,100	35 10 8	5 14 6
	Portsmouth Prison	1,022	31 5 0	31 11 6
	An excess of gain of 6*s.* 6*d.* each man.			
	"Stirling Castle" Hulk ...	374	no returns	6 17 7½
	Woolwich Hulks—"Warrior"	436	no returns	21 7 10
	"Defence"	515	no returns	20 4 3
£85,948 13 10 loss on four establishments annually.		6,579; of whom 2,400 are employed profitably, and earn more than the cost of keep.		

Average expenditure or cost of keep, each man £36 0 1¾
Average earnings of 6,579 ... ... 15 1 8¾

If the Ministry fear the amount of outlay, will this House for one moment place the expenditure of a moderate sum, which the loss on these four establishments will nearly cover, in the balance with such momentous, such national questions? Besides, the harbour can be made profitable by imposing a tonnage duty on all ships discharging there, and a lesser duty on all those seeking refuge. But I ask not for money, I solicit only inquiry, and if the Select Committee, composed of able men, possessing experience and knowledge, each member, on some particular branch or division involved in the inquiry, should not recommend the proceeding with the work, there will be no harm done; or, if it be found that any part of this island should more require these works of protection and safety, I am perfectly ready to forego any claim on behalf of the locality whose requirements I now advocate, in favour of the place whose demands are more urgent; but, in order to divest my advocacy of all interested character, I beg to state that I know not which is the spot best calculated for the harbour, but leave that for the decision of the Committee, based as it will be on the evidence of intelligent and disinterested persons. I appeal with confidence to the noble Lord opposite; his antecedents, the estimation he has been held in as desirous of promoting what is for the public good, create a demand for his approval of the propositions, whereby he will establish a claim inferior to none of his exertions. Prudence, humanity, and social order alike require action on the subject.

Motion made, and Question put—

"That a Select Committee be appointed to inquire into the expediency and practicability of constructing in the most advantageous part of Cardigan Bay a Harbour of Refuge, to afford protection against the injury to commerce, and to avert the harrowing scenes of woe attendant on the frequent shipwrecks which occur in Saint George's Channel, which Harbour may be constructed also to serve as one of defence against invasion.

"That it be an Instruction to the said Committee, to inquire into the feasibility of employing the convicts of this country on that work, making their employment remunerative to the country, beneficial to themselves, and at the same time preserving our social condition, the security of which at present is so affected by the return to it of Ticket of Leave men."

SIR CHARLES WOOD said, before he addressed himself to the object of the Motion—namely, the construction of a harbour of refuge in the particular port within the district which the hon. Gentleman represented—

MR. LLOYD DAVIES: Or, in any eligible portion of the coast; for he had distinctly disclaimed any wish to confine it to his own immediate district.

SIR CHARLES WOOD: Well, the words of the Motion were "in Cardigan Bay;" and that was in the district which the hon. Gentleman represented. The construction of a harbour of refuge and of works of defence in Cardigan Bay would not, in his opinion, be of much use in resisting a hostile force on the coast of Boulogne, should an invasion be attempted from that quarter. He (Sir C. Wood) remembered that on one occasion 300 Welsh women in their red cloaks did good service on the alarm of an invasion. But, if any danger should really happen to that part of the coast, there was a dockyard at no very great distance from the spot, which was a place that must necessarily be fortified. With reference to the employment of convicts, he did not think that it was a matter which at all bore upon the particular question referred to in the hon. Gentleman's Motion. If it were supposed that at this moment there was a want of employment for convicts, he could inform the House that a very large building was being erected at Chatham as a convict prison, where employment could be given to as many convicts as his right hon. Friend the Secretary for the Home Department could supply him with for many years to come. He did not therefore think that either any danger of invasion from France, or any necessity for providing for convict labour, could be urged as reasons for the erection of a harbour of refuge at Cardigan Bay. He might at the same time observe, that he did not consider any argument could be derived from the necessity of a harbour being provided in St. George's Channel on some part of the Welsh coast, because within a recent period a harbour of refuge had been constructed in a most convenient part of the channel, in which no less than 3,000 vessels had taken refuge in the course of last year. When the hon. Gentleman was good enough to intimate his intention of bringing the subject forward, he consulted the hydrographer of the Admiralty, as to the advisability of constructing a harbour of refuge in Cardigan Bay, and his opinion was, that not only would it be unadvisable to construct such a harbour, but that it would be positively injurious to the navigation of the Channel. No vessel which could by possibility help it ought to put into Cardigan Bay, and any mariner who knew his business would take good care to keep out of a bay on the lee shore. The Trinity Board had taken care so to light the coast of Wales as to give to every vessel ample indications by which this bay might be avoided; and, besides this, on the northern coast of Wales was Holyhead, and on the southern Milford, both of which harbours were well lighted and were open for the reception of vessels. True, the distance from Holyhead to Milford Haven was about 100 miles, but that was no great distance for a ship to avoid when there was a capital harbour of refuge at each point. He must, therefore, repeat that the hydrographer of the Admiralty declared it would be a mischievous and dangerous thing for the navigation of the Channel to entice, as he said, vessels from the Irish side of the Channel by the prospect of a harbour of refuge at Cardigan Bay. He hoped, therefore, that the House would refuse their assent to the appointment of a Committee.

MR. LLOYD DAVIES, in his reply, said, I never was so much impressed before with the conviction of the utter unfitness of a civil Lord being at the head of the Admiralty, although the fact had been constantly repeated in the House. What! the First Lord of the Admiralty to betray such deplorable ignorance of the coast as to forget that St. David's Head interposed and prevented the possibility of any ship coming down channel in a storm making Milford Haven, with a wind blowing up the channel, and that before she could get back again to Holyhead the wind might shift to the north, or partly north west, and prevent her ever getting there with a lee shore and no port of refuge during 100 miles full of shoals and dangers. If the right hon. Baronet had any nautical knowledge at all, he would know that the indraught of the water into Cardigan Bay was so great that no ship which came within a given distance could possibly avoid being influenced by it; and if the right hon. Baronet speaks of the opinion of the hydrographer, is he afraid of permitting that Gentleman to be examined before the Committee, and the value of his opinion to be tested by the experience of others? Why, the hydrographer had not even marked on any chart reefs that run miles into the sea, and which, for want of being so marked, caused disasters which neither skill nor precaution can avert.

MR. J. H. PHILIPPS said, it was the duty of the Admiralty to establish harbours of refuge wherever they thought it desirable, if they could obtain votes of money for that purpose; but, however desirable it might be that Cardigan Bay should be a harbour of refuge, he felt the hopelessness of anything being gained by the appointment of a Committee, even if the House consented to it. He would, therefore, suggest to the hon. Gentleman who had introduced the subject, whether it might not be more properly left in the hands of the Admiralty than that of a Committee, after the unfavourable opinion that had been expressed by those connected with the Admiralty.

The House *divided* :—Ayes 44; Noes 118: Majority 74.

CONTRACTORS' DISQUALIFICATION REMOVAL BILL.

MR. MITCHELL said, he begged to move for leave to bring in a Bill to repeal the Act 22 *Geo.* III., disqualifying Contractors from being elected to, or sitting and voting as Members in, the House of Commons. The Act which he proposed to repeal had been passed in the year 1782, and it embraced within its grasp every person who might enter into a contract or agreement with the Government. In addition to being disqualified from sitting in Parliament, the Act imposed a penalty of £500 upon every person so disqualified every time that he sat or voted in the House, and it also disabled him from ever again holding any contract under Government. It must be admitted that those penalties were of a very stringent and sweeping nature, and, as an evidence of the wide scope of the Act, he might mention that since the meeting of the present Parliament several gentlemen had been unconsciously entangled in its meshes. Among these were the late Member for Carlisle and the hon. Member for Gloucester (Mr. Price); and Sir Samuel Morton Peto had been permanently disqualified from sitting during the present Parliament, by simply undertaking what was really an act of kindness to Her Majesty's Government. A yet stronger case was that of Baron Rothschild last year; and without pretending to be a lawyer, he must confess he could not see the distinction which had been drawn by the Committee appointed by the House to sit upon the matter, between a contract to supply a small quantity of goods and a contract to supply £16,000,000 of money. He always thought that the constitutional check upon malversation was to be sought for in the responsibility of Ministers, and not in Bills of Pains and Penalties. Besides, the Act was really quite useless to prevent that against which it had been aimed, for it was perfectly notorious that it could be evaded with the most perfect ease. All that was necessary to be done was, for the contractor to have the contract transferred from him to some other partner in his firm, and he would be held harmless. That was not a creditable state of things, and he thought that he had made out a case for the repeal of so anomalous an Act as that to which he had referred. On the part of the mercantile community he must repudiate all desire to enter into collusive bargains with the Members of the Government. In the Admiralty all large contracts were put up by advertisement for public competition, and he supposed the same rule was adhered to in the other departments.

THE CHANCELLOR OF THE EXCHEQUER said, he would offer no objection to the Motion of the hon. Gentleman, but in making that statement he wished to accompany it with an explanation in regard to the measure sought to be introduced. The Bill would have a double operation. In the first place, it would remove all doubt as to the liability of loan contractors to the penalties of the Contractors' Act. That question came before the Select Committee which sat last Session upon the case of Baron Rothschild. Great difference of opinion between high legal authorities existed in that Committee; but it was decided by a majority that loan contractors were not within the meaning of the Act. He would not himself venture to express any opinion upon that legal question; but he might be permitted to say that the Committee was perfectly right as to the expediency of the case. A great difference, in point both of law and fact, existed between loan contractors and other contractors with the Government. In the case of a loan the Chancellor of the Exchequer, as representing the Treasury on the one hand, and the contractors who tendered to him on the other, were in fact mere negotiators on behalf of the parties who ultimately engaged themselves to the contract—namely, the nation and the subscribers of the loan. It was well known that no authority was delegated to the Executive Government to contract loans upon perpetual or other annuities. All that the Treasury, as representing the Executive Government, could do was, to make with the person who came forward on behalf of an indefinite body of subscribers a provisional bargain, which afterwards might or might not be ratified by Parliament. Therefore, the words of the Act which imposed a penalty upon persons contracting with the Commissioners of the Treasury—for such were the terms of the Act—could not be held to apply to the provisional agreement thus made, which had no binding or legal effect until it was embodied in an Act of Parliament. But Parliament did delegate to the Commissioners of the Treasury, to the Commissioners of the Admiralty, and to the other bodies named in the Act, power to make binding contracts for certain limited purposes. For instance, if the Commissioners of the Admiralty wished to purchase a certain quantity of coals for the navy, the First Lord did not come down to the House and lay on the table a Resolution empowering him to do so. The business of the House would be endless if every time an executive department required to make a purchase of that kind it was necessary for its head to get a Resolution passed enabling him to enter into such a contract. Parliament had, therefore, very wisely delegated the power of making limited contracts to the different departments, while it had always withheld from the Treasury the power of pledging the national faith with respect to a perpetual loan. Now, he agreed with the hon. Member for Bridport that if any doubt existed as to the exemption of loan contractors from the Contractors' Act, it ought to be removed; and he should be quite ready to give his best support to any Bill having that object. But, at the same time, he wished to be understood as reserving his opinion regarding the position of other classes of contractors.

Mr. J. G. PHILLIMORE said, he thought there existed very great objection to the introduction of such a Bill. If any one read the debate which took place when the Act in question passed, he would see that the object and intention of the Legislature then was to guard against that species of contracts into which Baron Rothschild entered. The complaints of that day were that the Government, in making contracts for loans, gave great and unfair advantages to their own friends, and it was upon that point that the debates entirely turned. The times might now have changed, but that was altogether another question to the real object and intention of the Act by which those penalties were imposed. For himself he did not think that the Government of the present day would dare to give an advantage to their friends when they contracted for a loan. The other part of the Act deserved very great consideration before they acceded to the proposition of the hon. Member.

The SOLICITOR GENERAL said, that if the hon. and learned Gentleman had studied the question upon which he had undertaken to enlighten the House, he would have found that he was utterly in error in point of fact, for Baron Rothschild had entered into no contract at all; while, if he had examined the Loan Act, which, with great deference to him, he begged to say, he had not read—[Mr. J. G. Phillimore: I beg your pardon; I have read it]—well, he was referring, not to the Contractors' Act, but to the Loan Act, which, he repeated, the hon. and learned Gentleman, in his opinion, had not read, or he would have seen that it amounted to a repeal of a portion of the Contractors' Act, exempting a person making a loan from its penalties. So far, therefore, as the present Bill related to loan contractors, it was altogether unnecessary; while, so far as it proposed to deal with the other and more general question, he thought it was a most dangerous measure. It might fairly be doubted whether the public interests would be consulted by permitting Government contractors to sit in that House.

Mr. J. G. PHILLIMORE said, he must beg to explain that he had not referred to the Loan Act at all, but to the Contractors' Act, which was to guard against the evils to which he had alluded.

The House *divided*:—Ayes 46; Noes 43: Majority 3.

Leave given.

Bill *ordered* to be brought in by Mr. Thomas Mitchell and Mr. Hankey.

Bill read 1°.

The House adjourned at half after Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, February 13, 1856.

MINUTES.] PUBLIC BILLS.—1° Justices of the Peace Qualification; Municipal Reform (Scotland).
2° Formation, &c. of Parishes.

FORMATION OF PARISHES BILL.

Order for Second Reading read.

THE MARQUESS OF BLANDFORD, in moving the second reading of the Bill, said, he wished the House to observe that the Bill was identical with one which he introduced last Session, he therefore did not propose to give a lengthened explanation of it on this occasion. It was a Bill for the formation of separate parishes. Time was when there were no parishes in the country; the clergy were congregated in cathedral towns, and thence spread themselves throughout the surrounding counties. The formation of parishes was for the sake of increased efficiency, by reason of the division of labour. It was of importance to render the parochial system as perfect as possible; and of late years great advances had been made in division of parishes. At first, a whole diocese was a parish; then it was broken up into smaller divisions, and then, as population increased, those divisions were subdivided. Some thirty years ago a large sum was voted by Parliament, and a Commission was appointed to carry on the parochial subdivision of the country, and to the state of the districts formed by that Commission he now wished to direct attention. Great good had been effected, but there still existed anomalies and defects which it was the object of the Bill he now asked a second reading for to remedy. District parishes, formed under the Church Building Acts, were taken out of large parishes. They enjoyed all the powers of performing the daily and weekly services of the Church, but not the power of performing the services of baptism, marriage, and burial, until after the avoidance of the mother church. The clergyman was merely a stipendiary curate, and the district was liable for twenty years to rates for the repair of the mother church. District chapelries were districts assigned to chapels already existing, and they came under much the same law. Consolidated chapelries were under a curious modification of the law. They were chapelries formed out of more than one parish, and full power was given at once to perform all the services of the Church. Particular districts were districts formed under the Private Patronage Act. Thus there were not less than four different districts under the Church-Building Act—district parishes, district chapelries, consolidated chapelries, and particular districts, each having rules of legislation peculiar to itself, which created a vast amount of confusion and complexity, at variance with, and repugnant to, the whole tenor of the parochial system. Another plan for the subdivision of parishes was approved by an Act passed about thirteen years ago, and commonly known as Sir Robert Peel's Act. The Ecclesiastical Commissioners were by that Act empowered to form districts, to be endowed in a certain manner, to become parishes as soon as a church was built and consecrated, and to be entitled to all the privileges and *status* of a district parochial character. The system, under the numerous Church Building Acts, was exceedingly complicated; the other system, under Sir Robert Peel's Act, was very simple, and had been found most efficacious in carrying on the parochial subdivision of the country. There were many inconveniences under the former system. Nothing could be more prejudicial to the parochial character of a district and to the general efficiency of parochial administration than that the incumbent should not have the power of performing the services of the church in his district. It resulted in the most unseemly and indecorous performance of the services, which were thereby crowded upon the mother church. At Manchester, in consequence of the districts not having the power to perform the services of baptism and marriage, there existed in the Mother Church a state of confusion and disorder which excited general reprehension and disgust. The number of baptisms sometimes exceeded one hundred. The parties collected at the neighbouring public-houses in the vicinity of the church, waiting the conclusion of the service, when the rite was performed, and oftentimes the sponsors appeared at the font in a state of intoxication. At St. Pancras', marriages were likewise solemnised in vast numbers, and the state of confusion which arose frequently destroyed the Christian solemnity of the service. In some instances, where the services could be performed in the districts, the assent of the incumbent of the mother church was necessary, and he had a right to claim a portion of the fees. Fees were demanded larger than the law allowed, and the influence of the clergy was thereby often destroyed. The districts, as he had already stated, were liable for twenty years to the rates of the mother church, and, as no benefit was derived, the district churchman frequently refused the rates more from this reason than from any disapproval of the Church as a great national institution. [Mr. HADFIELD: Hear, hear.] He observed the ironical cheer of the hon. Member for Sheffield, but that hon. Member by no means represented the real feelings of Dissenters on the subject. The fact was, rates were often opposed, not only by Dissenters, but by Churchmen, on account of their deriving no benefit from the expenditure of the rates. The simple remedy, which he had endeavoured to embody in the Bill with respect to this question, was to declare that no church rate should be levied in a district which was not applied to the church of that district. Another objection was, that the minister was styled "perpetual curate." It might be asked, "What's in a name?" But there was a great deal in a name. It would be generally understood that a perpetual curate was either nominally or really in a state of dependence on the incumbent of the mother church. He proposed, therefore, to alter the name to that of "vicar," and, where tithes formed part of the endowment, to that of "rector." He proposed that on the memorial of the minister, churchwardens, and two-thirds of a parish, it should be by Order in Council erected into a district parish with all the rights of parishes, and especially with the privilege of having all the rites and services of the Church performed in the church of the district. The Bill also provided that fees should be received by the incumbent of the mother church until after the first avoidance, when they should revert to the incumbent of the district church, the Ecclesiastical Commissioners having power to award compensation to the former for the loss of fees. These districts were the offspring of the mother church, and the time was now come for them to enjoy a full immunity of parochial privileges. No church rates were to be collected in any new parish except for the support of its own church. He believed that vast benefit would result from these alterations. With regard to the formation of new parishes, the provisions of the 6 & 7 *Vict.* for that purpose were simple enough. Its mode of procedure was to establish a parish, leaving the church to be erected afterwards. And under that Act 250 new parishes had been established. He proposed to enlarge the powers of that Act, and to enable the Ecclesiastical Commissioners to exercise those powers not only in parishes which had no churches, but in such as had churches; and thus they would be enabled to assign parishes to churches already existing. The Church-Building Acts, which were complicated, might either be repealed or consolidated. But he proposed at present only to extend the powers of the Ecclesiastical Commissioners in that respect. The next feature of his Bill referred to the mode of endowing districts. There were two classes of parishes requiring additional endowment, and two modes of endowment. One was from the funds of the Ecclesiastical Commissioners, and the other from private liberality. Both these modes were very valuable, and the latter must not be neglected. It was from that source the Church had obtained its earliest endowments, and persons ought to be encouraged to devote their property to the service of God and the interests of the Church in this country. There were two classes of parishes requiring endowment—the parishes insufficiently endowed with tithes, and parishes only having pew rents. There were upwards of 3,528 ancient parishes which gave incomes of less than £150 a year. Twenty years ago the Ecclesiastical Commissioners reported that it would require £145,000 to augment the incomes of parishes in public patronage, and £131,000 to augment those in private patronage. The Commissioners had only been able to provide £46,000, and the House would see how large a sum remained to be provided for the augmentation of clerical incomes. Then there were about 1,000 parishes which had no endowment at all, or a very small one, other than pew rents. The ancient principle of endowment was always to give the patronage of churches to the parties who endowed them; and, adopting that principle, he proposed to vest the patronage in the hands of parties contributing towards the endowment. There were two Acts already existing to carry out that principle; the 1 & 2 *Will.* IV., one of the Church-Building Acts; and the 6 & 7 *Vict.*, Sir Robert Peel's Act. Under the first Act parties contributing endowments of £40 a year were entitled to patronage, and under that Act £90,000 had been subscribed, either towards the erection of churches or the endowments assigned to them. Sir Robert Peel's Act left it discretionary with the Ecclesiastical Commissioners to accept what endowment they might think proper in exchange for the assignment of the patronage. Under that Act £160,000 had been subscribed as capital either for churches or endowments. The House would see the great value of a principle under which £250,000 of actual property had accrued to the Church from the operation of these two Acts. He now proposed to extend that principle to a different class of districts:—first, to churches endowed by pew rents, of which the patronage was not specifically invested; and next, to churches the patronage of which was in the hands of the incumbents of the mother churches, who had taken no share in endowing them, and who, he thought, might be called upon to give up their patronage if parties should come forward and propose to give them a permanent endowment. The next class of parishes was those in the gift of the Lord Chancellor, or the Chancellor of the Duchy of Lancaster, of less value than £200 a year. The next were parishes in the gift of any ecclesiastical corporation, aggregate or sole, under £200 yearly value. It might be matter for consideration whether any definite sum should be named, or whether the amount of endowment should be left, as it was now, to the discretion of the Ecclesiastical Commissioners; but, although he was willing to leave that open to consideration, he should propose that any contributors to the amount of £40 a year and building a church should have the patronage of the church vested in them. Or patronage would follow to a person endowing the church with the clear sum of £150 a year, or providing a parsonage house and contributing a sum of £100 a year. A further mode of endowment was by dividing the tithes. There were some very large parishes with very large incomes, and he proposed to give the Ecclesiastical Commissioners power, with certain consents, to divide those parishes and the endowments of those parishes. Provisions of that nature might be carried into effect without any further expense than the employment of a few clerks, since the Commissioners were already in existence, and the power of creating an increased number of districts did not carry with it a large expenditure. It would, of course, be necessary to protect existing interests by awarding compensation in some cases, and by providing that patronage should not be taken away until the first avoidance by those whose interests were affected. His Bill was merely one to simplify the old laws of the Church, and to take advantage of the experience which time gave us in adapting the Church of England to the wants of the people. He proposed no changes inconsistent with the ecclesiastical laws of the country, and he trusted that the House would, by passing the Bill, lay the foundation of great and extensive good, which would grow up and be a blessing to thousands hereafter. He had now to ask the House to agree to the second reading, and, if it were thought desirable to send the Bill to a Select Committee, he should not object.

MR. LIDDELL seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HADFIELD said, he should like to know the opinion of the Government on a Bill which proposed to alter the whole ecclesiastical establishment of the country. The affairs of the Church seemed to be in a state of great confusion and disorder. He believed the Church Building Act would expire in July next, and then the powers of the Commissioners would terminate. And he believed that no intimation had been given of renewing those powers. If the Bill were referred to a Select Committee, who were the persons to form that Committee? Would they be persons of all denominations or only of one? Were the representatives of the Nonconformists to be excluded? The Bill gave a power to the Government to apply Crown lands to the purposes of the Church; was the House prepared to sanction that? Had the Church not at present an enormous amount of wealth which no other denomination had, and were they to come and ask for the addition of the Crown lands as well? He trusted the House would never think of sanctioning such a monstrous proposition. Church-rates were now on the point of being abolished, for he was convinced that the great majority of the House would insist on their entire abolition; yet it was proposed by the Bill to still further extend the system of pew rents, and vest them absolutely in the hands of the incumbent. Was the noble Lord acting on his own authority, or on that of the Church? He (Mr. Hadfield) would be glad to know the opinion of the Government upon the Bill, and he trusted the Government would give its provisions their most serious consideration. He thought the entire subject did not come before the House in such a manner as to enable them to come to a proper conclusion upon it. It was introduced without the sanction of the Government. He was opposed to the Bill in its principle. Its provisions were ill considered; it was confined to the opinions of one particular individual, and he apparently did not know what party in the Church supported it, or what opposed it. He should, therefore, beg to move that the Bill be read a second time that day six months.

MR. PELLATT seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR GEORGE GREY said, the hon. Member for Sheffield was quite right in assuming that the Bill was brought in on the responsibility of the noble Lord (the Marquess of Blandford) and not with the sanction or concurrence of the Government; but he was bound to say that the Government thought the object of the measure to be one of importance. The principle of the Bill, so far as it could be gathered from its details, was to provide for the more effectual subdivision of large and populous parishes, and also to provide for those changes which had taken place since such parishes had been originally set out. It was impossible to say that that was not a subject to which the attention of Parliament should be directed. He thought it would be wrong in the House to refuse a second reading to the Bill, the more especially as the noble Lord had expressed his willingness to refer it to a Select Committee. Many of the clauses might require consideration by the Committee, but the noble Lord did not ask for any money from the public, or to create a power to deal with any property not the property of the Church. The noble Lord had sought increased facilities for the subdivision of large parishes, and the endowment of those which were made, and he asked for no money not the property of the Church, except by the clause authorising the heads of departments to devote property belonging to the Crown as sites for churches or the residences of the clergy—[The Marquess of BLANDFORD: Only for sites of churches.] Whether the proposal in that clause was right or wrong was a matter for consideration, but did not, in his opinion, constitute a reason why the Bill should not have a second reading. The noble Lord had also touched upon the question of church rates, but not further in the Bill than the apportionment of certain pew rents for the repairs of the church, and that apportionment was only to apply to new churches. As the noble Lord proposed to send the Bill to a Select Committee, the Government had no objection to its being read a second time.

MR. LIDDELL said, he was prepared to support the Bill; he found, however, that it proposed to confer additional power on the Ecclesiastical Commissioners. A Committee of Inquiry into the constitution of that Commission, and its capability for the discharge of the functions entrusted to it, was now sitting. He, therefore, thought the present Bill, and another presented by the noble Lord, ought to be referred to that Committee.

THE MARQUESS OF BLANDFORD said, he wished to correct a misapprehension into which the hon. Member for Sheffield (Mr. Hadfield) had fallen. Power was to be given to a public department, not to grant lands for the purposes of the Church, but to grant sites for churches—a power already in existence under the Church-Building Act.

SIR J. FERGUSSON said, he believed that the Bill would extend the usefulness of the Church of England. The endowment of district churches in Scotland had been attended with the happiest results. He trusted that the noble Lord's prolonged exertions for the benefit of the Church would be crowned with success, and that this measure would be connected with his name as one of the greatest boons which had been conferred on the Church of England.

MR. PELLATT said, he hoped that one or two Nonconformists would be placed upon the Committee. He wished to know why Nonconformists should not have a seat upon it as well as members of the Church? The population had by this time overgrown the parochial system, and he did not wish to throw any impediments in the way of the improvement of that system, but it must be remembered that the number of Nonconformists, as well as of members of the Church of England, had greatly increased, and that they had an interest in the settlement of the questions proposed to be dealt with by the Bill.

MR. HADFIELD said, he would not oppose the reference of the Bill to a Select Committee, and would therefore withdraw his Amendment, but he intended to take the sense of the House upon the construction of that Committee, if it were not nominated upon a fair principle.

MR. GLADSTONE said, there was an inconsistency in the position taken up by the hon. Member for Sheffield. If the principle were conceded that no Member of the House was disqualified on account of his religious opinions from considering the subject matter of a Bill relating to the temporalities of the Church—and it would certainly be invidious and offensive to lay down an opposite principle—an admission might, on the other hand, be very fairly demanded from the hon. Gentleman, that he was bound in equity and honour to give his mind to the discussion of subjects of that kind with the view of promoting the interests of the Church. No objection could be taken to the spirit of the observations made by the hon. Member for Southwark (Mr. Pellatt), who appeared to make such an admission. But the hon. Member for Sheffield gave it as a reason for his opposition to the Bill, that it had reference only to the Established Church, and to no other religious community. If the hon. Gentleman would adhere to the principle laid down by the hon. Member for Southwark there would be little difficulty in the construction of the Committee. With regard to the Bill itself, he thought the noble Lord and the House had come to a wise decision in referring it to a Select Committee. No man belonging to the Church of England, or taking an interest in its welfare, could entertain a doubt with respect to the principle of the Bill. The noble Lord, however, with that laudable zeal for the interests of the Church which had gained for him so much honour, was dealing with many questions of the utmost difficulty and delicacy. The House reserved to itself the right of a perfectly free discussion of those questions, and the only pledge given by hon. Gentlemen assenting to the second reading was, that they would render their best assistance to the noble Lord by proposing whatever they thought best adapted for the attainment of the object he had in view.

Question put "That the word 'now' stand part of the Question."

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* to a Select Committee.

POLICE (COUNTIES AND BOROUGHS) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HADFIELD said, that in the borough he represented the measure had met with very general condemnation, and he believed the second reading, if persisted in, would excite serious opposition, not only there but in many parts of the country. Though the present Bill did in some measure mollify the Bill so much objected to two years back, still it was very harsh indeed. The prayer of the petition he had presented that day was, that time might be allowed to consider the provisions of the Bill. There was a deputation from York upon this subject, and also from Hull, and he had heard that great objections had been expressed at Liverpool to the measure. He held memorials from town clerks of corporations, such as Maidstone, Preston, Walsall, Flint, Scarborough, Chester, Tenterden, Bridgnorth, Gateshead, Boston, Hastings, Winchester, Basingstoke, and a number of others he need not name, but which might be taken in round numbers at something over thirty. Those memorials were from the representatives of the towns and town councils, and notwithstanding the shortness of the time, he (Mr. Hatfield) believed other petitions against the Bill were in preparation. There had been an association formed some years ago to watch measures of this nature, but it comprised so many boroughs, that the chairman of it had not yet had time to consider the Bill, though, so far as it had been considered, the association did not approve of it at all. The great objection was, that it took away the right of self-government. Section 6 was objected to; likewise section 8, which directs the chief constable to make such reports to the Secretary of State as he may require. That would be little better than the continental spy system, which was so odious to the British people. Sections 10 and 11 were also objectionable; he should therefore move that the second reading of the Bill be postponed for a fortnight, to give time for a proper consideration of the measure. If the right hon. Gentleman (Sir G. Grey) would not consent to that, he (Mr. Hadfield) should certainly take the sense of the House upon it. The municipal boroughs all over the country were in a very excited state upon the subject, and complained that they had had no time to state objections or suggest improvements. All that was required was, that a man, when elected to a municipal office by his fellow-townsmen, should have an independent right of action, according to the best of his ability, for the interests of the town he was set over. In the borough he represented, and he believed in most others, there was no principle more universally approved and adopted than that of self-government, which the Bill now before the House proposed to interfere with. He should, therefore, move, not the usual Motion for throwing the Bill over entirely, but that it be read that day fortnight.

Lord HENRY LENNOX seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Wednesday the 27th day of this instant February."

Sir GEORGE GREY said, he did not rise to address himself to the merits of the Bill, but simply to repeat publicly what he had said privately to two or three hon. Members who had spoken to him, that if any good or substantial reasons were shown, he would willingly agree to the proposed postponement to the second reading of the Bill, for hon. Members must be well aware, that he could have no interest in pushing it forward. He must state, however, that up to that time he had heard none such, for all the objections that had been urged were objections to be made in Committee, and not against proceeding with the Bill at present. The hon. Gentleman (Mr. Hadfield) said that the town councils had had no time to consider the Bill, and therefore he asked for delay. Now, to that argument the hon. Gentleman's own speech supplied an answer, for in the very next breath he declared that he had received the petitions of some thirty-five town councils, stating that they had made up their minds the Bill ought to be opposed. Well, if they had so made up their minds, let their representatives speak their sentiments, and so let the House at once proceed to discuss whether the objects of the Bill were such as to merit its receiving a second reading at their hands. However, he was in the hands of the House; while at the same time he should state, if it was agreed to read the Bill a second time now, he was willing to fix a day for going into Committee, certainly not within a fortnight from that day. Friday fortnight was the next Government day, and that would, perhaps, be convenient, though he could not pledge himself to the day. In the meantime he should be happy to attend to any representations that might be made to him on the subject. Before sitting down, he wished to correct an error he had made on introducing the Bill, in stating that Wigan, with a large population, had only eleven constables. His figures were taken from the Return for August, 1854; but the town council had referred him to the last quarterly return, from which it appeared that Wigan had at the present time one head constable, two sergeants, and nineteen policemen. He felt it his duty to correct that error, and he therefore had to inform the House—whatever that information might be worth—that there was that force, and that Wigan had twenty-two men who were liable to be called out to assist in keeping the peace, independently of which, as mentioned to him in the same letter from the town council, they had a fire brigade of twenty-three men, who were liable at any moment to be called out for police duty.

Mr. HENLEY said, he had given whatever time he could dispose of to the consideration of the merits of the Bill. Nevertheless, he honestly confessed he had not been able as yet to master its provisions. For some reason or other the Home Office had kept them for a long time without any criminal returns, those for 1854 not having been as yet circulated; and the House was not in a position to deal with the measure before them until they had the advantage of examining those Returns. He believed the pressing forward with such haste the second reading of a measure so fraught with good or evil, as it might turn out to be, was quite unprecedented. For his part, he should be very glad if the Bill were postponed for a fortnight, to enable them to determine what was good in it as well as what was faulty. It could not be denied that it introduced very extensive provisions, and he really thought, therefore, the right hon. Gentleman would be conciliating many who had doubts about the Bill by consenting to postponement.

Sir FRANCIS BARING said, he was of the same opinion, and he hoped the right hon. Gentleman (Sir G. Grey) would assent to the suggestion. It was not fair to carry the second reading of such a measure as this Bill without giving the town council an opportunity of communicating with their constituents. When one of the best men in the House at reading Bills had informed them that he had been unable to consider it properly in the time, surely a fortnight was not too much to ask for the whole country. If this were not granted, it would be thought that what the corporations often said was to some extent true, namely, that country gentlemen look upon corporations as poachers upon their manors. What was the object of bringing a Bill forward early in the Session, if it was to be pressed on faster than if it were introduced at a later period?

MR. ROBERT PALMER said, that although he did not consider the Bill as objectionable in principle as some other hon. Gentlemen did, he would urge the postponement of the second reading. Nor did he believe the right hon. Gentleman the Secretary of State for the Home Department would thereby ultimately loose any time, as, by such a course, he must disarm much opposition.

SIR JOSHUA WALMSLEY said, he would not then enter upon the merits or demerits of the proposed Bill, though he had strong convictions that it was a Bill at variance with the rights of local self-government as set forth by the Municipal Act; and in that opinion he believed he spoke the sentiments of his constituents: in fact, he had on Monday last presented a petition from the mayor and two members of the Watch Committee praying for delay, that they might have an opportunity of taking the opinion of the Council thereon. In that petition, it was true, they expressed a strong opinion as to the destructive character of the measure, and which he (Sir J. Walmsley) believed would be borne out should such a Bill become law. He, however, rose chiefly to correct an error into which the right hon. Gentleman the Secretary for the Home Department had fallen, when he said that the names to which the hon. Member for Sheffield had referred were the names of the Councils, when, in fact, they were the names of the town clerks and others, stating that they had not had time to summon and consult their councillors and municipal authorities. He had therefore a right to assume that the right hon. Gentleman would at once, seeing he had fallen into such an error, consent to the postponement for fourteen days. He would not, however, have the right hon. Gentleman fall into another error, into which the assertion of the right hon. Member for Oxfordshire (Mr. Henley) was calculated to lead him, namely, that the delay would be calculated to do away with opposition. The delay, on the contrary, was asked for to make known the evils of the Bill and the necessity for opposing it, and he did not doubt that the Bill, like another of a similar character introduced two years since and withdrawn, would meet a similar fate; in fact, if such regulations were permitted to become law, no respectable man would condescend to take a seat at Council, and the usefulness and high character of municipal institutions would be destroyed. The aim should be to uphold local self-government, not to destroy it by centralisation.

MR. PACKE said, he would not join with those who urged the second reading of the Bill immediately, although he thought the country had reason to thank the right hon. Gentleman for the introduction of his measure.

SIR GEORGE GREY said, as the feeling of the House appeared to be in favour of the postponement, he would postpone the second reading until that day (Wednesday) fortnight, or the earliest day afterwards, if it could not be brought forward on that day. With respect to the observation of the right hon. Member for Portsmouth (Sir F. Baring), about pressing Bills forward so early, he could only say that it was extremely difficult to find a day to bring in a Bill when the Session got more advanced.

MR. BECKETT DENISON said, he should vote for the postponement of the second reading, because he intended to oppose the Bill *in toto*, and for the reason that the Bill made it compulsory upon magistrates to establish a rural police—a novel proposal, at all events. But, independently of that, the Bill declared that inspectors should be appointed, who should report their opinions from time to time to the Home Office as to whether the justices of a district had done their duty relative to the numbers and efficiency of their police force. Well, that would be to introduce a complete centralised system of police—a system which should receive his most decided opposition. It had been his misfortune to differ from a great number of the magistrates of the West Riding of the county he had the honour to represent, relative to the establishment in that district of a rural police; and on three several occasions he had successfully opposed the introduction of the plan. Now he and the majority of his brother magistrates thought they were competent to decide the point; while he was quite certain that several of the Gentlemen who upon the occasion he had just referred to voted in the minority, would alter their views if they were told they must consent to the establishment of a police force, more especially if its amount and its administration were to be guided by the conclusions of a Government inspector.

SIR GEORGE PECHELL said, he thought it might be useful for the right hon. Baronet the Home Secretary to know that he had received instructions from the town council of Brighton to oppose the Bill.

CAPTAIN SCOBELL said, the town council of Bath had also demanded postponement, and were astonished that a measure of the kind should have emanated from a Whig Government. Neither could he, as a county magistrate of thirty years' standing, consider the Bill, as it affected counties, free from the gravest objections.

SIR HENRY WILLOUGHBY said, he wished to know from the right hon. Baronet whether he could lay before the House any statement showing what amount of charge would be entailed upon the counties, supposing the Bill to become law; and also whether he could supply any data to inform them as to the circumstances under which one-fourth of the expense would be defrayed by the Consolidated Fund?

SIR GEORGE GREY said, the only information that could be obtained as to the expenditure to be borne by the counties must be obtained from the counties which had already adopted the system. According to the best information he could procure, the charge upon the public would be about £200,000.

LORD LOVAINE said, he was afraid that the sole use made of delay would be the organisation of an opposition, founded not upon an objection to any of the provisions of the Bill, but upon the desire felt by the corporate bodies to continue the present system, which, in his opinion, was radically a false and a bad one, especially as it affected the watching and lighting of towns.

MR. MUNTZ said, he regretted to hear such statements from the noble Lord, and he thought he (Lord Lovaine) ought to particularise. For himself, he (Mr. Muntz) was entirely opposed to the Bill. He believed the liberties of the country depended upon our local institutions, which had been in existence since the time of King Alfred, and if these were destroyed we should be in the same position as our great neighbours, who, as they were happy in many things, were not happy to English minds in having a despotic Government. If the House submitted to measures of this kind, Government would only have one step further to go, namely to appoint mayors.

MR. MICHELL said, he was decidedly for the postponement of the second reading. He had himself received applications from twenty to thirty different quarters for copies of the Bill, but as yet he had not been able to procure them, which showed that in many parts of the country the measure was not as yet understood. The right hon. Baronet might rest assured that the Bill would be universally opposed by the small boroughs; for they would feel that it was merely meant to institute a police force to maintain the game laws. If it were not for the game laws a rural police would not be required, and no doubt the great landed proprietors would be unanimously in favour of a Bill which taxed small farmers to save them £200 or £300 a year. The Bill contained some sixteen clauses, to nine of which he entirely objected. As regarded the town which he had the honour to represent, he could say that for four consecutive Sessions not a single person had been brought up for thieving,—in fact, the whole pilfering of the year there did not amount to *5s.*; on the other hand, in the vicinity of the borough there resided a great number of large landed proprietors, whose game they were virtually called upon to protect by the measure before them.

MR. BENTINCK said, he willingly expressed his general concurrence with the objects of the Bill, while at the same time he fully coincided in the opinion stated by his noble Friend near him (Lord Lovaine), which opinion was justified by the evidence taken before the Police Committee some three years ago. As for the view taken by the hon. Member for Bodmin (Mr. Michell), that was so very remarkable a one that it was hardly worth discussing. The object of the Bill he considered was to do away not with local government, but with crime.

MR. EVELYN said, he would suggest that, as the Bill was to be postponed, the speechmaking on the subject should be postponed also. When the time came he should offer to the Bill his strenuous opposition.

SIR SAMUEL BIGNOLD said, that

although representing the important borough of Norwich, he was not opposed to the principle of the Bill. He thought it would materially promote the action of the police in the immediate locality of boroughs, while conferring a great boon upon them in remitting a proportion of the expense. He entertained no doubt that the police of Norwich would be found in so efficient a state as to justify the inspector in giving a certificate that the borough was entitled to the one-fourth of the expense, to be granted under those circumstances. He would suggest that police officers should be restricted from voting either for Members of Parliament or town councillors.

Mr. BIGGS said, he thought an efficient police force would have been created if it had been made compulsory upon the authorities to appoint one police constable to every 1,000 inhabitants, without touching the principle of local government. He would never support a measure which sacrificed municipal privileges to the principle of centralisation.

In reply to Mr. Bonham-Carter,

Mr. MASSEY said, the sixth section only granted to the Secretary of State the same powers in respect of borough police as those granted to him in respect of rural police under the Act which constituted rural police.

Mr. KNIGHT said, that the duties of the police were to secure life and property, but the Bill proposed to do something more, which was, in fact, giving fresh powers to the Secretary of State. [Sir G. Grey: No, no!] The Bill contained powers to create no less than fourteen different duties that the Commissioners might recommend for the police. Nothing could be more dangerous than such a principle.

In answer to Mr. Henley,

Sir GEORGE GREY said, he had been from time to time assured by the Inspector of Prisons that the Criminal Returns were on the point of being furnished. He had received an explanation of the delay which had taken place in their production, but he confessed it was not altogether satisfactory, and he had taken steps to prevent any such delay for the future.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added;* Main Question, as amended, put, and *agreed to.*

Second Reading *deferred* till *Wednesday,* 27th February.

JOINT-STOCK BANKS (SCOTLAND) BILL.

Order for Committee read; House in Committee.

Mr. F. SCOTT said, it did not appear to him that there was any immediate haste for this Bill, as it was to affect banks created by charter ten years ago, and which had ten years yet to run. It had been said that the present measure was the same as the Bill of last year which the House had passed; but according to *Hansard* there had not been a word of argument upon the Bill of last year. He thought it better that the Bill should be well ventilated before it was brought forward, especially as one of the hon. Members for Edinburgh was absent, and the other had expressed no opinion. The whole question of Joint-Stock Companies was now before the House in another form.

Mr. WILSON said, that banking firms were specially excluded from the Joint-Stock Companies Acts. The Banks of Scotland had suffered great inconvenience last year from the postponement of this Bill, as it prevented them becoming corporate bodies under the Act of 1845. It was very desirable, therefore, that no further delay should take place.

Bill passed through Committee; House resumed.

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Thursday, February 14, 1856.

Minutes.] *Sat First in Parliament.*—The Duke of Somerset, after the Death of his Father.

Public Bills.—1^a Church Discipline Act Amendment; Education.

THE FERMOY PEERAGE.

The Earl of DERBY rose to call their Lordships' attention to a matter relating to the Privileges of their Lordships' House. His noble Friend the Lord President of the Council had been good enough to undertake to give notice of any petition which he might receive relating to the Baron Fermoy. His noble Friend had yesterday sent him a note stating that he had received a petition on the subject, and had placed it in the hands of the noble and learned Lord on the woolsack, who by some accident had at once referred it to the Committee for Privileges. Although he (the Earl of Derby) did not mean to say that in ordinary cases the course adopted was not the proper one, the present case was very peculiar, and involved some important features. Now, in ordinary cases of a claim to a peerage, the course was that the claimant should prove his lineal descent from some person who had formerly been entitled to the privilege; and if there was any doubt as to the patent or if, as in the present case, there was a new patent, he would have to produce it and to prove his right to hold it. In this case there was no doubt that a patent had been granted; but the question which the Committee for Privileges would have to decide was, whether the patent was valid and in accordance with the law which regulated the exercise of the prerogative of the Crown. He must say, in passing, that he considered it a singular misfortune for Her Majesty's Government, that whereas, so far as he knew, for centuries there had been no difference whatever between the House and the Crown with respect to the exercise of the prerogative, they had contrived during the single year in which they had held office to involve the Crown and the House in two separate questions in both of which the exercise of the prerogative of the Crown was disputed, and in both of which it was proved to be contrary to invariable precedent; and in the present case it was quite clear, and indeed was not disputed, that an interpretation had for the first time been given to the law directly opposed to the interpretation which had prevailed since the passing of the Act of Union. He could not avoid upon the present occasion troubling their Lordships with a recapitulation of the facts as they bore upon the particular point of law. By the Articles of Union, it was competent to the Crown on the extinction of three Irish peerages which had existed previous to the Union, to create one Irish Peer, and to continue that practice until the number of Irish Peers, exclusive of those who sat in their Lordships' House as English Peers, should be reduced to a hundred. The House would bear in mind that it was not till the number of Irish peerages should be so reduced, but the number of Irish Peers. Almost immediately after the passing of the Act of Union in 1800, the Earl of Montrath died, the earldom became extinct, but the Barony which was left in remainder still survived, and went to the nephew of the deceased Earl. It was perfectly clear, at the time this occurrence took place, that it was not considered to have created such an extinction of a peerage as to justify the Crown in considering it one of three vacancies which would empower the exercise of the prerogative to create a new Peer. Numberless other cases of the same kind took place; various earldoms became extinct; but the baronies connected with them not becoming extinct, it was held that the peerage was not extinct in the sense of the Act of Union. In the case of Viscount O'Neill, for instance, the earldom had become extinct; but it was not such an extinction of peerage as justified the Crown in taking it into consideration in creating a new Irish Peer, because the viscounty still remained, collateral heirs acceding to it. Another case was that of the late Marquess of Thomond, on whose death the marquisate became extinct, and a noble Friend of his, who was better known in the House of Commons as Sir Lucius O'Brien, succeeded to the barony of Inchiquin. There was, however, an earldom combined with the marquisate which remained in abeyance. That, however, did not create a vacancy in the peerage, still less, he apprehended, did it create two vacancies; and yet it was upon that principle that Her Majesty's Government, after the lapse of fifty-four years, had thought proper to act. If such a principle were affirmed it must follow as a necessary consequence that every Peer who had died since the Union, although leaving a successor, must have created as many vacancies as he held titles by separate patents, which would be quite inconsistent with the intentions of the framers of the Act of Union, who contemplated that peerages should be conferred with a view to reduce the number of Peers to 100. If the Government created a Peer for every three such extinctions the intention of the framers of the Act of Union would be entirely evaded, and the effect would be to increase, instead of to decrease, the number of Irish Peers. It happened last year that three peerages were supposed to be vacant. The Earl of Tyrconnel's was one, Lord Montrath's another, and the Marquess of Thomond's was the third; and Her Majesty's Government, contrary to all precedent, had advised Her Majesty to create a Peer in consequence of those peerages being in abeyance. To justify this, recourse was had to the supposed precedent of the earldom of Montrath; and it was for the first time contended, after the lapse of fifty years, that the extinction of that earldom was, in the sense of the Act of Union, such an extinction of a peerage as justified the exercise of the prerogative to create a new Peer. That was the position assumed, and if such an interpretation were to be held good it followed, from the circumstance of a number of peerages of the same kind having become extinct since the Union, that Her Majesty had at this moment the right of creating nine or ten additional Irish Peers, to say the least, if the number of peerages which were held by the same person were to be reckoned as distinct peerages. This was a very important question, and in accordance with the existing state of the law had been properly referred to a Committee of Privileges, the point to be discussed before that Committee, and decided by it, being whether the Act by which that peerage was created was in accordance with, or in contravention of, the Act of Union? That question, no doubt, would be properly considered by the Committee and by the noble Lord the Chairman of that Committee; but the question arose, who was to oppose the claimant? In ordinary cases, when a claimant for a peerage came forward to make his claim, the Attorney General, on the part of the Crown, watched the case against the claimant. In this case, however, it could not be supposed that he would do so, because the Crown neither opposed the claimant nor questioned the validity of the patent. And it was a matter for the consideration of the House whether they should not by a Resolution instruct the Committee that counsel should be employed for that purpose. How otherwise could they have the case fairly and amply argued before them, for, in point of fact, both the counsel for the Crown and the counsel for the claimant would be on one side? The creation of such a peerage, in his opinion, was not only contrary to the intention of the Act of Union, but was neither in conformity with the reason of the case nor in accordance with the practice that had prevailed from the passing of that Act down to the present time. It would be for their Lordships to adopt or reject the Report of the Committee; but, certainly, nothing more ought to be done until the Fermoy patent had been inquired into in the fullest and amplest manner, with regard to the state of the law applicable to it, and upon which it was now for the first time attempted to put an interpretation different from that which it had ever hitherto received.

EARL GRANVILLE said, that although his noble Friend had been good enough to give him notice that he meant to make some observations when the petition of Baron Fermoy was presented to their Lordships, yet he was not prepared to hear his noble Friend enter so fully into the law of the case. But even if he had been aware of it, he believed he should have exercised a sound discretion in abstaining from arguing a case which had been referred to a Committee of Privileges. No doubt Her Majesty's Government, acting upon the advice of the law officers of the Crown, and also upon the advice of the distinguished Gentleman in the other House who was Attorney General under the Government of the noble Earl, had advised Her Majesty to create this peerage in the way described by the noble Earl. But, when the noble Earl talked so much about the unusual manner in which these peerages had been given, and had assumed it for granted that the course pursued was illegal, he (Earl Granville) must beg to remind the noble Earl of something that was not unusual in the case of the elections of Irish representative Peers. Their Lordships knew perfectly well that, whatever might be the qualification of an Irish Peer, however moderate he might be in politics, and however well qualified to take part in the proceedings of their Lordships' House, yet, unless he carried with him the political approval of the noble Earl himself, he had not the slightest chance of obtaining a seat in that House. With regard to the manner in which this question should be argued before the Committee, no doubt the petitioner should be allowed to argue it by counsel on his own behalf. And although the noble Earl had said that it would not be very satisfactory that the Attorney General, who had advised upon the granting of this peerage, should be the person to watch the proceedings, he (Earl Granville) apprehended that that dissatisfaction would not be less if the learned person who held the office of Attorney General under the noble Earl's own administration were appointed to do so; though he was quite sure that neither of those hon. and learned Gentlemen any more than Her Majesty's Government would wish to throw the least obstacle in the way of having the question fairly investigated and argued. However, Her Majesty's Government would throw no obstacle in the way of the Committee's coming to a clear understanding of the case from the want of some learned Gentleman not connected with the Government being appointed to argue it as against the claimant. With regard to the supposed analogy between the case of Lord Fermoy and that of Lord Wensleydale, he confessed he could not see any whatever. The two cases appeared to him to be as different as possible. It was necessary that Lord Fermoy, in order to obtain the right of voting for an Irish representative Peer, should have a resolution passed by their Lordships declaring that he possessed such right. There was, therefore, an essential difference between the two cases, as no act on the part of their Lordships was required in the case of Baron Wensleydale.

THE EARL OF DERBY begged to disclaim the power and influence which the noble Earl had attributed to him with regard to the appointment of Irish representative Peers. In the case of the creation of a new Irish Peer, that rested entirely in the hands of the Crown itself; and with respect to the election of Irish representative Peers, that rested with the Irish Peers themselves. But even if he did possess the influence attributed to him, in what manner, he would ask, could that bear upon the question before their Lordships? The noble Earl denied any analogy to exist between this and the Wensleydale case. There might not strictly be any such analogy; but the cases were alike to this extent—that in each case the House of Lords asserted the right to inquire into the question whether the Royal prerogative which conferred on the two claimants a right to a seat in that House had been exercised in accordance with the law and constitutional precedents. He supposed that even the noble and learned Lord on the woolsack would hardly assert that they were not justified in doing so in the present case.

LORD BROUGHAM expressed his entire concurrence with the opinions of both his noble Friends, for, while he considered that there was in many respects a difference between the two cases, there was in one respect, and that a most material respect, a very close analogy between them; and that analogy consisted in the fact that the point referred to the Committee of Privileges in both instances was the same, and came precisely under the same jurisdiction—that point being that in both the House was entitled to a jurisdiction in examining whether there had been a proper exercise of the prerogative of the Crown in accordance with the laws and constitution of the country. It must not be supposed for one moment that he doubted the prerogative of the Crown to grant honours to any person to whom it might be advised to grant them. No one questioned the prerogative of the Crown to grant honours to any person. The only right contested was, the right to sit in that House. The right to a peerage, the right to be called a Peer—to be called a duke, a marquis, an earl, a viscount, or a baron —no person denied that the Crown was entitled, by its prerogative, to confer. The person so ennobled would, to all intents and purposes, save one, have the privileges of the peerage; he would enjoy the privilege of freedom from arrest, he would have station and precedence, and he might be a Privy Councillor; but their Lordships had the right, the imprescriptible right, to inquire into the title of that party to a seat in that House. He was not one to question the right of the Crown to ennoble by a patent; the question was as to the right to sit in Parliament upon a writ founded on that patent.

THE EARL OF DESART observed, that the noble Earl opposite had chosen to throw out an insinuation with reference to the election of the Irish representative Peers. He assured the House that there was not the slightest collusion between the noble Earl (the Earl of Derby) and the Irish Peers to secure the election of Peers holding particular opinions. The election was the simple choice of the Peers; and if men of principles opposed to those of the noble Earl opposite were chosen as the representatives of the opinions of the majority of the Irish Peers, it was no fault whatever of theirs.

LORD CAMPBELL deprecated the display of political heat, which had not been confined entirely to one side of the House, and wished rather to confine the question to the point at issue. With respect to the case of the Baron Fermoy, he concurred with the noble Earl opposite, that it was extremely desirable that the question should be fully argued before the Committee of Privileges, and he apprehended that no difficulty would arise in carrying out that object, for the bar was abundantly rich in advocates who could discuss the question for and against the claimant. In the other case, the question on which the House would feel bound to form an opinion would be with respect to the validity of the patent; and in this, as to whether Baron Fermoy, as an Irish Peer, had a right to sit; in both cases, therefore, the right of sitting and voting in that House was to be decided, so that so far there was an analogy between them.

DOWER—COPYHOLD AND CUSTOMARY LAW.

Lord BROUGHAM *presented* a petition from copyholders of the Forest of Pendle, praying for the assimilation of the law affecting freehold with respect to Dower to Copyhold and Customary Law; and observed that the question involved was a very important one. Their Lordships would remember that among valuable law reforms effected of late years, through the exertions of the Real Property Commissioners, there was one providing for the more equitable adjustment of dowers payable out of freehold estates. There could be no doubt whatever that it was not the intention of the framers of that Act to extend its operation beyond freehold estates; but the present petition, which emanated from a large number of persons holding estates on the old customary copyhold tenure, set forth—and he had no reason to doubt, correctly—the numerous advantages which would arise from the extension of that Act to copyholds. He had, therefore, to ask the noble and learned Lord on the woolsack whether the Government would bring in a Bill on the subject?

The LORD CHANCELLOR could not undertake to say that the Government would bring in a Bill with respect to a matter which was now brought before the House for the first time. He certainly thought some reform more practically useful might be made than to extend all the anomalies attendant upon the law of dower in freeholds to copyhold estates; at the same time he would promise to give his serious attention to the subject.

Lord CAMPBELL said, that having assisted to frame the Act of Parliament in question, he could state that the reason why copyholds could not be introduced into the Bill was from the variety of customs respecting the apportionment of the dower in different manors, the widow having sometimes one-half, at others a third, and often smaller portions; so that there was great difficulty in framing a law that would be suitable to the two descriptions of tenure.

UNSEAWORTHY VESSELS.

The Earl of ELLENBOROUGH: I rise, my Lords, to *present* petitions from seamen of Whitby, West Hartlepool, Aberdeen, and Sunderland, for the adoption of measures giving to the crews of ships the right, by law, of demanding a survey on an unseaworthy vessel, the efficiency of her crew, the sanitary condition of her forecastle, or her equipments.—The noble Earl said, The subject, my Lords, is one of great importance, for, by the present state of the law, not only is the public interest materially injured, but the lives and properties of seamen are endangered; and I think your Lordships will agree with me in thinking that, for such an evil, Parliament ought to provide a remedy. The statement of the petitioners is, that the casualties at sea have of late years increased in a greater proportion than shipping itself, and that allegation could no doubt be supported by the public returns presented to Parliament up to the period when these petitions were signed. I am happy, however, to say, that within the last few days, it has appeared, from the return made by the Board of Trade, that within the last year there has been a great diminution in the number of vessels wrecked, as compared with the increase of shipping; and that there has been a material reduction in the number of lives lost. There can be no doubt, however, that there had been a continual increase in the number of wrecks for the last three years. In the year 1852, the number of vessels lost at sea was 1,015; in 1853, the number was 832; in 1854, the number was 987; and in 1855, the number was 1,141. The number of lives lost was, in 1852, 920; in 1853, 689; in 1854, 1,549; and in 1855, 469. The number of persons whose lives were saved amounted to 1,388, and it is gratifying to know that most of them were saved by means of modern appliances. The number of collisions which have occurred at sea during the past year is 247, as compared with 94 in 1854; and 55 vessels were totally lost thereby. Now, my Lords, in some cases collisions are unavoidable, but many also arise from causes which it is possible to remove, such as imperfect equipment, or insufficiency of manning, or having too many foreign seamen on board; and, out of the 247 collisions which occurred last year, a large proportion must no doubt be attributed to one or more of those causes, all of which, as I have stated, may be removed. But above all the causes which lead to casualties at sea, the main and principal cause, as alleged by the petitioners, is the appointment of masters who, in spite of their certificates of competency, are really incompetent for the duty entrusted to them ; to this is added the introduction on board of English ships of foreigners who can not readily speak or understand our language; and, above all, the undermanning and insufficient equipment of the vessels. The petitioners state that it is hard upon them that, when they have once engaged with the master to navigate a ship, they are compelled, notwithstanding that they may see reason to think that the ship is not seaworthy, to go on board and navigate her. They state that cases have occurred in which seamen have believed a ship to be unseaworthy, and have gone on shore for the purpose of proving her to be so, and demanding to have their agreements cancelled on that ground, and have for that been treated as deserters, and sent to prison for terms varying from six to twelve weeks, although in reality they had only done what it was their duty to do for the preservation of their lives. This, my Lords, is a very serious state of things, and well deserves the attention of Parliament. I believe that cases of this kind are of not unfrequent occurrence. I will mention two. On the 6th of June, 1854, the bark *Swan* left the Tyne for New Brunswick, and on the following day put back into Shields. The crew alleged that the master and mate were drunk and the vessel not seaworthy, and, upon the advice of the river inspectors, applied to the Mayor of North Shields. The mayor recommended that the agreements should be cancelled, and the men paid for the service performed. This the master promised to do, but instead thereof he took out warrants from the South Shields bench of magistrates, among whom were three shipowners, and the second mate, carpenter, and four of the crew were sentenced to imprisonment for desertion for periods varying from six weeks to three months ; and yet it afterwards appeared that the vessel must certainly have been unseaworthy at the time. In another case seamen had been compelled, by the apprehension of being treated as deserters, to proceed to sea. The vessel foundered, and the men lost all their clothes, but as they had consented to go to sea they had no remedy against the master for the loss which they sustained. Thus in the one case they had been treated as deserters, because they had gone ashore for the purpose of complaining of the unseaworthy condition of the vessel; and again, under the same law, they had no remedy against the master for the recovery of the property they had lost in consequence of their having consented to go to sea. This, my Lords, is the statement made by the men, and it may be exaggerated, but I have had placed in my hands an extract from the official report on prisons in the southern and western districts, confirming the statements of the petitioners to a considerable extent. The gentleman who made that report states in the gaol of Falmouth there were—

The Earl of Ellenborough

> "Nine prisoners under sentence of twelve weeks' imprisonment for having deserted their ships, or refused to sail in them after having signed articles of agreement, the ground of their refusal having been the unseaworthiness of the ships, or the fact of their having on board an insufficient number of able seamen to work them with a due regard to the safety of the ships and crews."

That Report goes on to say that—

> "The frequent occurrence of commitments under the Merchant Seamen's Act in this and other seaport towns has led me to bring the subject under the notice of the Secretary of State in a special report, from a feeling that the administration of the law affecting merchant seamen is attended with an amount of hardship to that class of persons not contemplated by the Legislature. A very large number of merchant seamen are committed summarily to the prisons of seaport towns for refusing to proceed to sea after having signed articles of agreement, the grounds of their refusal being, as stated above, the alleged unseaworthiness of their ships, or the insufficient complement of 'able seamen' among their crew. The first of these objections is in many cases notoriously well founded, more especially at the present time, when the great and sudden increase of trade to the Australian colonies and elsewhere has led to many ships being taken up for services, to the requirements of which they are quite unequal."

In another part it goes on to say—

> "Whether the circumstances here alluded to may throw any light upon any of the numerous mischances that have occurred of late to merchant ships I am not qualified to judge; but I have the best reason to know that the prisons of several seaport towns in my district are continually supplied with seamen committed under the circumstances referred to ; the good character of many of whom, obtained both in the navy and merchant service, leads to the strongest presumptions in their favour. . . . The above remarks apply to all prisons with which I am acquainted in seaport towns; but in the case of that which forms the subject of this report a peculiar hardship is inflicted on the prisoners by the

closeness of confinement and the very defective accommodations."

Your Lordships must bear in mind that the probability is, that in most of those seaport towns the magistrates are shipowners or persons connected with shipping; and, therefore, the seaman who goes on shore to complain of the unseaworthiness of a ship may be committed to prison as a deserter by a person interested in maintaining the seaworthiness of the ship, or who is more or less interested in enforcing any agreements into which the seamen may have entered. I say, my Lords, that that is a state of things which ought not to be permitted. By the Act which was passed a year and a half ago a seaman is allowed to go ashore in order to make his complaint; but it is idle to permit him to go ashore if, when he does so, he is to be taken up as a deserter and punished by a shipowner with twelve weeks' imprisonment for doing that which it is his duty to do for the protection of his own life and the property in the ship. By law a seaman may go ashore also, and may require a survey of the ship as regards the supply of provisions and water, but he is precluded from requiring a survey as to the unseaworthiness or under-manning of the vessel, which are of infinitely more importance to him. It must be in the knowledge of many of your Lordships who are at all familiar with sea scenes, that it is rare to see any small merchant vessel which appears to have a sufficient number of hands on board. The number of men is so small that they are a long time weighing the anchor, they can only get up one sail at a time, they can only take in one at a time, and, when heavy weather comes on suddenly, they are, in consequence, often exposed to the greatest danger. By the last Act which was passed upon this subject the Board of Trade has the power of appointing an inspector, but he is only called into requisition after there has been a casualty into which he is to inquire. I desire that the law should be so altered that, in all seaport towns where there is any considerable amount of shipping, the Government should not only have the power of appointing, but should actually appoint an inspector, whose duty it should be to survey every vessel before she departed from port. Then the seaman, if he had any ground of complaint could state it to the inspector when he went on board. The inspector must be a perfectly unprejudiced witness, and his appearance before a magistrate should be sufficient to obtain a dissolution of the agreement between the seaman and the owner, if he thought it desirable. Last year there were vessels lost representing 176,000 tons, and not less than from 7,000 to 8,000 lives were imperilled. I must repeat now what I said to your Lordships four or five years ago, when the Navigation Laws were last discussed, and that is, that it is absolutely necessary to introduce into the merchant service the same stringent regulation which exists in Her Majesty's navy—that in every case of wreck and every case of serious casualty that there shall be an inquiry. Do that, and with the previous investigation by the inspector, you do all that the seaman can ask, and you preserve many lives and much valuable property. There is one source of disasters at sea against which I fear it will be impossible for the Legislature to provide any remedy, owing to the great demand that exists for sailors. I cannot help thinking that many of the persons who are at present employed as seamen are not seamen at all, and the incompetency of those men must necessarily often lead to the most disastrous results. I am not prepared to offer any proposition to your Lordships at present; but that which occurs to me as proper and desirable is, that you should appoint a Select Committee for the purpose of considering these two points; and I may, very possibly, at an early period, ask your Lordships' consent to the appointment of such a Committee.

LORD STANLEY OF ALDERLEY: I am bound to admit the importance of the subject to which the noble Earl has called the attention of the House, but I think that to a great extent a remedy has been provided for many of the evils of which he complains. A petition similar to that which the noble Earl has now presented has been brought under the consideration of the department over which I preside, and, in order to ascertain exactly what was the state of the law in reference to the matters in question, I desired that a case should be immediately prepared and submitted to the law officers of the Crown. For that purpose several queries were submitted to those learned persons, and I will shortly read to your Lordships both the queries and answers, merely premising that we have taken every means in our power to give publicity to them, and to bring them under the notice of seafaring people and of the authorities concerned in the administration of the law. The first question was—

> "Whether, when a seaman is engaged, there is or is not an implied condition on the part of the shipowner that the ship shall be seaworthy ?"

The opinion was—

> "We are of opinion that there is an implied condition on the part of the shipowner that the ship shall be seaworthy."

The next question was—

> "Whether, if the ship is not seaworthy, and the seaman refused to go to sea in her on that ground, he can be treated as a deserter, or punished under the enactments above referred to, or otherwise ?"

The answer was—

> "If the ship is not seaworthy, and the seaman refuses to go to sea in her on that ground, he cannot be treated as a deserter, or punished under the enactment referred to. But the burden of proof will lie on the seaman; he must establish the unseaworthiness of the vessel."

The third question was—

> "Whether, if a seaman is apprehended on the ground of desertion, and alleges in his defence that the ship is unseaworthy, it is the duty of the Court which hears the case to examine into the question, and to receive such evidence as it may be possible to procure of the truth of the allegation ?"

The answer was—

> "If the seaman apprehended for desertion alleges the unseaworthiness of the ship in his defence, it will be the duty of the Court which hears the case to examine into the question, as it would do on any other disputed question of fact that might arise before it; and it must dispose of the question on such evidence as may be laid before it, bearing in mind, as we have before said, that the burden of proof is on the seaman."

The next question was—

> "Whether, if the ship is not seaworthy, and the seaman refuses to go to sea in her on that ground, and the master and owner refuse to deliver any clothes or effects which the seaman has on board, the seaman can bring an action to recover them, or to recover damages for their detention ?"

The answer was—

> "We think that the seaman is justified in refusing to go to sea in the ship on the ground of her unseaworthiness, and may maintain an action to recover his effects if detained."

The fifth question was—

> "Whether, if a seaman serves in a ship which is sent to sea in an unseaworthy state, and the ship is lost in consequence, and the seaman thereby suffers damage by loss of his clothes, or by injury to his person or otherwise, he has any remedy against the owner ?"

The answer was—

> "On the authority of the case 'Priestley *v.* Fowles,'—3 M. and W., p. 1—we are of opinion that a seaman proceeding to sea in an unseaworthy ship, and sustaining injury in consequence, could not maintain an action, and would be without a remedy against the owner."

And the last question was—

> "Whether, when a seaman is engaged, there is or is not an implied condition on the part of the owner that the ship shall be adequately manned (*i. e.* manned in such a manner as would, under ordinary circumstances, be sufficient for the safety and proper navigation of the ship on the voyage on which she is to be employed); and, if so, whether or not the non-performance of this condition is attended by consequences similar to those which would attend the non-performance of the implied condition that the ship shall be seaworthy, assuming such last-mentioned condition to exist ?"

To which the answer was—

> "We are of opinion that there is an implied condition on the part of the owner that the ship shall be manned by a crew sufficient to navigate her with reasonable safety, and that if she be not so manned, the consequences will be the same as though the ship was unseaworthy."

Thus your Lordships will see that we have taken every means in our power to ascertain the actual state of the law. It seems to me that the sailor has a full remedy in case he should be of opinion that his ship is unseaworthy or insufficiently manned. What is the usual mode of proceeding ? A seaman is taken before a magistrate by the captain or owner, and accused of deserting his ship and breaking his engagement, and he pleads that the vessel is unseaworthy or insufficiently manned. It is for the magistrate to take cognisance of the fact, and, having ascertained that the allegation is correct, it is his duty not only not to punish him as a deserter, but also to release him from his engagement. But, after all, the noble Earl must be aware that it does not necessarily follow, from the statement of a sailor that a ship is unseaworthy, that she really is so; and he can scarcely wish that whenever it may please a discontented seaman to allege that his ship is unseaworthy an inquiry must necessarily be instituted into the matter, a considerable expense incurred, and a prolonged delay take place before she can put to sea. At the present time, when wages are high and great anxiety is shown to secure the services of sailors—when there are persons always on the watch to seize men and hand them from one ship to another—there is a great inducement to seamen to declare their vessels unseaworthy and break their engagements. So much, indeed, is that the case, that captains have considerable difficulty in obtaining crews with whom they can proceed to sea. For my own part, I do not see what we can do more than we have already done. The noble Earl has spoken of a survey; but if we were to examine every ship before she left port, as would often happen, we should have to remove her cargo, we should delay her sailing and thus produce inconvenience and loss to the trade. This, too, we are asked to do upon the representation of a common seaman, who, perhaps, wishes to transfer his services to some other vessel. With respect to another point mentioned by the noble Earl, it is quite true that the number of wrecks was larger than usual last year; but I have reason to believe that the increase exhibited by the returns laid on the table the other day is to be attributed in part to the greater care taken in recording such disasters. The noble Earl has stated that an inspector should be appointed in every port. Now, it does so happen that an inspector actually exists in almost every place around our coasts. It is the duty of the Coastguard, the collector of Customs, and some other officer connected with the Board of Trade, to report every case of wreck which occurs in his district; and, whenever it seems desirable, a further inquiry is instituted by the Board. Your Lordships will be glad to learn that, although the number of wrecks has increased, the loss of life has been very much diminished, which I believe may be attributed partly to the good effect produced by the recent alteration of the law relating to merchant shipping, by which salvage is allowed for the preservation of life as well as of property, and partly to the power vested in the Board of Trade to give rewards for conspicuous exertions in the saving of life—rewards which were given last year to the amount of £1,237. If your Lordships deem it desirable that a Committee should be appointed to investigate this matter, I shall offer no objection; but I hardly think the additional information to be acquired would justify such a proceeding, especially since the noble Earl has shadowed out no improvement or alteration of the law, with the single exception of the establishment of a survey of all vessels before they leave port—a proposition which is worthy of consideration, though I cannot pledge myself to adopt it.

Lord COLCHESTER said, he wished to refer only to a single point, that of calling upon the seaman, who should be taken before a magistrate as a deserter, to prove his case as to the alleged unseaworthiness of the ship. Excepting on this point, the statement of the noble Lord who had just sat down was perfectly satisfactory. As the law stood, seamen were entitled to make complaints, and if those complaints were proved, they were of course relieved from any penalty. But in this way, the burden of proving the case was laid upon the seaman, who often had not any means of substantiating his case by evidence. Suppose he were to say that the ropes were old or that the ship leaked, the magistrate would be quite sure not to take his word for it. Who, then, was to prove the assertion? There was no person to whom the case could be referred. The law was here insufficient, and it seemed to him that the duty of ascertaining the seaworthiness of a vessel should be performed by Government inspectors, armed with sufficient powers. There would be no expense, and no detention of the vessel. The question would be a very simple one, and might be disposed of by a competent person in a few hours. If the Board of Trade had at present the power of appointing such persons, it would be all very well; but the inspectors now appointed had no power but of reporting, and even these were only located in large ports. There ought to be inspectors in all ports, who should be called upon to give an answer whenever the case was brought before the magistrates. He must say this in defence of the seamen, that a survey of the same kind was carried out abroad with good effect, and he saw no reason why it should not be adopted here. It would be as much for the advantage of the master or for the owner, as the seamen themselves. If a complaint obliged the owners to provide new ropes or sails, it might have the effect of preserving the property from loss. He thought the House was much obliged to the noble President of the Board of Trade for the trouble he had taken to ascertain the state of the law.

The Earl of ELLENBOROUGH said, that it had been stated that the seamen had at present the real power of obtaining redress in the matter complained of. Now, he would state to their Lordships the case of a particular ship—the *Swan*, which left the Tyne for New Brunswick. The seamen complained of this ship, and made oath before the magistrates, who were probably shipowners, as to her condition. He would read the document, though it was somewhat technical. The sailors swore, amongst other things, that the ship had no back sail; that there were no ropes to replace those that might be broken; that the main braces were broken, the standing rigging cracked, the foretop split, the hatches not stopped. Such being the state of the ship, the sailors objected to go to sea in her. The sailors were punished as deserters; yet the ship after having been out for two days was compelled to put back again into port from inability to keep the sea. Would the noble Lord have liked to have gone to sea in her? If the noble Lord had objected, the chances were that he would have got twelvemonths' imprisonment in Durham gaol.

Lord STANLEY of ALDERLEY said, that in the instance which the noble Earl had just adduced there was *primâ facie* evidence of the unseaworthy condition of the vessel in the fact that she had been obliged, after a lapse of only two days, to return to port; and he felt assured that, under these circumstances, the magistrate must have entered into a detailed inquiry as to the justice of the complaint upon the part of the seamen. [The Earl of Ellenborough: But he did not.] The case of the *Swan* probably occurred previous to the publication of the legal opinion to which I have called your Lordships' attention. The magistrates will now, no doubt, be ready to deal more carefully with the complaints of seamen, when they appear upon the face of them to call for further inquiry.

The Earl of ELLENBOROUGH thought the noble Lord must have forgotten that he had read a passage from the Report of the Inspector of Prisons, written in 1855, in which he made a statement of exactly the same tenor with that put forth by the seamen. He stated, that nine out of every ten persons summarily convicted in his district were seamen for desertion.

Lord STANLEY of ALDERLEY said that might be, but the inspector of prisons had no means of judging as to whether those seamen had been justly convicted or not.

Petitions ordered to lie on the table.

House adjourned till To-morrow.

The Earl of Ellenborough

HOUSE OF COMMONS,

Thursday, February 14, 1856.

Minutes.] Public Bills.—1° Dwellings for Labouring Classes (Ireland); Summary Jurisdiction; Commons Inclosure; Drainage Advances Acts Amendment; Turnpike Trusts Arrangements.
3° Joint-stock Banks (Scotland).

STEAM COMMUNICATION WITH AUSTRALIA—QUESTION.

Mr. BAXTER asked the Secretary of State for the Colonial Department whether Her Majesty's Government are taking steps to re-establish steam communication between this country and the Australian Colonies; and, if not, what are the obstacles which prevent them doing so?

Mr. LABOUCHERE said, that the Government had taken what he hoped would prove effectual steps for placing the postal communication between this country and the Australian colonies upon a satisfactory and permanent basis. The details of the arrangement were fully explained in a Treasury Minute, which had been distributed that morning, and the House would not therefore require him to give more than the outlines of the plan. Tenders had been issued for a monthly communication between this country and Australia, one-half of the expense of which would be borne by the mother country, and one-half by the colonies. The steamers are to touch at King George's Sound, Melbourne, and Sydney; and there would be branch services for Port Adelaide, Van Diemen's Land, and New Zealand.

POSTAL COMMUNICATION WITH THE WEST INDIES—QUESTION.

Mr. LINDSEY asked the Secretary of State for the Colonies if he received a memorial from certain inhabitants of British Guiana, complaining of great irregularities in the conveyance of the mails between this country and our West-Indian possessions, and praying for an inquiry into the same; if this memorial has been received, and what steps, if any, have been taken to insure for the future the regular performance of the contract entered into by the West India Royal Mail Steampacket Company; and if the Secretary of the Colonies would lay the memorial, with any correspondence bearing upon it, on the table of the House?

MR. LABOUCHERE said, that a memorial had been received at the Colonial Office from British Guiana, and could be laid on the table of the House, if his hon. Friend moved for it. It was true that irregularities in the conveyance of the mails had taken place, but it was only just to the company who had charge of the postal communication with the West Indies to state, that these irregularities had been mainly caused by the Government having been obliged to take the larger vessels of the company for employment in the transport service. The result was, that the smaller vessels had been overburdened, accidents had occurred, and irregularities had taken place. Since September last, however, the postal communications had been carried on with great regularity.

COMMISSIONS WITHOUT PURCHASE—QUESTION.

MR. BLAND asked the Under Secretary for War whether it is intended still to restrict the distribution of commissions without purchase in the army to youths under eighteen years of age, and officers from the militia with the quota of volunteers, or if any change is contemplated?

MR. PEEL: There is no rule that officers must be under eighteen years of age on first receiving a commission in the army. There is a rule, however, that those who are above that age cannot be entered on the list of applicants for commissions without purchase. But the time frequently elapses before the commission is granted, and it not unfrequently occurs that officers are past the age of eighteen when they are actually appointed. A few exceptions are also made in meritorious cases, as where the fathers of applicants have been killed in action. With regard to ensigns from the militia with the quota of volunteers, they are appointed without any very strict inquiry being made as to their age.

THE ARMISTICE—CARGOES TO RUSSIAN PORTS—QUESTION.

MR. J. EWART wished to ask the First Lord of the Treasury whether it will be lawful to dispatch British ships with cargoes to Russian ports during the armistice which is about to be concluded? and, in that case, would articles contraband of war, such as brimstone, lead, and saltpetre—be exempt from such permissions of shipping? If the sailing of British ships be unlawful, might foreign ships be chartered for the purpose; or whether the blockade of Russian ports will be soon re-established?

VISCOUNT PALMERSTON: The only answer that I can give to that question is this—that I should strongly recommend any persons who wish to engage in such undertakings as those described by the hon. Gentleman in his question, to wait and see whether an armistice is concluded, and if so, what are the nature and conditions of the armistice.

FIRE INSURANCES—FRENCH OFFICES—DUTY ON FIRE INSURANCES—QUESTION.

MR. SCHOLEFIELD had been informed that a fire insurance office, having its central office in France, had held out an inducement to persons in this country to effect insurances against fire with them, by promising them an exemption from the policy stamp and insurance duty. He wished to know whether the attention of the Chancellor of the Exchequer had been called to this subject, as it affected the insurance companies of this country and the revenue?

THE CHANCELLOR OF THE EXCHEQUER: My attention has been called to the subject to which my hon. Friend has adverted, with reference to an insurance office called *La France*, established in France. My belief is, that, up to the present time, no evasion of the insurance duty deserving of any consideration has taken place, but my attention has been directed to the subject, and if I find that it may be necessary, for the purpose of protecting the revenue, that I should submit a measure on the subject in this House, I shall not fail to do so whenever I see that the necessity has arisen.

OPERATIONS IN THE CHINA SEAS—QUESTION.

MR. H. BAILLIE inquired of the First Lord of the Admiralty whether he had any objection to lay upon the table of the House the dispatches of Admiral Stirling relative to the proceedings of Her Majesty's fleet in the China Seas?

SIR C. WOOD: I do not think it desirable—at any rate, at present.

CONSOLIDATION OF THE STATUTE LAW—OFFENCES AGAINST THE PERSON.

SIR FITZROY KELLY, in moving for leave to bring in a Bill to Consolidate the Statute Law relating to Offences against the Person, said, that it was the first of a series of measures for the consolidation of the entire statute law of England. He was not insensible to the magnitude or the difficulty of the task he had undertaken, but he looked with confidence not only to the indulgence of the House, but to the assistance of hon. Members individually and collectively, and more especially of the Members of Her Majesty's Government, to assist him in accomplishing it. He hoped and believed that, if he should receive that support, he should be instrumental in accomplishing an undertaking which had hitherto baffled the efforts of all who had tried it, including some of the most eminent lawyers and statesmen which this country had ever produced. He was also sustained by the hope that he might be the means of remedying a great and acknowledged public evil, and of conferring a lasting benefit upon the country. He would now endeavour to state clearly and intelligibly what he proposed to do. And first, he would explain the meaning he attached to the words "consolidation of the statute law"—a term with respect to which great perplexity existed. The words "consolidation" and "codification" had been used by persons from whom greater accuracy might have been expected, as if they meant the same thing. Now what he proposed to effect was, not the "codification," but the "consolidation," of the statute law. The statute laws were at present comprised in thirty-six large folio volumes. The number of those, exclusive of Private Acts, but inclusive of Local Acts, with provisions of a general character, was between 15,000 and 20,000, and his proposition was, to classify those statutes, and then subdivide each class into separate subjects; to repeal the whole statute law relating to each subject, and then to re-enact the statute law as it now existed in relation to that single subject in one single Act of Parliament. Should he succeed in that object, instead of there being thirty-six volumes containing some 20,000 Acts without order or classification, the statute law would consist of some 200 or 300 Acts of Parliament, each Act embracing the whole particular subject to which it related. It was not his object to attempt any codification of the law, because he did not think that at the present moment such an attempt was practicable; for a code must contain not only the whole statute law, but the whole common law.

In order to show the necessity of the task he proposed to accomplish, he would briefly call the attention of the House to the state in which the statute law now was. There were at the present time thirty-six volumes of statutes, containing about 1,000 folio pages in each volume. The consequences of this great number of statutes were, that the Judges, by whom the law was to be administered, the counsel and attorneys who had to advise upon it, and the subjects who had to obey it, in order to ascertain what it was upon any given question, must either resort to a text-book, which might not perhaps contain information sufficiently ample and accurate for their purpose, or, if no text-book upon the question existed, must go through the whole of the statutes from Magna Charta to the present day, and with the help of an imperfect, often a delusive index, endeavour to discover the particular section of the statute of which they were in search. The law was thus left in a state of complete uncertainty; and even after making an effort of that kind an inquirer might discover that a section of an earlier statute was inconsistent with one of a later statute, or that a section of one statute was repealed by a section of another, or he might be misled by allowing some portion of a statute to escape his attention. Nor were these the only evils; for often, when a private Member of Parliament brought forward a Bill for the improvement of the law, although the measure which he proposed might be a very sound and desirable one, unless he had made himself master of all the statutes bearing upon the subject with which he proposed to deal, his measure might be either unnecessary or inconsistent with a previous Act, and so create confusion and increase litigation. There were many other evils arising from the present state of things which he would not detain the House by pointing out; but he would illustrate some of them by a well-known case. In the reign of George II. an Act was passed which made the malicious destruction of property, under certain conditions, a felony. Fifty years afterwards another Act was passed, the framer of which, being unacquainted with the previous enactment, made it a misdemeanor. A few years afterwards the offence was committed, the criminal was indicted under the earlier act for a felony, was convicted, and was sentenced to suffer the punishment awarded to felony. Fortunately this was not a capital offence, or the man would perhaps have been hanged in consequence of having been convicted of a crime which had ceased to exist; but the result, although less fatal—for the man received a pardon, and so escaped punishment altogether—was no less discreditable to the law of England. This was one of the innumerable instances of mischief which had occurred from the present state of the statute law; and in addressing himself not only to lawyers, but to gentlemen who from their various avocations were familiar with different branches of the statute law, he would only remind them of the class of statutes under which the Commissioners of Building Churches were constituted. He was quite sure that no individual out of the law, who had occasion to act under those statutes, could do so otherwise than with great peril of serious mischief on account of the confusion and inconsistency prevailing throughout the whole body of them—confusion and inconsistency which were, indeed, so generally acknowledged, that he should assume that the House was alive to the magnitude of an evil which had so long engaged the attention of some of the greatest men that had ever lived in England.

He should next lay before the House the precise nature of the plan which, with very able assistance, he should submit to Parliament for the entire consolidation of the statute law. He regretted that he was unable to be present the other night when his right hon. Friend the Member for Dublin University (Mr. Napier), in a very able address, brought under consideration the amendment of the statute law; but, as his right hon. Friend then truly stated, the complexity, uncertainty, and confusion of the statute law had attracted the attention of Lord Bacon not less than 250 years ago. At that early period of our legal history Lord Bacon complained, in much the same terms as mark the complaints of the present day, of the great evils and mischiefs resulting from the confusion and uncertainty of the statute law. From that time until the present the mischievous state of the statute law had gone on increasing; and although from time to time attempts had been made by lawyers, judges, and statesmen, who felt an interest in the welfare of the country, to reform our Statute-book; yet, strange to say, from the days of Lord Bacon to the days of Lord Brougham—he named them together, as at once the most illustrious of lawyers and of law reformers—not a single Bill had ever been laid before Parliament with the view of completely consolidating the statute law of England. He might therefore well appeal to the indulgence of the House when he had ventured to undertake that task. He should not have done so had he not felt that, in common with others, he owed a duty to his country. He had been in communication with a number of gentlemen, to whom he should afterwards refer, who were Members of the Statute Law Commission; he had taken part in their deliberations, and he felt satisfied that, with the assistance which might be afforded to him by the Government and by that Commission, the task which he had undertaken might be accomplished. From the time of Lord Bacon, notwithstanding the universal complaints which were heard on the subject, the consolidation of the statute law had in effect never been attempted. At length, after the lapse of two centuries—it was in some way taken into consideration by the Record Commissioners, in 1806, who in their Report recommended that Mr. F. Palgrave should be requested to consider the best mode of reducing the statute law into a moderate compass and more systematic form, repealing what was obsolete, consolidating repetitions, and specifying under general heads the statute law most necessary to be referred to. Such was the recommendation of the Record Commission; but nothing was done with the view of consolidating the statute law, though the subject was occasionally mentioned in Parliament, until ten years afterwards—in 1816—when a Resolution was agreed to in the House of Lords, and afterwards submitted to the House of Commons. The House of Commons resolved to agree to the Resolution of the Lords, that, on account of the state of the statute law, it was highly expedient that effectual measures should be taken to arrange the matters contained in the statutes of the United Kingdom of Great Britain and Ireland passed in the several Parliaments, classing them under distinct and proper heads. Still nothing was done, or attempted to be done; and thus the matter remained, until some years after Lord Brougham made his justly-celebrated oration in that House upon the general state of the law; but inasmuch as there was then sitting a Commission which had been appointed by the Crown for the purpose of considering the statute law, the consolidation of the statutes did not form one of the subjects alluded to by the noble and learned Lord. But in the year 1833, when Lord Brougham was Lord Chancellor, he issued a Commission—the third he (Sir F. Kelly) believed which had been issued in his own time, with the view of amending the Statute-book. That Commission resulted in nothing. A report was made by it, but it was never acted upon, for it was found that as soon as anything like classification or consolidation was attempted, the persons engaged in the work found themselves gliding into codification; and thus the whole scheme was rendered nugatory. In the year 1845 something practical was done in the shape of an index to the statutes. In some respects it was found to be incorrect, and it was found to be totally insufficient, even as a guide to the first step towards consolidation. Thus things remained until 1852, when he (Sir F. Kelly) held office under the Crown, when a Bill—the first of a series—was laid upon the table of the House of Lords for the purpose, not of consolidating, but of codifying the criminal law of England. The fate of that Bill was somewhat remarkable. Instead of merely dealing with criminal offences (for it involved a very important branch of the criminal law) and repealing existing enactments, and re-enacting others in one continuous form, it attempted to lay down the definitions and terms used in the criminal law, and attempted various amendments of the criminal law. The result was, that while on the one hand no differences of opinion existed, or could exist, in relation to any of the statutory enactments, or the repeal and re-enactment of anything that was part of the statute law, every single definition, every single proposition, which constituted a part of the common law, which then, for the first time, came to be reduced into legal language, became a subject of discussion, upon which eventually the differences of opinion were irreconcilable. The Bill was then referred to a select Committee of the House of Lords, by whom a Report was made which prevented its further progress, and it was said that the object aimed at by the framers of the Bill was beyond the reach of man. The Bill, therefore, after being the subject of much discussion in the profession of the law, and in both Houses of Parliament, came to nothing. When Lord Cranworth (whom he could not name without offering to him a humble tribute of thankfulness for his most sincere and unwearied efforts to amend the statute law) became Lord Chancellor, he laid a Bill upon the table of the House of Lords, which was to be the first of a series of Bills for consolidating the statute law; and the noble and learned Lord stated that it was the determination of the Government to attempt something to effect that great object. The course which the noble and learned Lord then pointed out, though varying in some details from that which he (Sir F. Kelly) was about to submit to the House, was based upon the same principle of consolidation, and upon the same belief in the utter impracticability, for the present, at least, of anything approaching to codification. Circumstances, to which it was unnecessary then to refer, prevented that Bill, from passing into a law. In the year 1854, Lord Cranworth, in consequence of the great diversity of opinion that existed on the subject, and that every attempt at consolidation had hitherto been combined with codification, appointed the Statute Law Commission. Of this Commission he (Sir F. Kelly) was a member; but, as it was only within the last few weeks that he had been appointed, he could not claim any credit for the many useful acts which that body had originated, nor, on the other hand, could he be held responsible for any errors which it had committed, though he was far from admitting that it had erred. Since he had become a member of that body, he had offered to undertake the duty of personally superintending and revising every Bill which they might think it necessary to prepare, for the purpose of subdividing and classifying the statute law, and he would further undertake the duty of laying every such Bill before the House in succession, until the statute law of the realm was completely classified and consolidated and made intelligible to the whole body of the community. He might state what he thought was the cause of the failure of every effort that had been made by the Statute Law Commission, composed as it was of the most famous lawyers of the day, and of other gentlemen familiar with the law of the country. They had been divided upon many questions that had arisen before them. While some of the members of the Commission were disposed to be content, for the present at least, with consolidation of the statute law, others insisted upon the codification of the entire law of the country; but this last project had been found to be attended with such difficulties that the attempt was given up in despair. Again, a gentleman of whom he (Sir F. Kelly) would speak with great respect as a man of much experience and knowledge, and formerly a Member of that House—he alluded to Mr. Anstey—endeavoured under the direction of the Commissioners to frame an analysis of the whole law of England, with a view to a codification of that law, beginning with the statutes. That also had to be abandoned. Every attempt that had been made, acting upon that analysis, or upon any other plan that had come before the Commissioners for the codification of the law, had failed. The Statute Law Commissioners, however, acting upon the wise and well-considered suggestion of the Lord Chancellor, had employed members of the profession of the law, who had made themselves eminent upon any particular subject, not to codify, but to consolidate, the entire statute law upon that subject. That had been done—not, perhaps, considering the vastness of the field of labour, to any very great extent, but still to such an extent as to encourage him (Sir F. Kelly), as an individual member of the Commission, to make the attempt he was now making in that House. He had been perfectly convinced, by the result of those several consolidations of portions of the statute law effected by those gentlemen, that by carrying out the same plan an entire consolidation of the whole statute law was practicable, and he had therefore undertaken, if spared, and supported by the sanction of the Commission and the Government and of the House, to produce every Act of Parliament, and every section of an Act, in a state of complete classification and consolidation.

He would first state to the House the plan upon which he proposed to proceed, and he would then explain the precise distinction between consolidation and codification. First, then, as to the consolidation of the several statutes; what he proposed to do was to take one, or two, or three of the most important, and at the same time most familiar subjects within the whole compass of the law, and which were also the subject of several Acts of Parliament; then to go through the whole forty volumes of the statutes, and extract therefrom every Act of Parliament, and every provision, every sentence and line in any Act of Parliament which had any bearing upon that subject:—to frame from these a new consolidated statute on each subject, and to repeal all the previous enactments. This was, in truth, what had been done with relation to the statutes relating to offences against the person, and to bills of exchange and promissory notes, and by the two Bills for the consolidation of the law upon those subjects which he now wished to submit to the House. To explain what his intention was with regard to the statutes generally, he would point out what had been done in relation to the statutes referring to bills of exchange. Any lawyer wishing to ascertain the state of the existing law with respect to bills of exchange would, unless he consulted some text-writer or some treatise on the subject, have to go through thirteen Acts of Parliament, beginning with the 18th year of the reign of *William* III., and extending, he believed, to the reign of Her present Majesty. He would have to look through the whole of those statutes, section by section, to see whether there might not be a provision in some statute—passed, perhaps, in the reign of Queen Anne—which repealed or qualified a provision in some previous statute on the subject. What he (Sir F. Kelly) therefore proposed was, to take out of each statute every section and every line that related to the particular subject of bills of exchange, and promissory notes that was now in force, and then to repeal altogether the branch of the statute relating to the subject. Thus, in the case of bills of exchange, one single Act would be substituted for the thirteen statutes now existing on the subject. When that had been done some hundreds of pages would, as it were, have been taken out of the forty volumes of statutes. The proposed Bill to consolidate the law with regard to offences against the person would have the effect of curtailing the Statute-book by about 1,000 pages more; and the subject which would probably next be dealt with—the law of insurance—would take out about another 1,000 pages. The end would be, that, instead of some 20,000 Acts of Parliament, of which the statute law now consisted, and six and thirty volumes of statutes, the Statute-book would be reduced so as to be not more than one-seventh or one-eighth part its present size. Instead of consisting of a multitude of Acts, beginning with Magna Charta and ending with the last Act passed in our own day, following in accidental succession, without arrangement, connection, or consistency, it would be comprised in a series of comprehensive statutes, numbered in the order in which they were passed, and each of which would contain the whole statute law of England upon a particular subject; and to one of which only it would be necessary to refer for any inquiry into any branch of the law.

He must state, however, that although this might seem from description to be a comparatively easy task, there were in truth many difficulties in the way, although he believed none of them would be found insuperable. One difficulty was, that the Legislature must, of course, rely upon the accuracy of the framers of the new statutes for the assurance that they had really extracted from the whole of this mass of statutes all the law bearing upon each particular subject. Upon that point he could only state that he had recommended that the Statute Law Commissioners, whom he was presuming to be the Board to carry into effect this great operation, should select, for the consolidation of the law upon each particular subject, that member of the profession who was the most undoubtedly and unquestionably competent for the task. Thus they would secure knowledge, and, he hoped, accuracy. But there were other difficulties. Let the House suppose that he had gone through the whole of those subjects which were of the greatest and most general importance — that the whole compass of the criminal and the whole body of the commercial law—all the laws that related to the public health and the well-being of the people in general; the municipal corporation law, the law of customs, and the law of excise—the whole public general statute law of the realm—had been gone through—there would even then remain some thousands of statutes, the consolidation of which, though full of difficulties, must be accomplished before the work could be said to be completed. He could best explain his meaning by referring to an abstract of the Acts passed during the last Session of Parliament. In the last Session the number of Acts of all descriptions passed was 134; of these 11 were general public statutes, relating to the United Kingdom, 2 applied to Great Britain, 6 to England and Ireland, 21 to England, 6 to Scotland, and 13 to Ireland — making altogether 59 Acts of a general public nature. Now, supposing they had brought in and carried through Parliament a succession of Bills on all these branches of the law, so as completely to have purged the Statute-book of probably nine-tenths of its entire contents, and to have consolidated into several distinct and single Acts of Parliament all subjects of a general and public nature, then there remained behind twenty-six special and local Acts; six relating to the Colonies, two relating to the East Indies, eleven relating to the army, navy, and militia, and thirty-nine relating to the revenue and other financial subjects. The question was, how to deal with all these several subjects. Strictly speaking, these were not general and public Acts; yet still it would be in vain to say that they had consolidated our statutes if they were to leave ten or eleven volumes of statutes relating to various subjects, and all possessing features of national interest, still without order and consistency. He would state, therefore, very briefly, into what classes he proposed to divide these remaining Acts, and he hoped they would be able to deal with them in the work of consolidation; but before he did so, he must bespeak the forbearance of the hon. Gentlemen who represented Ireland, while he dealt, in the first instance, with the statute law of England. There were so many Acts of Parliament which related to England, and did not relate to Ireland, so many which related to some extent, and only to a partial extent, to Ireland and generally to England, that were he (Sir F. Kelly) to comprise Ireland within this scheme, he should only, perhaps, introduce or continue that confusion which he was seeking to put an end to. He fully admitted the right of Ireland to participate in the benefits of the scheme he was now propounding; and if he should be permitted to carry through some five or six of the principal consolidations as to the chief branches of the law, especially with regard to the law of England, he should then be very willing to render all the assistance in his power to hon. Members connected with Ireland, to commence and carry out the same consolidation of the laws specially affecting Ireland that he now proposed to apply to the laws of his own country. He might say the same with respect to Scotland, as her laws would be the last to be dealt with in the work of consolidation.

He now came to a class of statutes full of difficulty. There were probably some 6,000 or 8,000 public Acts of Parliament of which the Judges were bound to take notice, and which were printed *in extenso* in all the collections of the Statutes. They were, nevertheless, local in their character. He would just give one as an example—the Act of Parliament relating to Dover Harbour, by which certain Commissioners were empowered to act in the management and otherwise of that harbour. No doubt the public were brought within their operation; but still they were local Acts. There were many thousands of Acts of this description, applying to almost all the great towns, and especially the sea-ports, in the kingdom. In these Acts, which were particular and exceptional in their very nature, were to be found a great many provisions of a public and general nature. For example—in an Act relating to a harbour on the east coast of England, there were a series of provisions whereby the Commissioners were empowered to take cognisance of certain offences, and which also contained clauses with respect to notices of action, and making a statute of limitations—assaults on or obstructing any of the officers in the execution of their duty was made a misdemeanor. Here they had a clause which ranged itself within the statute law as against the person. Upon this point, however, they would be very much assisted by the Act brought in by his able and distinguished Friend the Chief Baron of the Exchequer, whose attention had been called at an early period to the number and inconsistencies of those provisions with regard to notices of action and statutes of limitation, and double and treble costs, which were to be found dispersed through these numerous local Acts of Parliament. His right hon. and learned Friend had consolidated all the provisions of all local measures known to be in existence at that time into one single Act; but, since then many hundred more local Acts had been passed, and these provisions had grown up again. When the House had disposed of the general and public statute law of England, the course he proposed to take would be to follow, to some extent, the plan of his right hon. Friend the Chief Baron. He would venture to say that it would be quite practicable, when they came to the class of statutes of a local description, to repeal all the provisions that might be found in all now existing Statutes, and all that might be introduced in similar Acts, and to substitute for them one single general Act of Parliament resembling somewhat the Act of the Lord Chief Baron, but more closely the Railway Clauses Consolidation Act, with the provisions of which hon. Gentlemen were familiar. There would still remain two classes of Statutes to be found in great numbers in the Statute-book, many of which Acts had been necessarily passed, and which occupied thousands of pages of the Statute-book—the statutes relating to the army, navy, and militia—or the Militia Act for example—and also Acts relating to the revenue; and those of a financial character, such as Loan Acts. He had no doubt he spoke within compass when he said that in going through the thirty-six volumes of the statutes, they would find at least 4,000 or 5,000 folio pages of the statute laws relating to the revenue, all of which had now expired. One of the effects of the work of consolidation would be to remove those defunct Acts altogether, and thus leave the Statute-book to consist of nothing but the consolidation of the existing statutes. If the same principle were successively applied to the Acts relating to the army, the navy, and other branches of the public service—if as successive Acts of Parliament fell into desuetude, or the purposes for which they had been framed were answered, they were to be removed from the Statute-book, three-fourths of the matter which now encumbered the Statute-book would be got rid of; and instead of our having a long series of statutes heaped together without method, order, or consistency, we should have a collection of consolidated Acts, each of which would comprise the whole statute law relating to the subject which it embraced.

Now, supposing the sanction of the House should be given to the plan which he had now stated, they might assume that in the course of time, the whole of the statutes would have ceased to exist in their present form, and would only exist in the shape of consolidated statutes. But then came the important and difficult question, how we were to deal with our future legislation. Great differences of opinion prevailed upon the subject, and no satisfactory plan, perhaps, had yet been sufficiently matured to be laid before Parliament; but he believed the Statute Law Commission had prepared a Report which would shortly be presented to Her Majesty, and laid before both Houses of Parliament, which embodied a plan for the amendment of their system of legislation in future. The first point to be attended to in any such plan would relate to the framing of Bills by individual Members who might not be very conversant with the language and structure of Acts of Parliament. If the Report of the Commissioners should meet with the approbation of Parliament, it would be desirable to distribute among private Members, and especially to those who contemplated the preparation of Bills, certain suggestions for their guidance as to the phraseology and composition of Acts of Parliament, so as to enable them to make their projected legislation harmonise with the consolidated laws already passed. This brought him to the subject of the appointment of a Board, or individual Minister, who should watch over the future legislation of both Houses, and who should report from time to time on the changes which were necessary to bring it into accordance with the existing statutes. It would not become him to trespass upon the field already occupied by many hon. Members of that House, as to the description of person to whom that important task should be entrusted. He should not say whether or not it ought to be an individual Minister or a Department of Justice; but he said there ought to be, and must be, some officer or officers, invested with the authority of both Houses of Parliament, to watch the formation of Acts, and to report and suggest to the House how far they differed or were consistent with the Acts already in force, and to take upon themselves the supervision of all Bills in Parliament; and that to that authority should be submitted all Bills that were to be brought forward in either House. Then came the question, by what means new enactments could be made to form part of the already consolidated statute laws. Let him suppose a Bill to be brought in—say, a Bill to amend the laws relating to bills of exchange and promissory notes. The Consolidation Bill, when passed, would contain the whole existing statute law on that subject. Then, supposing that at a later period of this Session, or some time next Session, a Bill should be brought in relating to and altering the common law as affecting bills of exchange —such a measure would become part of the statute law on the same subject. Take for example, the three days' grace allowed for bills of exchange; supposing it were thought expedient to make the law of England assimilate with the law of other countries, and do away with those three days' grace; and an Act was then brought in for that purpose—then came the question, how would they deal with that Bill in connection with their previous legislation? There could be no difficulty, he thought, in devising a scheme and *modus operandi* for annexing the new Acts of Parliament relating to bills of exchange to the already existing consolidated law on that subject. For instance, every consolidated statute might bear a number as part of its title in addition to its general designation. Thus, his present Bill, proposing to consolidate the law on bills of exchange, might be called "Consolidation Act, Bills of Exchange, No. 1," and the Hypothetical Bill, subsequently passed, abolishing the three days of grace, might be called "Consolidation Act, Bills of Exchange, No. 2; and the difficulties arising from annexing subsequent Acts to the Consolidation Act might be readily overcome by enacting that in any future reprint of any Consolidated Act the subsequent Acts should be printed with, and become part of, the Consolidated Act. The case, no doubt, became more complicated when numerous Acts relating to one subject, and consisting of 200 or 300 clauses, contained two or three provisions which had relation to part of another subject already consolidated. But he proposed that the Minister or Board, or superintending power, whatever it was, to whom the task should be committed, should detach the two or three clauses, treat them as a separate Act, and annex them to the consolidated statute in the way he had already pointed out. It appeared to him that if they looked practically to the subject, it would be very easy indeed to frame a system, and some such system was already under the consideration of the Statute Law Commission, and he had no doubt it would be the subject of a Report. In this manner he believed all consolidations of the statute law would be perfectly practicable; and as our legislation advanced the statute laws would be found a series of enactments harmonising together. It was of the last importance that the measures for consolidating the statute law, after the principle should have received the sanction of both Houses of Parliament, should be passed into law in quick succession at the earliest possible period. After very great attention to the subject—after conferring with not only the most able and active Members of the Statute Law Commission, but also the most distinguished and practically experienced living lawyers, Judges, and statesmen, he had their full concurrence; and he had satisfied himself that the scheme was perfectly practicable, and that it would be successful if it should receive the support of that and the other House of Parliament. He solicited hon. Members to point out every difficulty to the scheme that might present itself. He would pledge himself that, in the preparation of the Bills which he hoped he should be allowed to introduce, he would personally, at whatever sacrifice of time, or aught else that might be demanded, most carefully superintend and revise the provisions of every Act and of every single clause of every Act that he should offer to lay upon the table of the House for the consolidation of the statute law, and that none but the most competent men should be employed to prepare them.

He would now beg to draw the attention of hon. Members to the great distinction between codification and consolidation. To consolidate a multiplicity of Acts of Parliament was one thing; it was only necessary to take the repealed Acts, strike them out altogether, and arrange those still in force upon any particular subject into one consolidated statute, being careful to keep the same words *verbatim* which had already received the sanction of the Legislature, and had been the statute law of the land. Such a course could lead to no discussion, and present but little difficulty. It was neither making nor amending the law, but merely putting it in a different form. But it was another thing to superadd to that task the codification of the common law, or the addition of that portion of the common law which bore upon any particular subject to the statute law; and, in such an undertaking, the greatest difficulties would present themselves, and a work of enormous magnitude would be opened up. The assent of Parliament would be requisite to every single proposition within the compass of the common law. If they repealed a single clause, or tried to add a single new one, differences of opinion, doubts of construction, and new expositions of the law would arise which would render the passing any single Act on any important branch of the law in one Session utterly and totally impracticable. He would remind those who thought that codification was feasible, of the first attempt at codification in this country. He alluded to the Bill brought in by Lord Derby's Government in 1852 for the codification of the criminal law. The consolidation of the statute law had been often recommended, and directions were given by Lord St. Leonards to men of great learning to apply themselves, in the first place, to the work of codification, and not merely of consolidation of the criminal law. A Bill was accordingly prepared by two or three most able men, having a profound knowledge of the criminal law, and was laid on the table of the House of Lords. As a first step towards codification, the definition of certain terms used in criminal Acts was indispensable—such words as "malice aforethought," "maliciously," "wilfully," and the like; and it was necessary to introduce these in the shape of statutory enactments to complete the codification. The Bill was laid on the table of the House of Lords, and was referred to a Select Committee; but when the law Lords came to deal with the new enactments referring to the definitions of words to be used in the Acts of Parliament on criminal law great difficulties were experienced. The Select Committee met eleven times, and each meeting lasted from four to five and six hours. It had among its Members some of the most distinguished lawyers and statesmen of the present day. Five of its Members either had filled, or did then fill, the office of Lord Chancellor—namely, Lord Truro, Lord Brougham, Lord St. Leonards, Lord Cranworth, and Lord Lyndhurst. The Lord Chief Justice of the Queen's Bench was also a Member of the Committee. Those six most able and learned men assembled in Select Committee to deal with the first attempt at codification, and the result of their labours, after holding these eleven meetings was, that they were obliged to give up the attempt in despair, having got no further than the eighth or ninth proposition. After the failure of that attempt, would any one endeavour to carry reform any further in the direction of codification? It was much easier, and more practical, to attempt the consolidation of the statute law. He was far from saying that codification was impossible; but if it were ever within the compass of human ability, the difficulty and labour of the task would be enormously diminished by the existence of a complete and perfect consolidation of the statute law. Let us then have such a consolidation, and thus prepare the way for those who were sanguine promoters of codification, and who might then attempt to erect their *monumentum ære perennius* upon that foundation. He (Sir F. Kelly) had no objection to undertake the responsibility of the supervision of the Bills necessary; but it was obvious that the labour of preparing them, involving the examination of the whole of the statutes to be consolidated must be the work of others, and that it could not be expected to be done without remuneration. The House would, of course, like to know the probable expense of the entire undertaking. In the first place, however, he might mention that he would not venture to approach such a task without the constant co-operation and assistance of the members of the Statute Law Commission. It was well known that that was an unpaid Commission. It consisted of the Lord Chancellor, the Lord Chief Justices, the Attorney and Solicitor General, and other eminent legal functionaries, as well as noble Lords and other persons who did not belong to the profession of the law, and who were willing, without remuneration, to bestow their labour for the good of their country. There was Mr. Bellenden Kerr, whom he could not mention without saying the country was greatly indebted to him for his long, consistent, able, and persevering efforts, from an early period of his professional life, to reform the law, but he was scarcely an exception to the remark as to the Commission being composed of unpaid functionaries; for this gentleman received a salary of very moderate amount as secretary for certain purposes, and he was willing to give his time without further remuneration in attending the Statute Law Commission. Mr. Coulson was also an able and effective member of the Commission; he received a competent salary for preparing Bills for Government; but he also was ready, without further remuneration, to give his best time and labour in assisting the Statute Law Commission in the consolidation of the criminal law. The only paid officer was the secretary (Mr. Brickdale), a very able man indeed, who received £600 a year. Now, it was necessary to employ persons whose learning, accuracy, industry, and experience qualified them for the task which would be involved in the preparation of each of these consolidation Acts; and he presumed that a moderate remuneration—as moderate as was consistent with justice to those learned individuals — would not be complained of by the House. Remembering that, upon each consolidation, it would be necessary to go through, and to weed, as it were, and collate the entire statutes upon a particular subject—to carefully revise, collect, and consider the effect of some 20, 30, 40, and often 50 Acts of Parliament—he did not think that something from £50 to £100 for each consolidation Act would be considered an excessive remuneration; and really, if he multiplied what would be the whole outside cost of the entire undertaking, the sum was so small, in comparison with the vast and incalculable benefit which the work would confer upon the country, that he could not think it would be objected to by the most severe economist in the House. As some encouragement to law reformers in the House, to individual Members, and to the Government, and also to those economists who objected to any undue and unwise expenditure for this purpose, he was prepared to lay returns on the table which would enable them to arrive at a positively accurate result with regard to the question of expense. He was quite prepared to show that, by two Acts of Parliament alone, the fruits of recent law reforms — the County Courts Act, and the Common Law Procedure Act — £1,000,000 sterling a year was saved to the public and portions of the public. If, then, such a saving had been effected by two measures only, applying only to two particular branches of the law, how unwise, how unworthy of the Legislature, would it be to act on the principles of too severe and too strict economy with reference to a measure which had for its object the consolidation of the entire statute laws. He could not allude, indeed, to the Common Law Procedure Act without paying a just and well-deserved tribute to his learned and distinguished friends Baron Martin, Baron Bramwell, and Mr. Justice Willes, who had taken an active part in promoting that great reform of the law, which, he believed, had effected more public good than had been effected by half the legislation of a general character of any one Session of Parliament. It was high praise to the Lord Chancellor that he had appointed those gentlemen in the prime of life, and when they had attained to eminence at the bar, to a position where they were called upon to perform high judicial functions.

He (Sir F. Kelly) earnestly invited discussion with reference to the principles or details of the measures he was anxious to submit to the consideration of the House; and if the House, after full consideration, agreed with every eminent and distinguished individual by whom the question had been considered, and if he were fortunate enough to receive its sanction to the first and second reading of some one, two, or three of these measures (for that would be sufficient for the purpose at (present), he would be enabled afterwards, and in succession, as fast as the other consolidation bills were prepared, to lay them on the table, and to carry them through at least that, the Lower House, without opposition. He believed that by the zeal, vigour, and industry of those whose assistance he hoped to receive, he would be enabled to present measures to the House by which, by the end of the next Session of Parliament, or within two years from the present time, the whole statute law of England might be perfectly consolidated. The reason why he felt more justified in appealing to their indulgence and forbearance, in regard to the future progress of those Bills in that House, was, that the most earnest and sanguine of law reformers would find more than sufficient occupation for all their abilities and energies upon the many measures of law reform which had and must be brought forward during the present Session. He need not allude to those introduced by the right hon. Gentleman the Member for Kidderminster (Mr. Lowe), which partook in a great measure of law reforms, and which well deserved consideration. An hon. and learned Gentleman opposite (Mr. Craufurd) had also brought in a Bill to enable execution to issue in any part of the United Kingdom under judgments obtained in certain courts of record in England, Scotland, and Ireland; the hon. Member for Wallingford proposed a Bill for identifying specialty and simple contract debts; and he (Sir F. Kelly) hoped also himself to lay on the table, before long, a measure of some considerable importance for the amending, or he might more correctly say, for the entire abolition of the whole system of special pleading. But even these measures sunk into comparative insignificance when they looked to one or more which had already been announced on the part of the Government. He understood the Solicitor General to say that it was the intention of the Government to again propose this Session a measure for the reform of the Ecclesiastical Courts, or for the establishment of a Queen's Court in their place. That was a subject upon which, during the late recess, he (Sir F. Kelly) had bestowed a great deal of time and attention, and he hoped that his views, which he would take an early opportunity of imparting to those Members of the Government who had charge of the Bill, would be found in all substantial respects to coincide with theirs. If that were so—if the measure embraced the entire extinction of all that was objectionable in the existing ecclesiastical courts, and also the establishment of a competent court of appeal—if the jurisdiction of the common law courts and the Court of Chancery, were brought to bear on the administration of the law in what were now mis-named the ecclesiastical courts, in all matters testamentary and matrimonial—and if the vested interests of those whose means of subsistence might be affected by the change were properly regarded—if those were the great and substantial principles of the Government measure, it would have his support, and he would venture to say the support of both sides of the House. He also understood that it was the intention of the Government to bring forward a Bill for the registration of titles, and for facilitating the conveyance of land, and, although the subject was one surrounded by considerable difficulties, he did not think those difficulties could be deemed insurmountable. Should then the Bills he was now about to propose for the consolidation of the statute law receive the sanction of the House, he would undertake henceforth to relieve the Government of all anxiety and of all labour in regard to the rest, as to which he should not shrink from the responsibility: the other Consolidating Bill would be brought forward in due time; and, he hoped, would entitle the Parliament which should pass them into a law to the approbation of the country. He would declare, deliberately and unreservedly, that such was the present state of our law and legislation, so much had been done, and so many were to be found competent and ready to do all which yet remained to be effected, that he knew not why a single grievance in the administration of the law of England should be any longer permitted to remain unredressed.

Lord STANLEY: I rise to second the Motion of my hon. and learned Friend; but, after his comprehensive speech, and not anticipating opposition at this stage, I shall trouble the House with but few remarks. I see with pleasure, as does every man who has reflected on the wants of this community, that, in the rather unusual cessation of political antagonism which characterises the present time, the question of law reform is rising daily into greater prominence. During half a century that question has occupied the attention of Parliament, and to some extent of the public; but what has been wanting is not so much the guidance of a directing mind, or the agency of honest and competent persons skilled in the law, as that popular interest and support out of doors, without which, in a popularly-constituted Government, any reform, especially if it involves much labour of detail, is sure to be thrust aside to make way for other measures, less important, but at the moment more interesting. The difficulty with which law reformers have to contend has arisen not so much from the actual magnitude and weight of obstacles in the way, as from the want of sufficient impelling force to encounter and bear them down. The work has been there to be done, the machine was ready to do it, but the propelling, driving power was not adequately supplied. If Parliament be in earnest in dealing with this subject, what course ought we to adopt? I do not dogmatise on such a question; but I accept my hon. and learned Friend's conclusion, that any attempt to recast the whole law of England into the form of a code would, for the present at least, be useless. You would have to amalgamate with the statutes the whole of the common unwritten law, now scattered over more than 500 volumes, to try, on an immense scale, under every disadvantage, that experiment which was tried three or four years ago, on a small scale, under the most favourable circumstances, the result of which my learned Friend has described. The alternative, then, is to deal with one part of the law—the statute law—only; to simplify it, to amend it, to bring it within the smallest possible compass; and, after that task has been accomplished, then, but not till then, to consider what further steps ought to be taken. I use the word "alternative," but, in truth, the acceptance of one plan does not imply the rejection, hardly even the postponement, of the other. For it must be borne in mind by the advocates of codification, that the first step towards codification is the consolidation of the statute law; and even if nothing should be done beyond consolidation, a great economy of time and labour would be effected, and much confusion would be removed. Every step taken in that direction is a guarantee for further improvement, because when confusion has been removed from the law upon any single subject the force of contrast will operate, and men will ask why

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one part of the law should be simple and another obscure? If consolidation be determined upon, my hon. and learned Friend will take upon himself a large proportion of the Parliamentary labour which it involves, but the great mass of the work to be done will have to be done out of this House. Two methods present themselves of getting through that work. One is, to have a fixed body of men, either a Minister of Justice with subordinate agents, or a certain number of Commissioners, to deal successively with all the subjects concerning which enactments are contained in the statutes. The other is, to divide the statute law into groups, and to confide each separate group to some person or persons who have made that particular branch of law their special study. Each method has its advantages. By the first you will obtain that uniformity of system which follows upon the action of a single directing mind. By the second you will utilise the services of men who have acquired a special familiarity with a particular subject, without perhaps being under the necessity of taking them altogether away from their profession. It is a question whether the two methods might not be advantageously united; whether the necessary unity of plan may not be gained by the superintendence of a Minister or Commissioner, while the work of consolidation upon each particular subject is assigned to the person best able to undertake it. The next question that arises refers to the arrangement of the statutes. Some jurists have proposed an entire redistribution of the statutes, which would require many of them to be taken to pieces and arranged under separate heads. It is clear that this process (whether desirable or not I do not pronounce) is one of codification, and not merely of consolidation. The plan which is the most simple, and which involves the least departure from the existing arrangement, would, no doubt, be the most convenient. There are many statutes which cannot be arranged or classified without difficulty; but those of the greatest importance relate to subjects upon which Parliament has frequently legislated, and they might be classified into large and comprehensive groups. I have made out a list of nine such groups, which I will read to the House. With regard to the qualification and election of the Members of Parliament, 185 separate Acts have been passed; with regard to Excise, 120; stamps, 130; poor law, 120; assessed taxes, 40; Crown lands, 40; municipal corporations, 60; rent, 40; and sheriffs and their officers, 55. This list by no means exhausts the instances in which a large number of statutes has been passed upon a single subject; but it shows that 790 separate Acts may easily be reduced to nine. This kind of legislation is different from every other kind. In other cases, if the work to be done is not completed, the labour bestowed upon it is entirely lost; but in this case, every step gained is gained once for all, and will be equally useful and valuable whether the work be completed or not. A question has been raised with regard to the degree of verbal alteration which ought to be made in the different statutes when they were thrown together. The Commissioners of 1854 have fully argued that question, and answered the objection that verbal alterations would destroy the authority of the judicial decisions now in existence. They contend that the result of former judicial interpretations would be embodied in such alterations, and litigation, instead of being created, would be decreased by the consequent removal of doubts. A doubt has been raised as to whether anything ought to be attempted in the way of substantive as well as verbal alteration, and it has been said that nothing ought to be done beyond consolidating the law as it stands, lest the Government or the Commissioner should assume an undue responsibility in making alterations. No doubt there is just ground for such a fear; but, on the other hand, much of our statute law has become wholly or partially obsolete, much has been virtually repealed, and thus substantive as well as verbal alterations may, to a certain degree, be necessary; while no persons can be so competent to suggest such alterations as those whose attention has, by the very labour of consolidating, been closely fixed upon the law as it stands. The Government and the framers of any Act embodying such alterations will be responsible for them. Care must always be taken to explain their nature and extent; and I take it for granted that nothing will be attempted in that way except what the state of the law and the necessities of the time render obviously expedient. I now come to what has been looked upon as the greatest difficulty in the way of consolidation—namely, the continual introduction and passing of new Acts. It is urged that no reform in the nature of consolidation can be more than temporary, because fresh changes are every day being made. My answer is, that this objection, even admitting its validity to the fullest extent, does not touch the question of the beneficial effects of consolidation. It will be a great step towards the simplification of the law, and a great saving of labour and time, if all we obtain be that those who have to ascertain the statute law upon a particular subject shall be able to begin their inquiries with the year 1856 or 1857, instead of having to look back 300 or 400 years. My hon. and learned Friend, however, holds that the difficulty, such as it is, is not insuperable. The Consolidation Act upon a particular subject will embody the law up to the time of its passing, and whether any amendment act subsequently passed be classified separately as a consolidation amendment act, or whether it be joined on by way of supplement to the Consolidation Act, the objection will in either way be overcome, and the whole statute law upon that subject may still be found in the same part of the same book. I think it clear that some competent authority is required —whether a Board or a Minister, Parliament must decide—by whom every Act of Parliament shall be examined to see that it is not inconsistent with former Acts, and that it rightly and fully expresses the intentions of its propounders. That proposition is not novel. It was put forward about two years ago in an able pamphlet by Mr. Wilmore, it has been again and again discussed among members of the profession; I believe there is a general concordance of legal opinion in its favour, and I at least have never heard any valid argument against it. The expense will be but trifling, even if in such a matter expense can be regarded. My hon. and learned Friend has raised one point of far greater difficulty—namely, what ought to be done with local or personal acts which are in some sense acts of a general character—as, for instance, where special and exceptional protection is given, in certain cases, to persons or property. It is rash to generalise, but, I confess, to me all such acts (I do not deny their necessity in some supposable cases) appear faulty in principle, and, as in the case of the Railway Clauses Act, they ought, for the warning and guidance of the public, to be embodied in one general statute, controlling and limiting their provisions. With regard to the speci- measures which my hon. and learned Friend has introduced I shall not trouble the House. They are large in themselves, but they are far less important than the general plan which he has sketched out, and the pledge which he has given. That pledge is before the country. I will only observe that we are too apt, in the conflict of parties, to forget the right, the duty, and the responsibility which belongs to individual Members of aiding in the work of legislation. We remember and talk loudly of the responsibility of action, but we lose sight of the equally real responsibility of doing nothing where abuses exist. It is not reasonable or just that the exclusive burden of legislation should devolve on those who have already on their hands the administrative business of the nation. My hon. and learned Friend, in associating himself with the Executive in undertaking this task, is not only promoting a legal reform, but setting a good Parliamentary example; and with the energy and industry he has displayed, it is not likely that he will fail, from any want of support either in or out of the House.

The ATTORNEY GENERAL said, he should not make any lengthened observations in reference to the Motion, because he thought they were all agreed that it was desirable to consolidate our Statute-book. Every one was agreed that the state of our law, with regard to its embodiment and promulgation, was highly discreditable to the Legislature. That the laws of England should be scattered upon the face of innumerable text-books, hundreds upon hundreds of volumes of reports, and thousands upon thousands of statutes —that, as the noble Lord the Member for King's Lynn had, in his very able observations, pointed out, there should be upwards of 100 statutes upon many single subjects, was a scandal and a reproach to the legislation of this country. The question, however, to be determined was, the best remedy to be applied to that sad state of things. He quite concurred with his hon. and learned Friend the Member for Suffolk, and the noble Lord the Member for King's Lynn, that it was not desirable to combine consolidation with codification. Let them first consolidate their statutes:—for he was inclined to believe that, however defective, in many instances, our statutes might be, whether as regarded their language or their substance, yet, if the House once attempted to alter them in either of these respects, they would become entangled in protracted and interminable discussions, and that which was already a work of immense labour and time would necessarily become a work of unlimited duration. He was, therefore, inclined to believe that the best thing which could be done would be, to sweep away, in the first place, from the Statute-book all those statutes and parts of statutes which had been entirely or partially repealed, and then to consolidate those which remained. But then came the question how that consolidation was to be effected. The hon. and learned Member for Suffolk had, in his very elaborate and detailed statement, explained to the House the scheme which he proposed. He (the Attorney General) thought that his hon. and learned Friend had taken too much credit to himself for the originality of his scheme; for, as far as he (the Attorney General) was aware, it was neither more nor less than what the Statute Law Commissioners were now and had for some time been acting upon, in the framing of Bills to be submitted to Parliament for the consolidation of the statute law. He did not quite understand the position taken by his hon. and learned Friend on the present occasion, but he was quite sure of this, that he (Sir F. Kelly) intended to bring his great knowledge and ability to bear upon this most useful purpose of consolidating our statute law; but he did not quite understand whether his hon. and learned Friend was to be considered as the organ of the Statute Law Commission, or whether he intended to undertake individual action in that House with respect to the subject. He did not wish to give his hon. and learned Friend, considering how many years he had been a member of their common profession, too much credit for modesty; but he had no doubt that his hon. and learned Friend had no intention of arrogating to himself that to which he had no right. His hon. and learned Friend would forgive him for saying that he apprehended that there was nothing in the plan which had been propounded that evening at all different from the plan proposed by the Statute Law Commission. He (the Attorney General) had the honour of being a member of that Commission, as had also several of his hon. and learned Friends who sat around him; and certainly he was not aware that the hon. and learned Member for Suffolk was entitled to speak in the name of the Statute Law Commission. That, however, might be so, but he (the Attorney General) did not know that such was the fact. He did not clearly understand whether the hon. and learned Member was to be regarded as the head of the Statute Law Commission, and in that capacity was to introduce consolidating Bills as their organ, or whether on the present occasion he was simply exercising his own discretion. He (the Attorney General) was not desirous of vindicating the plan propounded by the Statute Law Commission, because he did not think that it was a good one. He had the misfortune of differing from them on the course that ought to be pursued in the work of consolidation. He thought that the consolidation of our statutes ought to be conducted upon a far more comprehensive system than that which had been brought forward by the hon. and learned Member, or that which had been prepared by the Statute Law Commission. To his mind it was clear that if Parliament acted upon the principle proposed by his hon. and learned Friend, and by the Statute Law Commission, so far from accomplishing the work of consolidation in two years, as his hon. and learned Friend wished the House to believe, he believed that it would not be accomplished in two centuries. If they took a bit of the statute upon bills of exchange, another bit of the law relating to offences against the person, another bit of the law relating to masters and servants, and another bit of the law relating to landlords and tenants—if they proposed to accomplish the great work of consolidation in this piecemeal, bit by bit, and fragmentary manner, he believed that the Irish Members whom his hon. and learned Friend had requested to wait until he had completed the work of consolidating the laws of England, before they asked him to undertake a similar work with respect to the laws of Ireland, might wait till doomsday before the laws of their country could be amended. He (the Attorney General) believed that the proper course to be pursued with reference to consolidation would be, to make a complete analytical outline of the statute law of England, just as any one who had to sit down and write a text-book upon the statute law would have to bring together under one head all the various laws relating to one particular subject. Before you commenced the work of consolidation, or the writing of a text-book upon the statute law, you should have before you a great chart, plan, or skeleton of the law of England. If, for instance, you wished to expound the law in reference to an owner's rights, or offences against a man's person or property, or the law relating to parent and child, husband and wife, guardian and ward, every statute bearing upon the particular law which you attempted to expound, should be brought within one great, comprehensive, and simultaneous view. And similar should be the plan adopted when the consolidation of our statute law was attempted. All the laws, for instance, with regard to a man's personal or political rights should be brought together under their proper heads, and so with regard to all the other laws. By such means you would have the law upon each of the important subjects comprehended in our Statute-book simultaneously dealt with; but if the work were attempted to be done in the fragmentary manner proposed by his hon. and learned Friend, he believed it could not be successfully accomplished. He did not stand alone in the Statute Law Commission on this subject. He believed he had the great advantage of having in that respect the concurrence of his hon. and learned Friend the Solicitor General, than whom no man was entitled to speak with greater authority on this subject. But the Solicitor General and himself were in a minority in the Statute Law Commission with reference to the plan for consolidating the statute law. That, however, was no reason why he should not give his support to the plan proposed by the hon. and learned Member for Suffolk. He was very glad that a man of such transcendent ability had come forward on so important a subject, and, so far from opposing the introduction of the Bill, he hailed it with satisfaction, and would willingly render any assistance in his power, either as a Member of the House, of the Government, or of the Statute Law Commission, in furtherance of the great object in view.

Mr. STUART WORTLEY expressed his gratification at the measures proposed for the improvement of the statute law by his hon. and learned Friend the Member for Suffolk. He entirely concurred in what had been stated by his hon. and learned Friend the Attorney General as to the sentiment, now so general that it might be called universal, in favour of the consolidation of the statute law. He rather coincided in the opinions of the hon. and learned Member for Suffolk and of the noble Lord the Member for King's Lynn than in the views of the Attorney General, as to the plan that should now be proceeded on to effect the object in view. He was quite as much in the dark as the hon. and learned Attorney General as to whether the hon. and learned Member for East Suffolk appeared as the organ of the Statute Law Commission or not; but he could very sincerely congratulate the country that a Gentleman of his hon. and learned Friend's ability, perseverance, and energy should be pledged to commence and carry out, with the assistance of Parliament, the great task he had undertaken. He could not help hoping that the hon. and learned Member would find that task not to be so overwhelming as it had been represented by the Attorney General. He fully admitted the superiority of the principle laid down by that hon. and learned Gentleman. He believed that to take a wide and comprehensive view of the whole statute law, to subdivide it, analyse it, classify the several parts under proper heads, and arrange it into a perfect system, would be infinitely preferable to the scheme of his hon. and learned Friend the Member for Suffolk. But by what machinery would they deal with the statute law in that way? The very nature of our constitutional Government would make such a task one of extreme difficulty. If our Government was like that of Napoleon—if the Attorney General were the first law officer of an absolute Government, it would be his duty to attempt the consolidation of our statutes in the way the hon. and learned Gentleman had suggested, and he (Mr. S. Wortley) believed that, under such circumstances, his plan would be practicable. But the question that House had to consider was, what was the best thing practicable under the constitutional Government they had in this country? On the whole, he believed that the better plan was, to introduce Bills for specific subjects, rather than to bring in any large measure that would embrace every subject of which the statute law was cognisant. He therefore thought that the proposal of the hon. and learned Member for Suffolk was the more likely to succeed under our constitution. He certainly rejoiced that the hon. and learned Member proposed to confine himself to consolidation, and it was with regret that he heard the noble Lord the Member for King's Lynn intimate an opinion that it would be desirable to go somewhat beyond consolidation to alter the language of the statute law, and in some manner to give it an interpretation. He (Mr. S. Wortley) so far concurred in

the wisdom of keeping consolidation separate from codification, that he sincerely hoped the hon. and learned Member for Suffolk would abstain from anything that touched on the latter. Consolidation was, in his opinion, perfectly practicable, for it introduced nothing new, and therefore raised no question; but the moment codification was attempted there would have to be encountered not only the difficulty of defining terms and principles, but every enactment would raise a host of new questions. He congratulated his hon. and learned Friend on his having undertaken the task of simplifying the statute law, and approved of his selection for his first attempt of the law relating to offences against the person. If it was scandalous that the law on any ordinary subject should be found scattered through many statutes, it was particularly scandalous with respect to a subject affecting the life and security of the person; and he, therefore, rejoiced that this attempt at practical legislation for the removal of such a scandal should be made. It was possible, therefore, in a deliberative assembly like the House of Commons, to pass a Bill with a preamble somewhat to this effect:—"Whereas, there are scattered among various statutes various provisions on the same subject, and whereas it is desirable—if these are to be law at all—that all should be included in one statute, be it therefore enacted that these provisions be all included in this Bill." This would not pledge Parliament to details, but the moment they attempted to codify, every question raised a host of new principles. He again congratulated the hon. and learned Member on the measures he had brought forward, which measures had his (Mr. S. Wortley's) concurrence and support.

Sir F. KELLY rose to say one word in explanation of a remark that had fallen from his learned Friend the Attorney General. He would take another opportunity of noticing the general remarks of his hon. and learned Friend; but as to the question before the House, and what the Attorney General had said in reference to his introduction of the measures, he (Sir F. Kelly) begged to state distinctly that he was not the organ of the Statute Law Commission. He appeared there to propose these measures merely as an individual—as an independent Member of Parliament. It was quite true that for the last few weeks he had been a Member of the Statute

Law Commission—he had attended many of its meetings—and his propositions had the entire sanction and approval of every Member who attended those meetings, amongst whom he could not recollect having numbered either of his learned Friends the Attorney or Solicitor General on any single occasion. He certainly felt it due to every Member of the Commission with whom he had communicated to say that he had their cordial sanction and approval of the measures he was now bringing forward. He also begged to state that any attempt to carry those Bills through Parliament without the aid which the Commission could afford, and which it could only afford him under the authority and sanction of Her Majesty's Government, would not, in his opinion, be attended with a satisfactory result.

Mr. J. G. PHILLIMORE said, he had heard with regret the hon. and learned Gentleman the Member for Buteshire (Mr. S. Wortley) repeat those arguments against codification which he had imagined to be exploded. That hon. and learned Member, as well as the hon. and learned Member for Suffolk, seemed to forget that this country, in being without a code, formed the single exception among nations which had attained a high degree of civilisation. He ventured to say that in drawing up a code for France more difficulties and anomalies by a hundredfold had to be encountered than would be met with in executing a similar task for England; and, so far from evils arising from that codification, there was not a country in Europe where the Code Napoleon was adopted that did not regard it as the greatest blessing. In the Rhenish provinces Prussia, all powerful as it was, could never induce the people to give it up. It would be easier to draw up a code for England, because in this country there was less contrariety of customs to reconcile; and when it was said that codification could only be done by an absolute Government, he referred, in refutation of that statement, to America, and to the code of Louisiana. That was sufficient to show that the codification of our law was not so difficult and extensive a task as it had been represented to be. To condense and methodise our laws required industry, and nothing more, and it was with regret that he saw any measure tending to postpone that great object, or to make people think it was a hopeless task. The same arguments which were now used against codification in this country had at one time been used also in France. The objections raised to the code drawn up by his learned Friend Mr. Greaves certainly reflected no credit on their authors. There always must be a vast mass of unwritten jurisprudence, and the great object was, to reduce all uncertainty within as narrow a limit as possible. It was an observation of Lord Bacon, that if the laws were to accumulate, and grow into such a vast mass, and to labour under such great confusion as to be unintelligible, the great object should be to adjust and methodise them. "*Opus ejusmodi,*" said that great man, "*opus heroicum est.*" He hoped that this *opus heroicum* might be accomplished by his hon. and learned Friends below him, and the sooner it was set about the better.

Sir G. GREY said, he thought the discussion that night and the debate of the other night, on the Motion of the right hon. and learned Gentleman the Member for Dublin, confirmed the observation of his hon. and learned Friend the Attorney General, that there was no difference of opinion as to the difficulties and evils arising from the present state of our statute law and our common law. It was beyond all doubt that there was a great variety and multiplicity of statutes, many of them on the same subject, scattered over an immense number of volumes; and that hitherto no attempt had been made at a consolidation or codification of those statutes. He was only afraid lest, while they were all agreed in this, they would be deterred from making any step in advance by a difference of opinion, as to which was the best step to be taken. From the speech of his hon. and learned Friend who had just addressed the House, it might be inferred that some Members had expressed an opinion that codification was not in itself desirable. Now he (Sir G. Grey) had not understood any one to say that it was not; but he thought that the general tone of the observations thrown out by Members showed that difficulties would arise if they should attempt to pass through the House any measures for remedying the present evils and inconveniences, if they attempted to combine codification with consolidation. He certainly thought they had enough to show them that any such course would postpone the termination of the evil. As regarded consolidation, distinct from codification, his hon. and learned Friend the Attorney General had stated his concurrence in the proposition that classification or consolidation should precede, but not supersede, codification; but the difference between hon. Members was as to the best mode of effecting consolidation. A few nights before, when the Resolution moved by the hon. and learned Gentleman the Member for the University of Dublin was before the House, the hon. and learned Member for the University of Cambridge (Mr. Walpole) made some observations, in which he recommended, as the course to be pursued, the very course now proposed by the hon. and learned Member for Suffolk. It was on that occasion complained, that the Statute Law Commission had done nothing in the way of carrying out that for which it had been appointed; and he (Sir G. Grey) had ventured to reply, agreeing with the hon. and learned Member for the University of Cambridge in the course which ought to be taken. That very course was the one which the Statute Law Commission had recommended, and which was being taken by the hon. and learned Member for Suffolk that night. The latter hon. and learned Gentleman, without representing himself to be the organ of that Commission, very fairly acknowledged that he had received the greatest assistance from its Members, and stated that he had their approval of the principles of the Bills which he proposed; that he brought in those Bills with the approbation of the Members of the Commission, and in the hope of getting their assistance in passing them. The Attorney General had stated his objections to the course proposed to be taken by the hon. and learned Member. This was a question upon which one man might very probably entertain one opinion and another another opinion; and no man was more competent to form an opinion on the subject than his hon. and learned Friend the Attorney General. He (the Attorney General) had stated his individual opinion. Well, that might be so; but he (Sir G. Grey) thought it right to say, that the Lord Chancellor entirely concurred in the course proposed to be taken by the Statute Law Commission, and entirely concurred in the course taken by the hon. and learned Member for Suffolk, from whom his Lordship and the Commission, to which the Lord Chancellor had felt pleasure in adding his (Sir F. Kelly's) name, had received great assistance. The Bills now before the House were Bills which had been submitted to the Statute Law Commission by the hon. and learned Member, and which had been prepared by him in conjunction with that Commission. The Attorney General had stated his own individual opinion, but he had at the same time recommended, that whether hon. Gentlemen believed that consolidation should go before codification, or that both should be proceeded with together, hon. Members and the Government should give the hon. and learned Member who had introduced the Bills for consolidation their cordial support. His (Sir G. Grey's) opinion was, that if they desired to make any effectual progress, they should proceed by degrees. With all deference to the Attorney General and other hon. and learned Members, who were more competent to form an opinion on the subject than he was, he was of opinion that they would the more speedily and effectually arrive at a codification of the statute laws by consolidating them, subject by subject, than by attempting by one measure a complete codification of the statute law. He thought that the hon. and learned Gentleman (Sir F. Kelly) had somewhat underrated some of the difficulties that would be experienced after consolidation in keeping subsequent legislation in harmony with it; as in the instance of bills of exchange, and our custom of the three days' grace on bills of exchange; but he did not think that these difficulties afforded any reason why they should abstain altogether from attempting consolidation. Where difficulties arose, he thought they might be much simplified by always consolidating up to the present time, and having a periodical republication of the Statutes; so that each consolidator could take up the labour where his predecessor had left off, inserting in every new edition all Acts which had been passed since the last in relation to the several subjects consolidated. He thought that in this manner the consolidation might be kept up continuously, so as to effect all the objects they had in view.

Mr. LOCKE KING said, he had listened with great attention to the speech of the hon. and learned Member for Suffolk, and would congratulate all law reformers on the accession of so valuable an adherent. He could not agree with the hon. and learned Member that the Statute Law Commission had been of any very great service. What had it done? In 1853 a good plan was framed for it to work by, by the Lord Chancellor; in 1854 all the men employed in working out that plan were detached from the Commission; and in 1855 the Commission was left destitute and without a plan. The plan laid down by the Lord Chancellor was, the preparation of a list of statutes that had become obsolete, or been repealed, and the introduction of a declaratory Bill; but that list was never prepared, and the declaratory Bill which the Lord Chancellor promised in 1853 had not been brought in to this day. He (Mr. Locke King) felt confident that this plan would have been a far better one than that proposed by the hon. and learned Gentleman; for he believed that by the system of consolidation now proposed, the confusion already existing in the Statute-book would be increased rather than diminished. If they adopted the plan which had been laid down by Lord Bacon, Lord Hardwicke, and even by the Lord Chancellor himself, to expurgate and cleanse the Statute-book of those ten thousand and odd statutes, they would at once clear away a great deal of lumber and open the road to a salutary measure of law reform. The mode of amending Acts of Parliament had been alluded to. On that subject he had himself proposed a plan which he hoped would be considered by the hon. and learned Gentleman. It was that Acts of Parliament should be amended very much in the same way as Bills were amended in Committee—by altering such parts of the Act as were intended to be changed, and by omitting such words as would be no longer necessary, and then having the Bill printed in that form and no other. This would prevent much unnecessary debate by confining the discussion to those parts only of the Act which it was proposed to amend. He would only add, that he felt extremely grateful to the hon. and learned Gentleman (Sir F. Kelly) for having brought this important question before the House.

MR. BAINES said, that in consequence of the observations made by his hon. and learned Friend who had just spoken, upon the line of policy which the Lord Chancellor had adopted with regard to the Statue Law Commission, it was a simple act of justice to his noble and learned Friend that he should state what that line of policy had been from the beginning. He believed that his noble and learned Friend had been most consistent throughout. The Lord Chancellor laid down the principle that it was best to take all the statutes relating to one particular subject, and, without altering the law, to consolidate and bring all the provisions of the several Acts on that subject into one Bill. Well, his noble and learned Friend had gone to work on the Commission upon this principle, and had continued to act upon it from the beginning; and he (Mr. Baines) believed that a great many measures to become hereafter, he hoped, important and valuable statutes, would be the result of the observance of that principle. Among the labours of the Commission were drafts of Bills on very important subjects. There were, for instance, the two which his hon. and learned Friend had brought forward to-night with so much ability; one on the law of landlord and tenant; one on the subject of the law of master and servant; one on the subject of ecclesiastical leases, and some upon other subjects, in reference to which the law was very widely scattered, and it was desirable to bring its provisions into one focus. There were a great many Bills of that description which would be laid before Parliament; two of them had been introduced to-night. His noble and learned Friend the Lord Chancellor contemplated the introduction of others upon the law of copyhold, and other subjects, at no distant time; and he trusted the House and the country would soon reap the benefit of the labours of the Commission. It would then be seen that the Commission was not deserving of the disparaging terms in which it had been referred to by his hon. and learned Friend (Mr. L. King). He (Mr. Baines) entirely concurred in the views expressed upon the subject by his hon. and learned Friend (Sir F. Kelly), and thought he was right, at all events, in the first part of his speech, which bore upon the Bills he had asked leave to introduce. Whether, after consolidation had taken place, they should go forward to codification was a question upon which it was obvious considerable differences prevailed in the House, and that amongst gentlemen who were best calculated to judge upon the subject. But whether they were or were not to take that further step, they were all agreed in this, that the step which his hon. and learned Friend (Sir F. Kelly) wished them to take was a wise and good one, whatever course they might ultimately adopt. It would be good even if they stopped at consolidation; it would also be good if they went forward to codification, because by this consolidation they would have laid up a store of useful materials for the ulterior work. In consolidating our statutes two different plans had been acted upon at different times. There had been consolidation and amendment of the law combined. That plan had been carried out with considerable success. The most remarkable instance was that afforded by the measures of Sir R. Peel in 1826. He brought forward and succeeded in carrying into law three most important statutes bearing on the subject of criminal law. In the year 1831 Lord Melbourne, then Secretary of State for the Home Department, brought in a Bill consolidating the whole law on the subject of offences against the person; and his labours were attended with great benefit. Since then there had been many other instances of legislative success in the same direction; among them was the measure introduced by his right hon. Friend the Member for the city of Oxford (Mr. Cardwell) for consolidating the law relating to shipping—a measure of great advantage not only to the shipping interest, but to the country generally. Those and other measures were Acts in which consolidation and amendment were connected, and with great success. But he must confess, notwithstanding, he was clearly of opinion that the hon. and learned Member for Suffolk was right in confining his task simply to a consolidation of the law. Were he to embark on the task of emendation as well, it would be impossible to say when his labours could be completed. Believing, then, that his hon. and learned Friend was right as far as he went, he (Mr. Baines) trusted the House would give him its assistance; and, speaking for himself, he might add that so far as any humble aid which he could give would be of use to his hon. and learned Friend, he might rely upon receiving it.

Mr. M'MAHON said, that there was a model in the state of New York which the House ought to imitate in this matter. The law of that state had been consolidated through the labour of five Commissioners extending over less than two years; and in his opinion it would be a most economical expenditure if a Vote of £10,000, £15,000, or even £20,000 were appropriated to a similar purpose in this country. He thought that the course suggested by the Attorney General, and which appeared to be approved of by the Solicitor General, was the proper course to pursue. With regard to what had been said as to codifying the common law of England, he would say that any one who had looked into the common law with the object of codifying it, must know that it was purely impossible to do so. The Irish Members were most anxious that, with respect to the statute law, no difference should be made between England and Ireland, but that the statutes which were passed affecting the former country should also extend to the latter.

Mr. NAPIER said, that, if by the time the House reassembled after the Easter recess the Government had proposed no plan in conformity with the Resolution which he brought forward on Tuesday evening, he should again call the attention of the House to that subject.

The SOLICITOR GENERAL said, that he should have been glad if the right hon. and learned Member for Dublin University (Mr. Napier), before he brought forward his Motion the other evening, had read an admirable document lately laid before the Statute Law Commissioners, which would, he (the Solicitor General) thought, have fully satisfied the right hon. Gentleman, because he thought he would have found embodied therein the outline of a scheme, which embraced all and more than all which his hon. and learned Friend sought to attain. With regard to the subject before the House, he (the Solicitor General) rose in justice to himself, and to his hon. and learned Friend the Attorney General, to explain, in some degree, how they had differed from the Statute Law Commission, and what were the real objects they hoped to secure. The difference, as appeared on the papers before the House, was simply as to the mode of selecting the subjects or heads to which the statutes to be consolidated should be referred. He admitted that he did himself desire that the selection should be made according to some system of analysis, and he did so desire it, because he saw that if made, it might lay the foundation for a future great work—the great work of the codification of the law. What was the difference between them? It could be made intelligible to the House in a very few words. The Statute Law Commissioners said, let us take a subject, suppose the subject of administrators and executors, and having got together the numerous statutes relating to these subjects, let us embody them into one law. But the objection to that was, that of the statutes relating to the subject of administrators and executors, some bore upon the law of real property, some upon freeholds, some upon households, and some upon copyholds; some, again, bore upon personal property, and some upon the law of partnership. So that, when they should have embodied these statutes together, they would have got together into their consolidated statute a *cumulus* of fragmentary parts, all certainly having a bearing on the subject of administrators, but having no further connection with each other. The proposition, then, which was advocated by himself, and by his hon. and learned Friend the Attorney General, was this, that instead of selecting their heads and titles for consolidation in such a manner that the selection would have to be repeatedly arranged under different portions of the law, let them select their heads and titles under analytical divisions of the law, so that all the heads and titles under each division would come to arrange themselves in proper order, and that matters relating to real property should not be found under heads relating to personal property, and that matters relating to property should not be found under heads relating to personal duties. That was not acceded to by the body of the Commissioners; and therefore, as he and his learned Friend were in a minority, he admitted, as he was bound to admit, that he must have been in error, although at the time they were unable to find out in what that error consisted. Had that proposition been adopted, the Statute-book would have been arranged in well-digested order, and then would have been the time to turn to what was called the unwritten law. It was so called, but improperly so, for it was to be found in the decisions of the Judges written in the Reports. The great body of the law of England, although spoken of as a thing incapable of being reduced to writing was, in fact, now in writing, only it consisted of a miscellaneous, confused, ill-digested accumulation of writings, pile upon pile, in which there was no system, no analysis, and no method. And now, the first time that an attempt was made to introduce into the arrangement of our law anything like a philosophical analysis, it was opposed and overpowered, and we were to have an arrangement and consolidation of the statutes, without any order, or anything like a proper division or an appropriate distribution of the subjects. As to codification, he would admit that there would be great difficulty in reducing to writing the great, expansive, and general principles of the common law, and no man would attempt to lay down rules which should define their application. But after making that exception, it appeared to him that there was no more difficulty in reducing the law of England, whether the written statute law, or what was called the common law collected from cases and decisions, to a system, than there was in writing a treatise or text-book on any particular branch of the law. When writing a treatise on a portion of the law, what was done? Why, the person defined in his book what the law was; he collected what appeared upon it in the Statute-book; and he gathered from the reports the rules and principles which were to be found existing there; and the result, when reduced into one writing, was *pro tanto* a species of digest of the law—and what was done in a book, it might be imperfectly, might be done, with more experience, more extensively and more perfectly in a digest of the law. What was the condition of the law of Rome when the *Code* and *Digest* were formed? Did not the same obstacles exist? There were the *senatus consulta*, the *plebiscita*, the *rescripts* of the Emperor, corresponding with the Statute-book of the English law, and the *sententiæ prudéntum*, which might be compared to the unwritten common law—these were the complex elements of the legal system of Rome; yet all these were, by the celebrated *Digest*, brought into order, but arranged and classified under titles, and formed into a body of law which was to the present time the great authority of jurisconsults, and the most remarkable depository of the power, the wisdom, and civilisation of that great people. Let no man, therefore, despair of the possibility of approaching a state of things in which the law of England should present something like order, arrangement, and analysis. He was quite of opinion that the consolidation of the statute law was the commencement of that work, and he therefore welcomed in the most cordial manner the assistance of his hon. and learned Friend the Member for Suffolk (Sir F. Kelly). At the same time, he must be permitted to express the great pleasure with which he had listened to the very statesmanlike and philosophical speech of the noble Lord the Member for King's Lynn (Lord Stanley). These were powerful auxiliaries; and although that House was hardly the proper arena for discussion such as had taken place that evening, he trusted that, before the close of the Session, hon. Members would see cause to admit that, by the Bills which had been introduced, much had been done towards the object which they contemplated.

Sir FITZROY KELLY, in reply, said, that if it were practicable to sweep away that vast portion of the statute law which had become obsolete, as recommended by the Attorney General, he should be obliged to his hon. and learned Friend if he would perform the task for him, and so enable him with the greater facility to proceed with the Bills he asked leave to submit to the House. But his hon. and learned Friend had entirely forgotten that, in order to cleanse the Statute-book of these enactments, it would be necessary to go from beginning to end of the Statute-book, through every one of the subjects which he sought to classify and consolidate. His hon. and learned Friend said he objected to any other than an analytical arrangement. He (Sir F. Kelly) understood his objection to be this: "You propose to consolidate the statute law in a certain order. I object to that order, on the ground that it will throw the Statute-book into a state of confusion, equal to that which now exists. I would rather, therefore, that you should pursue a strictly analytical plan." His (Sir F. Kelly's) answer to that objection was simply this—If the Attorney General, who in this had been followed by the Solicitor General, would be good enough to furnish him with what he thought a catalogue of subjects in the order in which he thought the consolidation ought to be carried out, he would confer a great obligation upon him; and if he found that it was in any degree more easy, practicable, or expedient, than the order which he himself had selected—not from choice but necessity—he would be thankful for the suggestion, and adopt it. But it was said that they ought to have made an attempt at codification; and his hon. and learned Friend the Member for Leominster (Mr. J. G. Phillimore) had addressed the House as if he (Sir F. Kelly) were the enemy and opponent of the improvements in the law which he sought to carry into effect. They would permit him to say that he was as much in favour of codification, if it could be made out to be practicable, as his hon. and learned Friend or any other Member of the House; but let him remind his hon. and learned Friend, that when he talked of the *Pandects* of Justinian and the *Code Napoleon*, that Justinian and Napoleon were both absolute monarchs, and that their will, when expressed, became the law of the empire they ruled; and if his hon. and learned Friend could find a power in this country by which he could at once prepare and establish a code of laws equal to the *Pandects* of Justinian or the *Code Napoleon*, he would not only have the applause of this House, but of the whole country; but he believed the hon. and learned Gentleman would find that the very first proposition in any Bill of the kind would be met by such opposition and by such difference of opinion as would be fatal to its progress through Parliament. In the meantime he had only earnestly to thank the House for the attention they had been pleased to bestow upon his plan, which he would do his best to carry forward, and to assure them that he would receive with thankfulness any suggestions that could be made with regard to the Bills he proposed to introduce.

Leave given.

Bill *ordered* to be brought in by Sir FitzRoy Kelly and Lord Stanley.

JUDICIAL BENCH (IRELAND).

Sir JOHN SHELLEY said, in pursuance of the notice which he had given at the close of the last Session of Parliament, and repeated on an early day in the present Session, he now rose to perform the duty which he had undertaken of calling the attention of the House to the state of the judicial bench in Ireland; and to move for a Return showing the fact, as he believed it to be, that several of the Judges of that country were incapacitated, by old age and infirmities, from attending properly to their duties. He should offer to the House no excuse for introducing to their notice so important a subject, and he hoped he should not be told that a question which related to the administration of justice, and whether the courts of law in Ireland should be looked up to and respected, or be considered a scandal and reproach; and whether the judicial bench should be the object of pride and veneration, or the ridicule and derision of the Irish people—could not with propriety be brought under the consideration of the House of Commons. He was well aware that Parliament had fenced round the Judges in order to maintain their independence, and that let the conduct of these learned personages be what it might, there were no means of removing a Judge except by a joint Address from the two Houses of Parliament to the Crown. At the same time, however, it should be borne in mind that the stipends of the Judges were paid by the country; that in the event of any Judge not being able to go circuit, and a substitute being appointed in his stead, the salary of the substitute was provided out of the Consolidated Fund; and that thus, in fact, the country paid more for a Judge who could not and did not go circuit, than it did for one who was competent and thoroughly and properly discharged his duties. Than the noble Lord the Member for London (Lord J. Russell) there was no authority in that House more justly respected on all constitutional questions; and in 1842 the noble Lord proposed a Resolution with reference to certain judicial resignations in Ireland and Scotland. On that occasion the noble Lord moved for the production of papers and correspondence, and stated that the resignations to which he referred having taken place at the time of a change of Administration, it was necessary, with a view to an explanation, that there should be some further inquiry into the matter; because, as the case then appeared, either the Judges had maintained their position long after they had been disabled by age and infirmities from performing its duties, and until their own friends came into power, or else their political party having come into power, they had resigned and been put upon the retired list when they might, and still ought to, have performed the duties of their office. The noble Lord used the following words, and he (Sir J. Shelley) quoted them for the purpose of showing that he had good grounds for saying that the subject was one that ought to be brought before the House of Commons—

> "He thought it of the greatest importance that that House should pay rigid attention to whatever related to the Judges. They were placed in a high station, to which they were appointed for life. They were paid large salaries, and retiring pensions were allowed to them when unable to perform their duties. The performance of those duties was generally attended with very great respect and observance on the part of the public and of Parliament. So that, however some might object to that principle of the constitution which rendered the Judges independent, it could not be said that the Judges had reason to complain of the mode in which they were treated by Parliament or the public."—[3 *Hansard*, lx, 265.]

He could assure the House, that in bringing forward the question now, he was in no respect influenced by political motives. ["Oh, oh!"] He disclaimed any political motives; and if any question as to the political views of those venerable men were mooted it would not be by him. His motive was, that, however eminent and able these venerable men might have been in their time, they were now unable to perform their duties; and the question he would raise was, that the infirmities of age had come upon them, and that they were unable to fulfil those duties in a manner creditable to themselves, or profitable in any way to the country. His attention had been attracted to the subject by a question put to the right hon. Gentleman the Secretary for Ireland, last Session of Parliament, in that House, by the hon. Member for Merthyr Tydvil (Mr. H. A. Bruce). That hon. Member asked the Chief Secretary for Ireland—

> "Whether he was aware that a large proportion of the Irish Judges were incapacitated by age or other infirmities for the full and regular discharge of their duties, and, if so, whether the Government intended to apply any and what remedy? There were six Irish Judges permanently incapacitated from illness, three of whom had been called to the bar at the end of the last century, in the years 1796, 1797, and 1798."

The reply of the right hon. Gentleman was—

> "That the only official knowledge which the Government had of the circumstances referred to by the hon. Gentleman was derived from the fact, that when a Judge was unable to go circuit a substitute had to be provided, and his salary paid for out of the Consolidated Fund. To the latter part of the question he was unable to give any answer. He could only state that the circumstances had been brought under the notice of the Government, and that they were still under consideration."

That question was asked early in May last. Now, he had waited until the close of the Session to see whether any further steps would be taken in the matter, but nothing was done. He then gave notice to bring the subject before the House, and he now did so. He thought Her Majesty's Government were much to blame for allowing such a state of things as that, which the Returns he moved for would show to grow up and exist in Ireland. It was possible that their apathy in the case might have arisen from feelings of delicacy, and that they had been withheld from doing their duty through fear of improper motives being imputed to them; for fear, perhaps, it should be said, that they had endeavoured to remove these venerable men from the judicial bench for the purpose of placing on it in their stead men of their own political views and opinions. But if that should serve as an excuse for Her Majesty's Government, what excuse could be found for Her Majesty's Opposition, who had let such a state of things come to pass without comment? There might, perhaps, be the excuse for them, that inasmuch as hon. and learned Gentlemen of their party hoped to reach that ultimate end of a lawyer's ambition, the ermine, it was prudent for them to let things go on as they were until a change of the Government should take place, and their own friends come into power. But while he (Sir J. Shelley) said this, he felt bound to do justice to the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier), in respect of a report which was current in Dublin. It was so creditable to him that he (Sir J. Shelley) could not avoid mentioning it. That report was to the effect, that at the time the right hon. and learned Gentleman formed a part of Lord Derby's Government a Judgeship was offered him; and that the right hon. and learned Gentleman, labouring under a certain infirmity, namely, deafness [*cries of* " Order!"], had on that ground declined the appointment. He did not wish to hurt the feelings of the right hon. and learned Gentleman, but on the contrary he mentioned it as creditable in the highest degree to the right hon. and learned Gentleman, and that this infirmity it was which caused him to decline the offer, and to allow Mr. Greene to have the appointment. He (Sir J. Shelley) felt all the difficulty of alluding to the venerable and learned men in question, for he knew perfectly well how easy it was to impute motives. He would not go through the Irish bench—there were twelve judges in Ireland—but he should merely allude to three of those venerable men who had arrived at the longest period of life and service. The first was Chief Justice Lefroy. He was born in 1774; he was therefore eighty-two years old. He had been called to the bar in 1797. His infirmities were naturally and necessarily great, and if the Return were granted it would be found that he was constantly obliged to have a substitute to perform his duty who had to be paid out of the Consolidated Fund. The next was Justice Torrens, who was born in 1772, and called to the bar in 1798. He was eighty-four years old, and had been thirty-two years on the bench. Then came the oldest of all these venerable men, and he (Sir J. Shelley) would say that no man had more deservedly won the admiration and the respect of all classes during his long life, as well for his high and honourable conduct as for his great abilities—he meant Baron Pennefather. Baron Pennefather was born in 1771; he had been called to the bar sixty-one years, and he had been on the bench thirty-five years. He was eighty-five years of age. It would be said, no doubt—and he should not deny it—that Baron Pennefather performed his duties with more activity than many of his younger brethren. Every one knew cases in which he was distinguished even now by his elaborate summing up of evidence, as well as by his extraordinary physical strength. But, unfortunately for himself and the country, for a long period he had been deprived of sight. Looking, however, at the duties of a Judge, it was impossible to conclude that those duties could be properly and efficiently performed by a blind man. The Judge was bound to take notes of evidence on all trials (both civil and criminal), in the one case to be reported to the Superior Court, and in the other to the Home Office. It was awful to think that a person should be put on his trial, where life and character might be at stake, before a Judge who could not take a note of the evidence, but must depend entirely on the correctness of his memory. To convince the House that Baron Pennefather was quite blind, he should read a passage from a newspaper which did not at all favour his (Sir J. Shelley's) side of the House. [*Cries of* "Order!"] Well, then, he would read a document from a writer not favourable to his side of the House. [*Cries of* " Order!"]

Sir FREDERIC THESIGER said, he rose to order. The hon. Baronet was out of order in reading from a newspaper. He had first said he would read from a newspaper, and on being checked by the House he had called it a document, and proceeded to read the same thing.

Mr. SPEAKER: The hon. and learned Gentleman is correct as to what used to be the rule of the House; but a few years ago I decided that it was out of order to read an extract in the manner in which the hon. Gentleman (Sir J. Shelley) proposes to read one now, and my decision was overruled by the House.

Sir JOHN SHELLEY: He would now proceed to read the passage in question:—

> "We can furthermore safely assert its being the all but unanimous opinion of that learned body that Baron Pennefather, although suffering from impaired sight, most fully and ably discharges with great credit to the bench and satisfaction to the bar those judicial duties, in the

admirable performance of which he has passed nearly fifty years of his life."

Here was the admission of a friendly witness that Baron Pennefather was suffering from impaired sight. But that was not all. In the letter from "our own correspondent," in the same newspaper, it was stated as follows:—

> "Baron Pennefather was called to the Irish bar in Hilary Term, 1795, and advanced to the bench in 1821. He has, therefore, been sixty-one years in the profession, thirty-five of which have been passed on the bench. He is now in his eighty-fourth year, but still retains all the vigour and acuteness of his intellect. For the last year he has been totally deprived of sight."

He believed it should be that this venerable and learned Judge had been blind for the last three years; and, at all events, it was quite clear from the statements that this venerable and learned man was suffering from blindness. He (Sir J. Shelley) would therefore ask the House, how could that venerable man execute his duty as a Judge under such circumstances? The first duty of a Judge was to take notes of the evidence. Baron Pennefather was not capable of taking notes; and he could not delegate that duty, as far as he (Sir J. Shelley) knew, to any other person. No doubt his Marshal might assist him, but the Judge alone was responsible. Surely it would not be contended that in cases of forgery, when the character of handwriting was an essential element in the inquiry, it was a matter of little moment that the Judge who presided should be incapable of examining the document for himself. Again, it not unfrequently happened in a court of justice that the whole question turned on a conversation given in evidence; and it was manifestly of the highest importance that the Judge should be able to take down the Report of such a dialogue, and commit it to his notes accurately as it entered his own ears. But that, however desirable, was obviously impossible when a defect of vision incapacitated the Judge from writing at all. Perplexed and bewildered by the artifices of counsel, the jury appealed for guidance to the Judge, and found him blind! It would be no difficult matter to multiply cases of inconvenience resulting from so unfortunate a casualty; but speaking in the presence of men more familiar than himself with the practice and proceedings of courts of law, he preferred to leave the details of the question in their hands. Still, in vindication of the course—an unusual one he admitted—which he had felt it his duty to take in this matter, it was right that he should mention one or two out of many instances of inconvenience that had been occasioned by the pertinacity with which that unfortunate but respected and venerable gentleman, Baron Pennefather, clung to office. At the Fermanagh Spring Assizes of 1855 a man named Patrick Leonard was indicted on a charge of having written a threatening letter. It was on the point relating to handwriting that the case against him was felt to be weak. Certain documents found on his person he acknowledged to have written, but the letter which formed the subject of the prosecution he altogether repudiated. The whole case against him turned on a comparison of handwriting, and here Baron Pennefather was unable to afford the least assistance. But the prisoner cried out from the dock, "My Lord, if you will examine the papers yourself, you will see that they were not written by the same hand!" This the Judge of course could not do. The prisoner was convicted, and was now undergoing a penal sentence. He (Sir J. Shelley) did not mean to say that the man was innocent. In all probability he was well aware that the Judge could not see the writings, and it was possible that he might have made the exclamation only to influence the jury in his favour. But should it have lain in his mouth to utter such a challenge?—and was that a state of things that should be permitted to exist? The next case was a case tried by the same Judge in January last, *Fitzgibbon* v. *Hammond*, involving a charge of fraud and perjury; and the important fact in that case was, to ascertain whether the acceptance to a bill of exchange (the subject of the action) was written on the stamp in blank and the bill afterwards written over, or whether the bill was first written on the paper, and accepted afterwards. The Judge again could give no assistance to the jury, though stating it to be of the utmost importance. A new trial was moved for in the case, therefore, and the counsel who moved it laid as a ground that the Judge was unable to give that assistance. That was a case in which Baron Pennefather could not do justice to the parties concerned in a suit before him. The spring circuits were now approaching. Baron Pennefather had selected the north-western circuit, where he would have to try several serious cases—probably among them that of the persons charged with the assassination of Miss Hinds. In the event of any of the prisoners appealing against a trial by a blind Judge, it was not easy to understand on what ground such an appeal could be resisted. Lawyers would say that a prisoner had no right to make such an appeal, but public opinion, basing its decision on higher than technical grounds, would decide otherwise; and it was awful to think that a man should be tried for his life before a Judge who, being incapable of taking a note of the evidence, would have to depend on his memory for the "summing up." It might be said that Baron Pennefather need not take this particular case. But if he declined it, into whose hands would it fall? Who was the other Judge on the same circuit? Mr. Justice Torrens, who was still more infirm—in fact, the most infirm of all these venerable Judges—and who, as the Returns now moved for would prove, was frequently obliged to absent himself from his duties in Dublin as well as on circuit, and to delegate his authority to a substitute. When his (Sir J. Shelley's) attention was first attracted to these matters, it at once occurred to him that the Judges in Ireland could not have retiring pensions; but that he found to be a fallacy. They had very large retiring pensions. Under such circumstances, it certainly did appear extraordinary that the Irish Judges never retired till just as life was actually ebbing away. There was, at present, no criminal Judge in Ireland on the retired list. The last was a younger brother of Baron Pennefather, who left the bench worn out with old age and infirmity ten years ago, and who was now no more. Such a state of things would not be tolerated in Westminster Hall. It was to be lamented that the Irish did not take pattern by the English Judges in that respect. Lord Denman, when himself conscious of a decay that others failed to detect, immediately resigned. Sir John Patteson, who still retained his fine faculties, and who had recently shown great capacity of judgment in the Government inquiry into the state of the London corporation, retired from the bench some years ago because he had become deaf. If the conversation, said to have taken place between that learned person and a friend of his, had been correctly reported, it was eminently creditable to Sir John Patteson. His friend said to him "Why need you resign? You hear very distinctly what I say to you." "It is true," replied Sir John, "that I can hear you and the counsel who plead before me; but when women or children, or nervous persons, are under examination, I do not hear them, unless I make them speak in a tone so loud that it annoys them, and prevents them giving their evidence in that collected manner in which testimony ought always to be delivered before a Judge and jury. I feel that it is due to the proper administration of public justice that I should resign, and I have resolved to do so." The case of Mr. Justice Maule was still more in point. He was not in extreme old age when he withdrew from the bench, nor were his faculties impaired; but he felt fatigue on circuit, and did not hesitate to retire. He (Sir J. Shelley) did not wish to press the subject further. If the Motion were carried, he hoped that it would have the effect of convincing those venerable men, to whom the country was indebted for such long service, that in justice to the public they ought now to withdraw from public life, and, should they neglect to do so, he could not help thinking that it was the duty of the Government to put a stop to what could not be regarded otherwise than as a disgrace and scandal to the Irish bench. Admonitions to purity of morals and self-denial could not come with much grace or authority from men who gave the appearance of being actuated by such cupidity of power, and, it might be, of pelf—men who, when the evening of life had come upon them, renounced the sanctity and repose of private life, and preferred to expose themselves to the gaze of a scrutinising and exacting public. He hoped that he had said nothing unnecessarily disrespectful of them. He had no wish to do so. For their own sakes, as well as for that of the public, he was anxious that they should withdraw from duties which they could no longer discharge with credit to themselves or advantage to the country.

Motion made, and Question proposed—

"That there be laid before this House, a Return of the date of the Call to the Bar of each of the Judges of the Superior Courts of Law in Ireland; the dates of their respective appointments as Judges; the number of times each has been absent during the whole of any Assize, or, if absent during a part only, stating what part, and the reasons, if any, given for such absence; also, in how many, and in what instances, substitutes have been appointed by the Crown to preside at any Assize, or portion thereof, in the absence of any such Judge, giving in each case the name of the town."

MR. KENNEDY said, he should move, as an Amendment, that the words "in

Ireland" in the second line of the Resolution be omitted.

Amendment proposed, to leave out the words "in Ireland."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. NAPIER said, he certainly had expected that some one connected with the Government would have stood forward to take the part of the venerable Judges in Ireland. The hon. Baronet who had made the Motion admitted that it was of importance that the authority of the courts of law in that country should be supported; but how was it possible that could be the case when the Irish people saw their eminent and venerable magistrates subjected to attacks such as these, and that without the slightest pretext of a charge of immorality or bad conduct against them? The hon. Baronet, not content with heaping indignities upon the living, had raked the grave to bring up and abuse the memory of the illustrious dead. He had alluded to one venerable man who had died in the full vigour of his faculties, who had for many years been the ornament of the bench, and who for long before that had been the honour and the delight of the Irish bar—the late Chief Justice Edward Pennefather—a learned man, an upright man, an impartial Judge, and as good a man as had ever lived either in Ireland or in England; and yet the memory of that excellent Judge could not be exempted from the attack of the hon. Baronet. [Sir J. SHELLEY expressed dissent.] Yes, he (Mr. Napier) had heard that—deaf as he was—he had heard even his own infirmity also dragged before the House. He admitted that there had been a time when it would have been the proudest gratification of his ambition to obtain a seat upon the bench, but, if the office of the Judge were to be hereafter subjected to such attacks as he had just listened to, he would rather strip the gown from off his back than submit to unconstitutional dishonour, even if he heard as well as the hon. Baronet himself. Why was the attack made? Was any moral impropriety attributed? None. Any misconduct? None. Had any suitor suffered? None. The hon. Baronet had had the means of information before him, and did he pretend to say that he could bring forward a case in which any man had suffered civilly or criminally an injustice? It was the duty of the Judge to decide between the Crown and the subject, and therefore of all men he should be most independent; but what was to be the position of the Judge now? If he had a Government that would protect him, he might rest easy: but, if the Government wished at any time to drive him from the bench, he would be deserted. He (Mr. Napier) said that this was a great and vital question. He saw opposite the right hon. Baronet the Member for Carlisle (Sir J. Graham), and he remembered his honourable, manly, and upright conduct when he voted in opposition to his Government when Baron Smith was attacked in that House. He had read also the speech of the late Sir Robert Peel upon that occasion, which redounded to the everlasting honour of that great and able statesman. What did the hon. Baronet propose to do now? He complained of the administration of justice; but what was the justice of the hon. Baronet? In the absence of the accused, without evidence, without a charge, but simply parading an exaggerated account of the infirmities of venerable men, he asked them to do what? and for what? There was no middle term between resignation and removal. There might be occasions when a Member of a Government might advise a Judge to resign, but it must be left to his own choice when he would resign; and if he felt that he could discharge the duties of the office efficiently, and that no suitor was injured, it was not against his duty to remain upon the bench. Take the case of Chief Justice Lefroy. He did not believe that at the present moment, either in England or Ireland, we had an abler judge, or one more competent to administer every part of the judicial duty than Chief Justice Lefroy; and what was the allegation against him? His age had been brought before the House. Well, was that a crime? Chief Justice Lefroy was guilty of the atrocious crime of being an old man! There was to be an Address to the Crown, he supposed, from both Houses of Parliament. Would the hon. Baronet get Lord Lyndhurst to move it in the other House? If he looked round the present House of Commons, he should see several old men both vigorous and wise; and some of the oldest combining the energy of youth with the experience of age. Was that a disadvantage? As for Baron Pennefather, he might safely say that he could see further than the hon. Baronet—if he had a good case, he should be happy to come under the surveillance of that learned

Judge; but, if he had a bad one, he would rather keep out of his way. Baron Pennefather was a very remarkable man, and he doubted whether, in powers of memory, vigour of mind, and strength of intellect, he was surpassed even by that extraordinary man, Lord Lyndhurst. During last term, by the new arrangements, arising out of the Common Law Procedure Act, each of the Judges in Ireland sits in his turn, in what we call the Consolidated Nisi Prius Court. Baron Pennefather has taken his turn regularly in that Court, where he had been so ripe and ready, and had so well discharged his duty that scarcely any question had been raised upon the points decided by him; and, in addition to doing duty in that Court, he had sat every day in the Exchequer Court. Baron Pennefather was an old man, he was a venerable and virtuous man, and he (Mr. Napier) believed in his conscience that, if they polled Ireland through, they would find that there was no Judge more respected, more venerated, and more valued than Baron Pennefather. During thirty-five years of judicial life that learned Judge had never been absent but one circuit, owing to illness, and part of another on account of the severe illness of his respected son, which terminated fatally. With regard to Chief Justice Lefroy, he was not aware that he had ever been absent. Judge Torrens had been thirty-three years on the bench, and had been absent only twice—once soon after his appointment, when, having been greatly overworked at Limerick when he was a serjeant, Lord Wellesley, who had appointed him, would not allow him to go upon circuit, because, as he said, "he did not want to kill him;" and the second time, when illness was the cause. The people of Ireland were expected to obey and respect the laws, those laws must be administered by the Judges, and those Judges must be independent; but what would the consequence be if it were to go forth from that House, on the statement of the hon. Baronet, listened to by Her Majesty's Government without objection or comment, that six of Her Majesty's Judges in Ireland were incapable from their infirmities of discharging their duty?

Sir JOHN SHELLEY: I must beg the right hon. and learned Gentleman's pardon; I quoted from a question which was put last Session to the Secretary for Ireland by an hon. Member on the opposite side of the House. [*Cries of* "Name!"]

Mr. H. A. BRUCE: I beg to say that I was the Member who asked the question. One of those Judges was then in Spain.

Mr. NAPIER: At all events the hon. Baronet had charged incapacity against three of the Irish Judges. He (Mr. Napier) asserted that the House could not constitutionally interfere in a matter of that importance, unless it was prepared to follow up its interference by an address to the Crown. That would be in the nature of a regular criminal proceeding. Well, here was the case selected of three Judges, and the charge was that they were old. Was that a crime? Were they incapable? Of that there was not the shadow of a proof in the case of Chief Justice Lefroy; and, in regard to the other two Judges, there was only the hon. Baronet's unsupported assertion. Would the House allow him (Mr. Napier) to place before it the best of testimony as to the capacity of Baron Pennefather? An effort was made to urge that venerable man to retire, and it was intimated to him more than once that in the opinion of the Government he ought to do so, for that the threatened Motion would not be resisted by the Government. That, if it implied anything, was a significant hint that if he did not withdraw voluntarily the House of Commons would make him do it. That was the way in which they treated a man who in a celebrated case in his Court so recently as the last year—that of "*Butler* v. *Mountgarret*"—distinguished himself by the delivery of one of the ablest judgments ever pronounced. It had been his (Mr. Napier's) pride to sit at the feet of that eminent Judge ever since he first practised his profession, and to catch wisdom and learning from his venerable lips. That man, whom he revered and loved, and who was one of his oldest constituents, being abandoned by the Government, had appealed to him (Mr. Napier) to take up his case and defend his cause. He was an aged and a widowed man, who had been bereaved of one son, who died in 1849, and of another, who had since then been taken from him. He laboured also under the infirmity that had been so unfeelingly described, and therefore, when he received his letter the other day containing his appeal, accompanied by his own touching account of the way in which he had been treated, he (Mr. Napier) must confess that he could not help shedding a tear over the recital. He would now take the liberty of submitting to the House the testimony of Baron Pennefather's colleagues on the bench as to his fitness for the discharge of his judicial duties. And first he would quote a letter which he (Mr. Napier) had received from Chief Baron Pigott, dated the 12th instant. That distinguished Judge said:—

> "You request me to acquaint you with my opinion of Baron Pennefather's 'capacity and the assistance which he is able to give in discharging the judicial business of the Court of Exchequer.' In my judgment, Baron Pennefather's capacity is as great as I have ever known it. I have found no diminution in the value of the assistance given by him in discharging the judicial business of our Court. I ought, I think, to state that as long as I have known him he has been in the habit of desiring the material parts of documents to be read out in Court, rarely perusing them on the bench, and apparently relying—probably from long practice, or from early self-discipline—upon the singular memory with which he is gifted. In the readiness, accuracy, and tenacity of that memory, in quickness of apprehending and collecting facts, dates, and arguments, in hearing, in voice, in reasoning powers, whether displayed in consultation with his colleagues or in explaining the grounds of his judgments, and in the use of all these faculties while applying his great knowledge and experience to the practical despatch of business in the Court, he exhibits the same clearness, acuteness, and vigour, which have always distinguished him. It is difficult to convey to those who have not seen him engaged in that business the amount and the value of the aid which he contributes towards its execution. It is unspeakably painful to me to communicate in this manner upon such a subject as that of the qualifications of one of my colleagues on the bench. I collect from your letter that you seek this information with a view to an expected proceeding, of which you understand that one of the objects is to assail Baron Pennefather, and with a desire to defend him if so assailed. Let me freely say that nothing else would justify the inquiry or induce me to answer it. But I feel that I should act a tame and unworthy part towards a Judge before whom I practised much in my busiest years at the bar, and towards a colleague from whose great qualities I have received the most valuable assistance, rendered with the most frank and cordial co-operation for more than nine years upon the bench, if I withheld this reply."

What did Baron Richards say on the subject? Writing to him (Mr. Napier) on the 4th instant, he stated—

> "In reply to your letter, this moment received, I am happy to have an opportunity of expressing my full concurrence in the general opinion entertained in this country as to the judicial efficiency of my most excellent friend, Baron Pennefather.
>
> "With regard to the unfortunate infirmity of sight under which he has lately laboured, I can only say, that during the time I have had the honour and pleasure of sitting beside him on the Exchequer bench, up to the present moment, I have never known of any inconvenience to the public having arisen from that cause.
>
> "His memory and vigour of mind are most extraordinary, and I can bear full testimony to his great power of taking up facts, and to his general aptitude for business, notwithstanding the infirmity to which I have alluded."

Baron Greene, his other colleague, on the 4th instant, also wrote thus:—

> "You are aware that it was his turn to sit during the last term in the Consolidated Nisi Prius Court. Notwithstanding his duties there, he sat with us in the Exchequer almost every day until an unusually late hour, the business of the Court having been of more than ordinary extent. I do not think that I have ever known him display greater ability, judgment, or general efficiency than during this period. His profound legal knowledge, sagacity, and wonderful memory have not been more conspicuous at any time since I first knew him. We have all, I feel sure, entertained the utmost deference to his opinions. For myself, I can truly say that I should feel the greatest distrust in any one of mine in which I might unfortunately differ from him. His judgment in the case of *Kelly* v. *Thurles*, in which I was one of his colleagues, excited the admiration of all who heard or read it; and his exposition of the law in the recent case of *Butler* v. *Mountgarret* evinced a degree of learning, accuracy, and discrimination rarely equalled in either country. His devotion to his judicial duties is well known. I believe I am correct in saying that he has only absented himself from one circuit during his long judicial career. The high opinion which we all entertain of him is, I know, shared by the bar, many of whom I have heard express it in the most unqualified terms. I have never heard any complaint or dissatisfaction expressed, either in public or in private, as to his performance of his duties. Personally, I have long, I acknowledge, entertained great affection and regard, as well as respect, towards him, and should feel extremely concerned that he should be selected as an object of attack, to which he is as little open, in justice, as any member of our body."

To these testimonials from Baron Pennefather's colleagues he (Mr. Napier) begged to add his own. Having had the amplest opportunities of judging of his efficiency, he could safely say that there was not a single Judge even now on the bench in either country before whom he would place any question concerning life or property with greater confidence that strict justice would be done than he would do before Baron Pennefather. The hon. Baronet said, indeed, that when on circuit this Judge was incapable of inspecting documents and comparing handwriting in cases of alleged forgery. That, however, was a duty which he always understood was invariably left to the jury. Moreover, some of the ablest lawyers—among others the former father of the bar, Mr. Holmes—were in the habit of never taking a single note, believing that by devoting their undivided attention to a case as it proceeded they could gain a clearer and a better view of its merits than they could by puzzling over a mass of crabbed notes. Now, that held especially good in regard to Baron Pennefather, before whom, since his sight had become as imperfect as it now was, a remarkable question as to the validity of a will, involving the disposition of a property of £10,000 a year, was tried upon an issue directed by the present Lord Chancellor of Ireland. The late Attorney General for Ireland (Mr. Brewster) was engaged in the case, which lasted for five days, and this able Judge, blind as he was, charged the jury at the end of that protracted trial without a single objection being raised on either side. Application was afterwards made to the Lord Chancellor for a new trial; and how did his Lordship speak of the competency of Baron Pennefather on that occasion? The Lord Chancellor said :—

> "The Court is well warranted in concluding that it was in all respects fair and impartial; that the evidence, with the whole of the testimony on both sides, and the consideration of the credit of the witnesses, were properly laid before the jury by the Judge, and that the legal considerations bearing on the case, and their just application to the evidence, were rightly stated, and explained to the jury with all the fulness and accuracy to be expected from the great learning and intelligence and the long experience of the very eminent Judge before whom the case was tried."

That was the opinion expressed by the Lord Chancellor of Ireland, in 1853, of the Judge whose impartiality, learning, ability, and fitness were further testified to by three of his eminent colleagues, whose letters, penned in the present month, he had just read to the House. Yet, that Judge, they were told, was to be condemned by the House of Commons, to have his physical infirmities unfeelingly criticised, and to have a stigma cast upon him for incapacity on account of infirmity and age. If such a course were to be habitually persisted in, would any Judge of spirit and independence afterwards consent to take his seat upon the judicial bench? But could they expect learned men any longer to devote their lives to the public service if such unjust proceedings as these were to hang over their heads? No doubt Baron Pennefather might have retired years ago if he had thought fit; but in his letter he said, with his usual perspicuity and force, in which no man could excel him, that he had implicit confidence that the House of Commons would do him justice; that he desired nothing more; that he was anxious to uphold the independence of the Judges, and would not willingly have it assailed by any branch of the Legislature; but that if it was his misfortune to be so unjustly attacked, he must of course try patiently to bear it. Then, in the language to which every man of justice and honour would at once respond, he proceeded—

> "I consider, abstractedly speaking, the Motion as most injuriously trenching upon the independence of the bench and insulting to the individual Judges. If there be a complaint made, it may be right in a proper way to investigate that complaint; but if there be no complaint or inconvenience felt, may it not be safely left to each Judge to decide for himself at what time he ought to resign a trust which he holds for the public benefit, and which he ought not to hold one moment longer than it is for the benefit of the public? If any one disinterested person acquainted with the circuit had stated to me any inconvenience, or even suspected inconvenience, to arise from my going circuit, I would cheerfully examine into the matter, consult those likely to possess information, and if the suggestion appeared to be well founded, would thankfully receive it, and not suffer the public to be injured or myself disgraced; but, if there be no such complaints, I cannot think that the ends of justice are furthered by a Motion like the present, or that the Government does its duty in not resisting a procedure which exposes a Judge to contumely when about to undertake high and responsible duties."

The eminent Judge sat only a few days ago under a Commission trying prisoners in Dublin. Had it been even alleged that any failure of justice had occurred in consequence? Had the Government been called upon to pardon any person whom he had suffered to be unjustly condemned? Nothing of the kind. He would ask any Member connected with Ireland, professional or non-professional—any "disinterested person"—whether he was prepared to name any civil or criminal case in which injustice had been done by Baron Pennefather? Let the House reflect upon what it was asked to do. It was called upon to adopt a very grave proceeding, so far as the credit of the Judges was concerned, whether the Motion of the hon. Member for Westminster was brought forward in good faith, or was used as a mere stalking-horse. If the hon. Baronet proceeded hereafter to move for a Committee of Inquiry he would follow a most unconstitutional course, unless he was prepared to go further and move an Address to the

Crown; yet it was manifest, from the silence and conduct of the Government, that they approved his conduct, and were accessories either before or after the fact. The hon. Baronet had enjoyed every opportunity of getting information from them, but had not stated a single fact to the House, unless that name might be given to some ridiculous stories of discontented suitors, and an instance in which the Judge refused to take a case out of the hands of the jury and decide it himself. The truth was, that Baron Pennefather, above all the Judges in Ireland, left matters within the province of a jury to be decided by them. But the hon. Baronet, finding nothing to suit him in Ireland, had referred to certain English Judges who had retired. He (Mr. Napier) remembered when his excellent Friend and master Sir John Patteson proposed to retire, the Chancellor of the Government of the noble Lord the Member for the City of London, to his honour, sent for him, and pressed him to remain on the bench, saying that he might confine himself to town and chamber duties, and that if he felt any difficulty about going circuit a substitute would be found for him. Chief Justice Downes, who had a greater infirmity than Baron Pennefather, was not asked to go circuit for many years. There could be no difficulty about the expense, for a Judge who did not go circuit was not paid the sum appropriated for that special service. Nor should he omit to state that Baron Pennefather—perhaps from his great love of his profession, perhaps from most of his family having been taken away by death—liked the duties of the bench, and would regret to be debarred from their performance. Was the House prepared to cast a stigma upon an old and venerable man, who had discharged his duties efficiently? It would do so by listening to such imputations as those of the hon. Member for Westminster. One effect would be to encourage the public press to attack the Judges. Mr. Justice Crampton was in a public newspaper already placed in the same category with Baron Pennefather, although he was one of the most active and able Judges on the bench, and—to use a common expression—thoroughly "wide-awake." If Judges were to be treated thus with the sanction of the Government or the House, the people could not respect them, and if the respect of the people for the Judges were lessened, a blow would be struck at the constitution and the administration of justice. What should accompany old age? Love, honour, troops of friends. Baron Pennefather had all these, and so had Chief Justice Lefroy. But the hon. Member for Westminster, knowing the Government did not intend to defend the Judges, had tauntingly anticipated that their case would be taken up by professional men, whom he called "aspirants for the bench." In his (Mr. Napier's) own case the hon. Baronet had told a gossiping story which had not an atom of foundation in truth or fact. If ever a seat on the bench were offered to him, he could assure the hon. Baronet that, if he believed that from any infirmity of sight or ear he should not be capable of discharging the duties, he would have the moral courage to refuse the honour. But it would be quite time enough to talk of that when the proposal was made. At present he wished to call attention to the gravity of the Motion under discussion, which he might term an attempt to bring the House of Commons to coerce Judges to retire. A Judge should be fearless in the discharge of his duty; but he would not be so if a Motion of this kind were carried, unless it was meant for nothing more than to afford an opportunity for abusing and calumniating honest and honourable men. Baron Pennefather had said to him (Mr. Napier), "If they want to know my age, I am eighty-two; if they want to know how many circuits I have gone, the number is sixty-eight; if they want to know whether I can go on with the business, I think I can—it is a pleasure to do my duty, and, as the Almighty has gifted me with capacity and the people are satisfied, I do not wish to put the country to the expense of a retiring pension." Now what he boldly asserted was, that this was an honest statement, to the accuracy of which many hon. Members on both sides could bear testimony. Baron Pennefather had confidence in the House of Commons. He knew there was nothing an Englishman liked better than fair play, and was convinced the House would not cast a stigma on a public servant who had been faithful and impartial in the discharge of his duty. But Judge Torrens had also been singled out for attack. What was the matter with him? During the last term he sat in the Court of Common Pleas, and now he was doing chamber business. He looked as fresh as any Judge could do—as fresh certainly, and less anxious, by one-half, than the First Lord of the Treasury himself. Chief Justice Lefroy had likewise been included in the wholesale attack on the Irish bench, although he finished his heavy list of business in a shorter time than younger Judges, and no person in or out of that House could point to a single defect in the performance of the duty of that eminent and learned man. Were they to attack a Judge because he was an old man? If so, they would have Members moving for a return of the age of Cabinet Ministers, of our generals and admirals. It was impossible to say where it would stop. The preamble of the Act of Parliament, quoting the terms of a Speech from the Throne, declared that the independence of the Judges was "essential to the impartial administration of justice, one of the best securities for the life and liberty of the subject, and most conducive to the honour of the country." If the Judges were now to be subjected to such an interference as that proposed by the hon. Member for Westminster, could they be expected to act with perfect independence? If they were supported by a friendly Government and deserted by an unfriendly Government, what must be the effect on the administration of the law? Let our Judges be above everything but the fear of God; let them discharge their duty faithfully and efficiently, and he had no doubt the House of Commons would respect and honour them, though they might be old and subject to infirmities such as those which the House had heard that evening.

SIR GEORGE GREY: Sir, the observations which the right hon. and learned Gentleman has made upon the Motion of the hon. Member for Westminster (Sir J. Shelley) were, I think, quite uncalled for. In the first place he assumes and alleges that there has been some arrangement between the hon. Baronet and the Government. He next assumes that the Government are unfriendly to the Judges in Ireland, and that the hon. Member for Westminster has brought forward his Motion with an assurance that the Government were actuated by this hostile feeling. That is an unfounded assertion. In the third place he lays down an unconstitutional position, as to the right of this House to inquire into the manner in which the Judges discharge their duties. Let me remind the House how this question arose. In the course of last Session—in May—a question was addressed by the hon. Member for Merthyr Tydvil (Mr. H. A. Bruce) to my right hon. Friend the Chief Secretary for Ireland, whether the Government were aware of the state of the judicial bench in Ireland, asserting his belief that several of the Judges were incapacitated by age and infirmities from the regular discharge of their duty, and that in consequence a charge for the payment of substitutes who went circuit was thrown upon the Consolidated Fund. If that is the case, we have a right to inquire into such an allegation; and if we have the right—and the right hon. and learned Gentleman knows that we have—to present, on sufficient grounds, an Address to the Crown, praying for the removal of a Judge, we surely have the right to institute a preliminary inquiry—if there be a *primâ facie* case for an inquiry—to ascertain the truth of allegations imputing neglect of duty to a Judge, in order to decide whether ulterior proceedings should be adopted or not. Our right, therefore, to entertain the Motion is undoubted, although I fully agree with the right hon. and learned Gentleman that charges ought not to be lightly brought against a Judge, nor unless it is intended to follow them up with some inquiry to ascertain their truth. The right hon. and learned Gentleman says the Government have once, twice, and even three times communicated to Baron Pennefather a threat that, if he did not resign his seat as a Judge, he would be abandoned to the censure of the House of Commons. Now that, Sir, is not a correct statement of the case. I was present in this House last year when the question was put to my right hon. Friend the Secretary for Ireland on this subject by the hon. Member for Merthyr Tydvil. My noble Friend at the head of the Government was also present on that occasion. I can say for myself that the matter had never before been brought under my attention, and that I had never heard any charge brought against the Judges of Ireland, either of incapacity, or of having absented themselves from the discharge of their duties; but I believed it to be my duty, considering the position I held, in a private letter which I addressed to the Lord Lieutenant of Ireland, to inform him that such a statement had been made in this House, and I requested him to furnish me with information as to the grounds on which it could have been made. I at the same time stated that if any of the Judges in Ireland were habitually absenting themselves from their duties, or, on account of any other infirmity, applied to the Lord Lieutenant for substitutes to go the cir cuit in their place, it would be a matter for consideration whether the Government could give their sanction to such a practice, or consent, if they had a discretion in the matter, to provide from the public funds for the payment of such substitutes. I received from my noble Friend the Lord Lieutenant an answer to the effect that the statement which had been made in this House was greatly exaggerated; that whatever might have been the case as to the absence of any Judges from circuit, at the time he was writing every Judge was in Dublin, and in the discharge of his duty; that he was informed also that every Judge would go the then next circuit except Baron Richards, who was expressly exempted from doing so on account of other duties having been imposed upon him; that the only palpable case was that of Baron Pennefather, who, though he spoke of him in terms of the highest admiration on account of his high character, and of the intellectual attainments, and vigour of mind for which, notwithstanding his advanced age, he was distinguished, was unfortunately totally blind, and, that though he believed Baron Pennefather discharged his duties with great ability, he could not on principle justify the retention of his seat by a Judge who was incapacitated by the loss of sight from fulfilling some of those duties which it was unquestionably the part of a Judge to perform; and that while he thought that Baron Pennefather would be a great loss to the bench, and while he admitted that the extraordinary powers of Baron Pennefather's mind in some degree compensated for his want of sight—it was impossible but that his blindness must, to a certain extent, incapacitate him from the efficient discharge of some of the duties of a Judge. It thus appeared that the charge that several of the Judges absented themselves from their duties through incapacity was groundless, and fell to the ground. As, however, the hon. Baronet (Sir J. Shelley) had given notice of a Motion on the subject, it became the duty of the Government—not knowing what the precise form of the Motion might be—to consider what course they should take. Shortly before the meeting of Parliament the Lord Lieutenant of Ireland addressed to me another private letter, in which he repeated the high opinion he entertained of Baron Pennefather, but adverting to his opinion that as a question of principle the retention of his seat on the bench could not be justified, as he was permanently afflicted with the infirmity of blindness; not with the slightest idea of exercising any undue influence on Baron Pennefather—not with the view of holding out to him anything that could be construed into a threat, although the right hon. and learned Gentleman chose to term it such—but with that kind feeling which is characteristic of the Lord Lieutenant—he further informed me that he had requested the Lord Chancellor to communicate to Baron Pennefather that if such a Motion was brought before the House of Commons he thought the Government would be unable to defend his continuance on the bench under the circumstances in which he was placed. He felt it his duty to Baron Pennefather to give him this information of the views which the Government entertained upon the subject. The right hon. and learned Gentleman says this communication was made again and again. I informed the Lord Lieutenant that I thought everything that ought to be done had been done—that Judges could only be removed by an Address from the two Houses of Parliament; that I thought no formal or official communication should be made to Baron Pennefather as to his resignation, and an intimation to this effect was conveyed to him by the Lord Chancellor of Ireland. To that communication no answer was received from Baron Pennefather, but the Government are perfectly aware that a communication has been made to the right hon. and learned Gentleman (Mr. Napier), requesting him to state to the House the grounds on which Baron Pennefather thought it his duty to retain his seat. The right hon. and learned Gentleman has pretended to believe that the Government were not prepared as to the course which they ought to take on this Motion, and that in consequence they remained silent. But the true state of the case is, that knowing through the Secretary for Ireland that the right hon. and learned Gentleman intended to address the House, and to state the case for Baron Pennefather, they thought it but due to Baron Pennefather himself that the right hon. and learned Gentleman should have the opportunity of doing so before any Member of the Government rose to express his opinion. I have stated the whole of this transaction in so far as the Government is concerned. I may add, that in answering my first communication the Lord Lieutenant informed me that he had received from the noble Lord at the head of the Government a letter, similar to the one I had addressed to him, asking for information on the subject. Now, I ask if there is anything in the course we have taken that is unconstitutional, or inconsistent with a due regard to the character of Baron Pennefather? If the Judges were neglecting any essential part of their duty, or were prevented from discharging it by infirmity or incapacity, such a fact should not be withheld from the House of Commons; and now that this question has been brought before the House, I have thought it my duty to state the opinion which, through the Lord Lieutenant, the Government has conveyed to Baron Pennefather. I may say, further, that I do not think his age is any disqualification, except in so far as it furnishes but slight hope—of which, indeed, I believe there is, unhappily, none — that he can ever recover the sight which, unfortunately, he has lost. As to the Motion before the House, I do not think it is well adapted to meet the case which the hon. Baronet wishes to establish. I believe with the right hon. and learned Gentleman (Mr. Napier) that Baron Pennefather has been regular in his attendance on circuit, and I believe the same may be affirmed of the other Judges to whom reference has been made. I made no inquiry regarding them, except what was implied in the general inquiry I addressed to the Lord Lieutenant, and I believe no charge of neglect of duty can be fairly made against them. At the same time the Motion, in my opinion, is one that the House ought to accede to. If any of the Judges are publicly charged in this House with neglecting their duty by not going circuit, this House has a right to ask whether the charge is correct—whether the absence is caused by sickness or other circumstances, and whether Judges who are incapacitated by permanent infirmity retain their seats on the bench. I believe the Returns will not establish the case that was implied in the statement of the hon. Member for Merthyr Tydvil (Mr. H. A. Bruce) last year; but, however that may be, there can be no question as to the right of the House of Commons to institute the inquiry.

Mr. DISRAELI: Sir, I should not have presumed for a moment to prevent the House from proceeding to the important business which follows on the paper, had it not been for the observations of the right hon. Gentleman who has just addressed us, and which appear to me so unsatisfactory, and to meet so little the merits of the question, that I cannot reconcile it to myself to remain altogether silent. I have not the honour of being acquainted with Mr. Baron Pennefather, and the only knowledge I possess of the circumstances which have been brought under our consideration by the hon. Baronet the Member for Westminster (Sir J. Shelley) has been gathered during this debate. I have, however, heard enough to convince me that the subject is one which ought to interest generally every Member of the House of Commons. I think, although the debate has been brief, that its origin, its conduct, and the whole course of the discussion have been somewhat remarkable. The hon. Member for Westminster has brought forward a Motion which, if it means anything, must mean—at least to unlettered ears—that in consequence of the age of the Irish Judges, they are unable to fulfil their duties to the public by going circuit. The right hon. Baronet (Sir G. Grey) confesses that, in consequence of a question which was put in this House last Session with reference to this subject, he felt it his duty—and certainly it was his duty—to communicate with the Lord Lieutenant of Ireland, and to inquire whether it was true that the Irish Judges did not discharge their duty to the public, and whether they did neglect to attend their circuits with the regularity which might be expected from men holding such important offices. The reply received from the Lord Lieutenant by the Secretary of State, according to his own admission, was, that the Judges did attend circuit sedulously and regularly; and then the right hon. Baronet gives an answer to a Motion, which is to convey a censure upon the Irish Judges, somewhat in the following manner:—We felt it our duty to ascertain whether the allegation that the Irish Judges did not attend circuit with the regularity the country had a right to expect was true or not, and we found that it was not correct. We found that the Irish Judges did attend circuit very regularly, but, by-the-bye, one of those Judges is blind, and therefore we shall agree to the Motion of the hon. Baronet. Now, Sir, I must say that does not appear to me to be a satisfactory mode of meeting the question before us. If the Government have ascertained from their researches, and from their official communications, that the assumption upon which the hon. Member for Westminster has apparently founded his Motion is utterly groundless and fallacious, it appears to me that it would have been more satisfactory if the Government had dealt with this House in a more frank, candid, and straightforward manner; if they had made that declaration at once, and if they had assigned it as a reason for not assenting to a Motion which, in itself, is certainly not very important, which in its consequences cannot be injurious to the learned persons to whom it refers, but which—viewed in a certain aspect—may afford a precedent which many of us on both sides of this House may deeply regret. Some of the observations made by the right hon. Baronet the Secretary of State were, to my mind, so unsatisfactory, that I cannot refrain from adverting to them. The right hon. Baronet called my right hon. and learned Friend the Member for the University of Dublin (Mr. Napier) to account, upon a ground which appears to me to be entirely erroneous. The right hon. Baronet accuses my right hon. and learned Friend of asserting that the conduct of the hon. Member for Westminster, and, unfortunately, of the Government, is unconstitutional, because the hon. Baronet (Sir J. Shelley) has proposed, and the Government have assented to, the Motion now before us; and the right hon. Baronet says:—"Surely this House is not going to sanction the principle that it is not the duty of the House of Commons to inquire, if necessary, into the conduct of Judges, and even to take ulterior steps and address the Crown, if they think there has been any neglect in the administration of justice, or that any of the Judges of the land have not fulfilled their high duties to society." But my right hon. and learned Friend the Member for the University of Dublin never said anything of the kind. He did not deny or impugn the right and the privilege of the House of Commons to interfere if they suspected that the administration of justice was corrupt or imperfect. What my right hon. and learned Friend said, and said most justly, was this—"It is not politic, nay, I think it is not constitutional, for the House of Commons to interfere with the conduct of the Judges of the land, unless corruption or inefficiency can be imputed to them, and unless the House is prepared to act upon these imputations by an Address to the Crown." But I have not heard that any corruption is imputed, or that any inefficiency is alleged in the present instance. ["Hear, hear!"] Are those cheers from the Treasury bench cheers of assent to the principle I am laying down? If they are cheers of assent, then I say that the course the Government are taking to-night is a spiritless course; and that, if such be their opinion, it was their duty not to have sanctioned the Motion of the hon. Member for Westminster, even if inefficiency had been imputed to the individual who is chiefly interested in this discussion not on the ground of his having failed to attend the circuit, but on the ground of that peculiar infirmity to which it is admitted he is subject. But the Motion does not refer to that infirmity. On the contrary, let the House remark this singular circumstance, that all the three cases alleged to-night by the hon. Member for Westminster have failed. Had he said there are two Judges who do not attend circuit, and there is one who is blind; we could not deny the unfortunate circumstance of Mr. Baron Pennefather being blind. But the hon. Member for Westminster has framed his Motion with such singular mal-adroitness, that he absolutely does not touch on the one fact which is admitted in this debate, and which is really susceptible of demonstration. It is unnecessary, I should think, to repeat what every man of sane mind and political experience must be convinced of, that nothing can be more unwise, more impolitic, and more injurious, than forcing the Judges of the land into the House of Commons, unless there is one of those irresistible cases which renders it the duty of the House to interfere with the administration of justice. An interference in the administration of justice by the popular branch of the Legislature is the last and most solemn recourse to which the aggrieved subjects of the land can appeal. But in this case we have not a petition which refers to this learned individual. We have not a public complaint. We have not, strange to say, even an anonymous slander. We have not gentlemen rising in their seats, and reading articles from newspapers. The only article which has been read from a newspaper—read by a decision of which, before to-night, I was not aware—is absolutely in favour of the person attacked. Then, I ask, why are we to interfere? What is the cause of our interference, and what is to be the consequence of our interference? for that, I think, is a very grave question. What are we to think of a Government that assents to and sanctions this incoherent and inconsistent proposition of the hon. Member for

Westminster; and what are we to think of the opinion of the accomplished and amiable Viceroy whose advice they required? What is the answer to a perplexed Cabinet that consulted the Lord Lieutenant? The Lord Lieutenant writes to Her Majesty's Ministers, that so far as the public—I will not call it accusation, but the public—suspicion expressed last Session with regard to the Irish Judges—namely their inability to attend circuit—is concerned, he has the pleasure to inform the right hon. Secretary, that all the Judges are in perfect health, and that they are about to attend the circuits. He regrets, as an abstract principle, he cannot vindicate Judges being blind; but he feels it his duty to state, that if Baron Pennefather quits the bench, it would be to the serious injury of Her Majesty's service. [*Expressions of dissent from the Treasury Bench.*] If the Lord Lieutenant did not state that, he, probably, in much more graceful language expressed his opinion of the character, services, and career of Baron Pennefather than in the hurry of debate I have been able to command. I believe the Lord Lieutenant said his services were invaluable. Nay, more, as my right hon. and learned Friend has just told me, the Lord Lieutenant of Ireland informed Her Majesty's Government, in answer to the confidential inquiry of the Prime Minister and the right hon. Secretary for the Home Department, that if Mr. Baron Pennefather quitted the bench it would be a great loss to the country, and because the right hon. Secretary wants to give a hint to Baron Pennefather to quit the bench, we find him sanctioning this miserable and indecent Motion. Upon the constitutional point which has been stated by my right hon. and learned Friend the Member for the University of Dublin, and so misrepresented in argument by the right hon. Secretary, I imagine there cannot be, on either side of the House, the slightest difference of opinion. No man can think it advisable that the conduct of the Judges of the land shall be brought under discussion in the House of Commons, unless the case is clear and strong. But that a Motion of this kind, leading to no result, and introduced in a manner so little entitled to command the confidence of the House and the attention of the country that the Minister who assents to it proves by his own speech that, if granted, it really does not refer to the only point which can at all interest the House—namely, the peculiar infirmity of one individual—that such a Motion should be sanctioned, appears to me to be one of the most unsatisfactory courses which the Government could take. So much for the constitutional point. Let us consider the personal points which have been touched upon to-night. This gentleman, whom I do not know, except by that fair repute which all acknowledge — this gentleman is a Judge, and he is old. [Mr. HORSMAN: Hear, hear!] That is a great fault, according to the opinion of the right hon. Gentleman the Secretary for Ireland, who cheers the observation. [Mr. HORSMAN: No.] Then you think it a merit? If ever there were an unfortunate moment for alleging that that accident is a bar to fulfilling a great official position, it is the present. My right hon. and learned Friend the Member for the University of Dublin has very properly and very happily alluded to that great display of eloquence and intellectual power in another place a few nights ago which arrested the attention not only of this country, but of Europe, made by a man, who also was a Judge, and is even older than Baron Pennefather. What a compliment to the distinguished nobleman who brought forward the Motion on that night! Remembering its result, I think this must be the return by Her Majesty's Government for the division in the other House. When those who may not even agree with that noble and learned Lord agree in admiration of his eloquence and intellect, what a compliment to the House of Commons to ask them, by a sidewind, by a back door, to agree to a Resolution that Judges who are eighty-two years old are incompetent to the discharge of their judicial duties! But how did the debate which many of us witnessed, proceed that night? Who supported that noble and learned Lord? Were they youths? Were they green youths, who came into that great oratorical arena to vindicate the principles of the constitution, and by their learning and eloquence command the respect and attention of the country? There was not a man, I dare say, who had physical energy enough to be a candidate for the city of Westminster. That is possible. But that debate was conducted and sustained by men, very few of whom were inferior in age to this Irish Judge whose conduct is brought before the consideration of the House of Commons without a single public complaint having been alleged against him. And, Sir, what answer would it have been by the Government, not very remarkable for their powers in debate, had their leader in another place risen on that occasion and said, "This is a most important question, and undoubtedly brought forward by one of illustrious reputation, with great eloquence and learning, and supported by half-a-dozen of the wisest and oldest men in the House, but I cannot believe the Peers of England will sanction a Resolution which old men have proposed, counselled, and supported." I cannot believe that the House of Commons, after a few minutes' consideration, will sanction this imputation against an individual whom all admit to be a man of great intellectual power—a Judge of great experience, of great respect, and perhaps, even now, of unrivalled efficiency in Ireland—whose panegyric has been read to them to-night, written by one who was his political opponent, who was promoted over that Baron of the Exchequer by political influence, but who, with a fairness that does him honour, has, on this important occasion, expressed in admirable language the clear conviction of his reason. Then, it is not age—but the crime that is never to be forgiven by the House of Commons is, that the Judge is blind! Why, Sir, I thought that was the peculiar characteristic of justice. [*Loud cries of* "Oh!"] It has been proved to-night, however, that it is not so. But this I say most certainly, that both in action and in meditation some of the greatest men, struck with blindness after their eyes have been sufficiently fed with images, have, under those circumstances, achieved and accomplished their greatest deeds. I need not remind the House that the greatest poem of modern times was written by a blind man, but of this I may remind the House, that the city of Constantinople, which even the Czar of Russia could not take, was taken by a blind man—the more than octogenarian, "blind old Dandolo." I believe the truth is, the Doge was nearer one hundred than the age of Baron Pennefather. Considering his services, I cannot believe that the House of Commons will lay down as a principle, that Baron Pennefather—a Judge who performs his duties in a manner unimpeachable, and with an efficiency unsurpassed by any member of the same bench on account of his age and blindness, requires an address to the Crown for his removal. Why, the very eminent person to whom I have referred as having so distinguished himself within a few days in the other House of Parliament was couched within the last few years—within the last three years, I believe—suffering from the same infirmity. [Sir G. GREY: The noble Lord is not a Judge.] Not a Judge? Why it is no wonder that Her Majesty's Ministers have no confidence in the high Court of Appeal in the other House, when the Secretary of State for the Home Department comes down to the House of Commons and declares that Lord Lyndhurst is not a Judge. Is not Lord Lyndhurst called upon every day during the Session of Parliament to fulfil the highest judicial functions? [*A cry of* "Oh, oh!"] I am glad to hear that constitutional cheer from the First Lord of the Admiralty, but I thought it would have been heard in the Motion that is to follow the present. It is unnecessary to touch further on this subject. On the constitutional point there is but one opinion. Can there be two opinions upon the point of age? Sir, this is a Motion that it is confessed cannot injure the individual that it is aimed at, which cannot but redound to his credit. But whether it will redound to the credit of the hon. Gentleman opposite, or of the Government, I leave it to the opinion of the country to decide.

THE ATTORNEY GENERAL said, he would not affirm that when a Judge had reached the age of eighty that was a reason for his retirement. So long as he preserved the faculties of mind and body necessary to the efficient discharge of the duties of his office, so long he might continue to retain his seat upon the judicial bench. It had been asserted that, on account of the advanced age of one of these Judges, he was incapacitated from going the circuit, and was compelled to send a substitute at the public expense. His right hon. Friend (Sir G. Grey) had stated that he felt it his duty to make inquiries on the subject last year, and that those inquiries were satisfactory. He could not, therefore, see why there should be any objection to the Returns moved for by the hon. Baronet the Member for Westminster. If the Returns proved as satisfactory as the information which his right hon. Friend received from the Lord Lieutenant of Ireland last year, then everybody would be satisfied, and the imputation would fall to the ground. The right hon. and learned

Member for the University of Dublin (Mr. Napier) had spoken of the calumniating charges brought against the Irish Judges, and particularly against Mr. Baron Pennefather. No one had questioned the integrity, ability, and impartiality of Mr. Baron Pennefather. The only question was, whether he continued able to discharge his judicial duties. There might be great exceptions to the infirmities that visited men. One man was as capable at ninety as another at fifty or sixty, but those were the exceptions; and, if it were said that after the age of eighty a man was usually capable of discharging the duties of a Judge, he must join issue with that assertion. He had not the honour of a personal acquaintance with Baron Pennefather, but, from the unanimous expression of opinion which reached him from Ireland, he was perfectly satisfied that Ireland had never had an abler or more upright Judge. He believed, also, that Baron Pennefather was intellectually as capable as at any moment of his life to discharge the duties of a Judge. But it appeared that he laboured under an infirmity, which, in his (the Attorney General's) opinion, incapacitated any man from discharging all the duties of a Judge. If his judicial labours were confined to sitting *in banco* in the Court of Exchequer, he would be, no doubt, as capable as ever of appreciating forensic arguments, and of coming to a sound judicial decision. But the functions of an Irish, and also of an English judge, were not confined to sittings *in banco.* He had to go the circuit, to sit at *Nisi Prius*, and he had a more solemn duty to perform—namely, to preside in courts of criminal judicature. Witnesses were to be examined *vivâ voce* in the presence of the Judge and jury, who were to form their judgment upon their character by their demeanour. Would any one tell him that it was not a most important part of the functions of the Judge to watch the witnesses, to mark their demeanour, their gestures, and everything that passed over their features? It might be said that this was the province of the jury; but the jury were often powerfully aided by the Judge in coming to a conclusion, and who did not know that Judges in their charges constantly commented upon the manner in which the witnesses had given their evidence, and their demeanour? Then, again, it was the duty of the Judge to take notes of the evidence. It was true it was stated that Mr. Baron Pennefather had a shorthand writer to take notes for him, but he could only have them read to him after the trial, and at the time of his charging the jury he had no opportunity of knowing whether the shorthand writer's notes were correct or not. Now, juries often desired to hear portions of the Judge's notes read over to them. It was also the undoubted right of every man who was put upon his trial to call upon the Judge to read portions of the evidence to the jury. Counsel had the same right, and, he would ask, what must be the condition of the parties, the jury, and the counsel, in a cause, if they demanded the evidence to be read over to them in such a case? It would be a most unseemly and painful spectacle if such an application was made to Baron Pennefather. He admired as much as any man the attainments, talents, and character of Baron Pennefather; but he thought if the statements relative to his physical infirmities were true, the time had come, however great the loss might be, when he ought to retire from the judicial bench.

Sir FREDERIC THESIGER said, he could not help thinking the hon. and learned Gentleman the Attorney General had endeavoured to lead the House entirely astray from the subject under consideration. The House, it would appear, were not considering the incapacity of Baron Pennefather, or whether he was visited by infirmity which rendered it proper and expedient he should retire from the bench. But from the observations of the hon. and learned Gentleman, the House was induced to believe that the object of the Motion was to effect the removal of Baron Pennefather. [*Cries of* "No, no!"] Why, what did the hon. Baronet (Sir J. Shelley) ask for? That a Return be made of the date of the call to the bar of each of the Judges of the superior courts of law in Ireland; the dates of their respective appointments as Judges; the number of times each has been absent during the whole of any assize, or, if absent during a part only, stating what part, and the reasons, if any, given for such absence; also, in how many, and in what instances, substitutes have been appointed by the Crown to preside at any assize, or portion thereof, in the absence of any such Judge, giving in each case the name of the town. But what were the grounds laid by the hon. Gentleman for this Motion? He brought forward the cases of three Judges, and three only—Chief Justice Lefroy, Justice Torrens, and Baron Pennefather. He had strongly adverted to the age and infirmities of Baron Pennefather, and the right hon. Baronet (Sir G. Grey) had spoken of a Return that the Government had obtained with reference to these matters, admitting that in the three names mentioned there had been no one instance in which one of these Judges had failed in his duty.

Sir GEORGE GREY said, the Returns established that there had been no want of regularity on the part of one of these Judges in going the circuit. With regard to the others he had no information.

Sir FREDERIC THESIGER said, he wished to remind the House that his right hon. and learned Friend the Member for the University of Dublin had given information on this subject, and the House were prepared to accept that information as accurate. What, then, was the object of the Motion? Did the hon. Baronet the Member for Westminster mean to say that there were any other Judges in Ireland who did not faithfully discharge their duties? Surely the House would not grant a Motion of this kind without having some grounds laid before it. The hon. Baronet had not attempted to bring forward any facts to establish his Motion, and the House was compelled to believe that but for the circumstance connected with that distinguished Judge, Baron Pennefather, neither this Motion nor any other having reference to the Irish Judges would have been brought forward. His hon. and learned Friend the Attorney General had done full justice to the ability, learning, and efficiency of Baron Pennefather, but he seemed desirous of making some abatement in his praise, for he said that in consequence of the infirmity of blindness, he was unhappily unfit to sit on the judicial bench. His hon. and learned Friend seemed to consider that there was a certain period of life at which judges might be marked as incompetent to sit on the bench. [The Attorney General: Quite the contrary.] Why, his hon. and learned Friend had said that Judges who had attained the age of eighty ought not to continue in the Commission. [The Attorney General dissented.] He had quite misunderstood his hon. and learned Friend, then, if such had not been his meaning; but he hoped, nevertheless, that he would himself adorn the bench at eighty. He certainly had understood the Attorney General to say that at that time of life Judges should be warned to retire. His hon. and learned Friend said, that beyond that period of life Judges were not fit to preside in a criminal court, where it was most important for the Judges to observe the demeanour of a witness, and assist the jury with his opinion as to whether a witness was a witness of truth or not. With great deference to his hon. and learned Friend, he (Sir F. Thesiger) thought a Judge would very much interfere with the functions of a jury, and pursue an unusual course, if he made any observations to the jury on the demeanour of a witness. He had heard Judges say to juries over and over again, "You hear the observations of the witness in the box; it is for you to say whether you will credit him or not." But his hon. and learned Friend said, that a Judge who was unfortunately blind could not take notes—one of the most important functions of a Judge. Now, there were various modes of taking notes. Some Judges took notes very carefully, and some very slovenly; but he remembered that Chief Baron Alexander went circuit for a number of years, and that his marshal sat by his side and took notes for him. [The Attorney General: They were read by him afterwards.] They were now on the question of taking the notes, not of reading them. Lord Lyndhurst, when he was Chief Baron of the Exchequer went circuit, and his notes were taken by his marshal. But the taking of a note must distract the attention of the Judge, and he (Sir F. Thesiger) thought it would tend considerably to the advantage of the administration of justice if shorthand writers were appointed in every case, whose notes could be referred to as evidence as to what a witness might have stated. He could not see the necessity or the great importance of a Judge being able to take notes. Judges frequently gave a summary of the case instead of reading their notes; and he heard that such was the remarkable memory of Baron Pennefather, that he could give all the facts of a complicated case just as distinctly as if he had been reading his notes word for word. His right hon. and learned Friend the Member for the University of Dublin had referred to the remarkable trial of an issue in the Court of Chancery in Ireland in 1853, to try the validity of a will. The trial lasted for five days, and Baron Pennefather summed up with such remarkable accuracy, that when an application was made to the Lord Chancellor for a new trial, he expressed himself in the highest terms of the learning, intelligence, and ability of the learned Judge. But were they trying Baron Pennefather here? Were they trying whether he ought to retire from the bench? There was nothing in the Motion of the hon. Baronet the Member for Westminster to that effect. They were merely called upon to ascertain the calls to the bar, and the elevation to the bench of the Judges of Ireland, and the numbers of times they had attended the assizes and been absent therefrom. And they found in all the instances mentioned by the hon. Baronet that the Judges had been punctual in their attendance. He felt bound to say, therefore, that this Motion was intended indirectly against Baron Pennefather, and to remove with something like a stigma a man who had been one of the most distinguished ornaments of the bench for many years. He was sorry to find, that when no foundation had been laid for the Motion, the Government had not felt it incumbent on them to refuse to sanction the Return, which would reflect most seriously on the judicial bench, be productive of mischief, and seriously affect the administration of justice in both countries.

Mr. STUART WORTLEY said, all the information which he possessed upon this question had been gathered in the course of the debate, but he wished to state the grounds upon which he was unable to vote for the Motion. He could not vote for it without asserting that there was a *primâ facie* case of habitual abandonment of duty made out against some of the Irish Judges, whereas the right hon. Baronet the Home Secretary stated that the result of the inquiries which had been addressed to the Lord Lieutenant was, that there was no reason to complain of the manner in which any of those learned Judges discharged their duties. Then, they had the unexceptionable authority of the right hon. and learned Gentleman opposite (Mr. Napier) for the fact that the distinguished Judge who was the principal object of the Motion, so far from having habitually absented himself from circuit, had always, notwithstanding his infirmity, punctually attended to his public duties. Under such circumstances he could not vote for the Motion; but he wished to guard himself against being supposed to give the slightest sanction to the doctrine that any learned Judge, however distinguished and able he might be, was fully competent to try jury causes, especially criminal causes, if God had afflicted him with loss of sight. Many of Baron Pennefather's friends had very likely represented to him all the arguments which had been brought forward to-night to induce him to retire from the bench, and no doubt the learned Baron, in retaining his seat, had been actuated only by a deep sense of duty. There was another reason why he could not vote for the Motion, that the House of Commons ought not to adopt such a Motion unless there was a *primâ facie* case for going further. Although he thought the affliction of blindness was a disqualification for a Judge, especially for a circuit-going Judge, he was unwilling to adopt so strong a course as that proposed. But he could not help thinking that the hon. and learned Member for Stamford (Sir F. Thesiger), in the course of his observations, alluding to two instances of Judges not taking notes, carried his expressions further than his cooler judgment would have sanctioned. He (Mr. S. Wortley) remembered but little of Chief Baron Alexander, but he remembered the more illustrious man, Lord Lyndhurst as Lord Chief Baron, who, indeed, did not take notes himself, but had his secretary or marshal to perform that duty for him—Mr. Walton, now a Master of the Court of Exchequer, a distinguished and able man. Lord Lyndhurst had every faculty at command, and while another was taking the notes his powerful mind was acting, and his memory acted as a check upon the notes. But that was not the case of a Judge who, unable to take notes, was also unable to read them. Besides, as the hon. and learned Attorney General had observed, one of the main duties of a Judge, especially in criminal cases, was to observe the persons and demeanour of the witnesses. There was also another class of cases, criminal frauds, in which books were produced, and in which it was the duty of the Judge to examine those books, and to point out to the jury how far their contents threw light upon the subject at issue. Upon these grounds he could not sanction the notion that a Judge so afflicted was competent to all his duties. In *banco* he might be perfectly so; in equity also; but upon circuit he could not by his vote admit that it was so. It was with reluctance he had made these observations, but he did not wish, by a silent vote against the Motion, to commit himself to opinions in which he did not concur.

Mr. GEORGE said, he should consider himself unworthy of the seat he occupied —unworthy of being a member of the Irish bar—and unworthy of the friendship with which he had been uniformly treated by the venerable and learned Judge, who was the chief subject of the present discussion, if he gave a silent vote, and if he hesitated to express, in the strongest terms, his entire disapprobation of the Motion now before the House, of the party to whom it had been entrusted, and to declare its unconstitutionality and entire inapplicability to the learned person against whom it was directed. An attempt had been made to show that this was the Motion of the hon. Baronet the Member for Westminster; but he asked whether if anybody in that House thought that it was anything short of an indirect Motion on the part of the Irish Government? He held in his hand a document which would satisfy every individual in the House that this was a Motion of Her Majesty's Irish Government, the object being to displace at least one member of the Irish bench, to what end he would leave the House to infer. The Home Secretary had truly stated that communications did take place between the Irish Government and the venerable Baron Pennefather; but he insisted that those communications were initiated by the Government, and that as early as the 10th December last the venerable Baron was waited on by the Lord Chancellor of Ireland, and told in terms which it was impossible for him to doubt, that circumstances existed which made it advisable that he should leave the bench—that a Motion was pending in the House of Commons which the Government must support, and that if he did not withdraw, he must take the consequence. He (Mr. George) had it from the lips of that venerable Judge, that on the first occasion he scorned to give a reply to the Lord Chancellor; that on the second occasion, when waited on by the Lord Chancellor, he declined to give a verbal answer to his communication, but requested that if in reality such a proceeding was to take place in the House of Commons, and the Irish Government were a party to it, the communication should be put in writing. He now held in his hand a letter, dated 24th January last, addressed to Baron Pennefather, by the Lord Chancellor of Ireland, in which he said—

"My dear Baron—On the occasion of my last interview with you I promised to inform you if it was intended by the Government to make you any official communication by letter on the subject on which I had conversed. I, therefore, write this note to say that no such communication is intended—it being considered that in informing you, as I have done, of the course intended to be taken on the part of the Government in reference to the Motion which it is expected will be brought forward early in the Session on the subject of the judicial bench, so far as it may relate to the peculiar circumstances of your case, everything has been done that is required of the Government in anticipation of the Motion."

The noble Lord added—

"It is with sincere regret and painful feeling that I now repeat that it is the opinion of the Government that it would be impossible for them to defend your continuance on the bench."

Now, that letter incontestibly proved that the Motion had originated, not with the hon. Baronet the Member for Westminster, but with the Irish Government and their advisers. The sole object of the Motion was to drive the venerable Baron from the bench in order to make room for another. If the Government meant to say that the defect under which Baron Pennefather had partially—lately entirely, but not hopelessly—laboured was a reason for driving him from the bench, there was a constitutional mode of bringing the matter before Parliament. It was the bounden duty of Ministers to have moved an Address of both Houses to the Sovereign, praying Her to order the removal of Baron Pennefather. The object of the Act of Parliament was to guard against circumstances such as were now taking place. It meant that the Judges of the land were to be truly independent of all external influences, and they had a freehold in these offices for life, given to them for the good of the people, in order that they might be independent in the discharge of their duties. It had been conceded by the Government, and the facts stated by the right hon. and learned Member for Dublin University proved that the Return made, if the Motion should be carried, would be *nil*, and, in the case of Baron Pennefather, would redound greatly to his credit, and be a standing marvel how a man of eighty or eighty-one, or whatever his age might be, could be gifted with such vigorous intellect and physical constitution to have gone seventy circuits, save one, without interruption at any period. As to the general mode in which that learned Judge discharged his duties it would not become him (Mr. George), nor was it necessary, to enter upon that point. The records of the Court of Exchequer would show that the learned Baron would be an irreparable loss to justice in Ireland. For nearly a quarter of a century he (Mr. George) had gone one of the most important circuits—one which formerly, although happily not now, presented a large proportion of Irish crime—the Leinster Circuit, and during the many years which Baron Pennefather had gone that circuit he had gained the admiration of the country gentlemen, the grand jurors, for the mode in which he administered justice. As a country gentleman, well acquainted with the peasantry and their habits and manners, no one was more capable of sifting evidence and detecting truth or falsehood. In another part of his jurisdiction, little known here, but an important one in Ireland, involving all the litigation of the humbler classes—appeals from the assistant-barristers, the learned Judge was distinguished for his industry and talent. He did not believe that any suitor, however humble, whether the judgment might have been in his favour or against him, ever went away dissatisfied from that learned Judge's Court. The only tangible part of the case brought forward was the allegation that the defective vision of Baron Pennefather might affect his capability of presiding in a Court of Justice. With respect to this objection he (Mr. George) was justified in making one observation. He had spoken from his own experience of the efficiency of the learned Baron on the Leinster circuit, and he took the opportunity of applying to a learned gentleman on the very circuit to which the hon. Gentleman opposite had alluded—the North-Western circuit—and of putting this question to him—

> "Has Baron Pennefather failed in the exercise of his judicial functions on the North-Western circuit, and how has the business of the country been administered by him—in short, has there been any failure of justice in consequence of the Baron's defective vision?"

The reply was this:—

> "To decline to respond to your appeal would be injurious to the public interest, and unjust to Baron Pennefather himself; but I confine myself to the specific inquiry, not presuming to volunteer any defence of the Irish bench, or generally to encumber them with my help. Whenever Baron Pennefather may be withdrawn from us a great legal luminary will be extinguished. We now see him one of the highest judicial authorities, and a personification of the true old Irish gentleman, easily accessible, one of the best of dispositions, and animated by every feeling of honour which can find place in the human breast. Such a man taken from us by inevitable necessity will be a loss to be submitted to and deplored; but a proposition to drive him from us by the menaces of an English Member of Parliament, is an attempt to be deprecated and resisted."

That was the opinion of Baron Pennefather, which Mr. Smiley, one of the ablest counsel and most honourable of men connected with the circuit—a man who was incapable of putting to paper sentiments which he did not feel as the result of his experience. It was borne out in every case as far as the evidence went, and it supplied the only point wanted to complete the long list of qualifications enumerated by his right hon. and learned Friend the Member for the University of Dublin (Mr. Napier), possessed by the learned Judge, and by means of which he had been enabled to give so much satisfaction in every department. With regard to the not taking notes of the evidence in trials on circuit; with reference to the examination of witnesses, Baron Pennefather had himself told him (Mr. George) that for more than twenty years, and long before his sight became affected, it was not his habit to take notes; and, more than that, whenever he was called on to make his report to the Judges in the superior Courts, those reports were invariably made from his recollection of the facts as they took place on the trial. He (Mr. George) never knew the learned baron, even in the longest case that was ever tried before him, to misstate a single circumstance or to omit a material fact in his summing up of the evidence. He had known him, indeed, to sift the rubbish with which the case was overladen; he had known him to dissipate all the smoke and darkness in which the case was involved, and bring all the circumstances into a short and narrow compass, so as to make it plain and lucid to the comprehension of the jury who tried it, and to the court above, when a report was required. He had further stated that it was never his habit to observe the demeanour of the witnesses; he always considered that the particular province of the jury, and that he was to collate in his mind the evidence material to the case; as to the manner in which the witnesses gave it, whether they appeared to be candid or not, was, in his opinion, matter of observation on the part of the jury. Under these circumstances, he could not see, even if the consequences which were alleged to depend upon this matter were proved before the House, that they would warrant the extreme measure that was proposed—viz. that of telling a Judge so venerated and respected as Baron Pennefather that his long judicial career was to terminate, contrary to his own wishes. He had heard that venerable Judge state, that if he knew three men unanimous in the opinion that his services were no longer beneficial to the country, he would at once resign, and he (Mr. George) believed that he would do so. Why was not the same measure of justice to be meted out to Baron Pennefather as to other Judges under similar circumstances? Why were English Judges excused from going circuit by reason of age and infirmity? Then, with regard to Baron Richards, when it was thought that the interests of the public required that he should remain in the Encumbered Estates Court and not go circuit, was any objection made to other Judges going circuit in his place? Was it not open to Her Majesty's Government to accord the same permission to Irish Judges, and to have allowed Baron Pennefather to remain and attend to his business *in banco*, or at the Exchequer Chamber, where it was not pretended that his infirmity of vision interfered with his usefulness? He thought it most insulting and unjust, after the eminent services he had rendered, and after the testimony which had been accorded to his usefulness that night, not to allow him to spend the few years which God might yet spare him in the performance of those judicial duties which he performed so well, but rather to attempt by such a Motion as the present to drive him from the judgment seat.

MR. H. A. BRUCE said, he had on a former occasion put some questions on the subject, because about May last, he was informed by some Irish friends, that the state of the judicial bench in Ireland was anything but satisfactory. From one cause or other, principally from old age, the Judges were absent from their duty, but the case was then somewhat stronger than it was now, not that the Judges were then older; but, in addition to these circumstances of age, with respect to some of the Judges, Chief Baron Pigot had then been absent from the country for six months. It was stated that the oldest of these Judges, Mr. Justice Torrens, who was eighty-five years of age, had been unable from infirmity to attend the previous spring circuit. As to Baron Pennefather, he certainly thought blindness an incapacity for the full performance of duty, and in that opinion he had been supported by persons of eminent authority, though arguments had been adduced on the other side. Moreover, another learned Judge, Baron Richards, though in full enjoyment of his faculties, had been taken from his own court, and transferred to another. Chief Justice Lefroy, too, was eighty-four years of age, and, therefore, there was *primâ facie* ground for supposing that he was incapable of bearing the extreme fatigue to which, in some cases, Judges were exposed; for a Judge at eighty-four must be strong indeed if, after hearing a case for three consecutive days, as sometimes happened, he was able to go over the whole of the evidence with the same clearness as a younger person. It was not his wish to address himself to the general argument. He had stated the reasons which had made him think on a former occasion that the Irish judicial bench was in an unsatisfactory condition, and though what he had heard to-night had not altogether removed that impression, he confessed it had, to a certain extent, weakened it. He did not quite see the parallel drawn by the right hon. Member for Buckinghamshire (Mr. Disraeli) who referred to the House of Lords, because they were perforce obliged to rise at five o'clock; whereas, on assizes, the Judges had sometimes to sit till twelve, and on the whole he considered that he was quite justified in putting the question which had been the proximate cause of this Motion.

SIR ROBERT FERGUSON said, having been appealed to by his right hon. and learned Friend the Member for the University of Dublin (Mr. Napier), he wished to state that, as far as he had had an opportunity of judging, Mr. Baron Pennefather had always performed his judicial duties in a very satisfactory manner. Notwithstanding his loss of sight, so wonderful was his memory, and so clearly did he go through the evidence to the jury that that defect which might have been expected was not observable. He had seen him engaged on many trials which had lasted day after day, and such was his testimony as the result of his own observation. The Motion had been brought forward in such a manner that he could not possibly support it, and he would add that he thought the hon. and learned Attorney General could not have heard the opening speech, in which there was such a strong imputation of cupidity.

MR. J. G. PHILLIMORE said, he could not vote for the Motion, in the absence of any one fact to justify it. Had any fact been stated showing that there had been a failure of justice, he should have felt it his duty to waive all considerations of delicacy and vote for the Motion; but in the absence of any feeling of that kind, he thought his supporting the Motion would be unjust and ungenerous.

VISCOUNT PALMERSTON: I must say, Sir, that in regard to the speech of the right hon. and learned Gentleman the Member for the University of Dublin, there was a great deal of very good indignation thrown away without sufficient cause. The right hon. and learned Gentleman undertook to defend the character of Baron Pennefather, a character which stands beyond imputation, and upon which no imputation whatever, that I have heard, has been cast. It seemed to me that he rather wished to draw the House away from the real question to be considered, and convert it into a personal question, instead of its being one which I think the House is competent constitutionally to deal with. Now, the allegation made last Session was, that in consequence of infirmity many of the Irish Judges were unable to go on circuit, and the result was that a charge was thrown upon the public for the supply of their places in the performance of those duties. Now, Sir, I think that that is a question which this House is well entitled to inquire into. Surely it is entitled to inquire why additional charges are cast upon the public in consequence of the retention in official situations of men who, by infirmity or from other causes, were unable to perform the duties appertaining to their situation; and, therefore, I think that, without any infringement of the constitutional principle of non-interference with Judges, Parliament is entitled to inquire if there is any ground for considering that such charges are made upon the public by failure on the part of the Judges; therefore my hon. Friend the Member for Westminster, I consider, was perfectly justified in giving the notice which he did at the end of last Session, that he should in the beginning of the present make the present Motion. Both my right hon. Friend the Secretary of State for the Home Department and myself considered it to be our duty to inquire of the Lord Lieutenant whether such failures had occurred to an extent which would lead to the proper and just interference of Parliament, and undoubtedly I received from my noble Friend (Lord Carlisle) an answer to the same effect as that which my right hon. Friend received—namely, that there had not been that degree of absence which the hon. Gentleman who has just sat down supposed last year to have existed. That there had been some failures the Lord Lieutenant admitted, but not to the extent which we had supposed. I then suggested to my noble Friend that if such failures did habitually take place—not being aware at the time that by law the charge was thrown upon the Consolidated Fund—there might be some discretion vested in the Government as to paying substitutes. I suggested that if there were Judges in Ireland whose age and infirmity disqualified them from the performance of their duties, a charge might be thrown on the public for substitutes; but from the reply of the Lord Lieutenant I found that there was no option, and that by law it must be thrown upon the Consolidated Fund. From out of this discussion has arisen the question whether a Judge, who is afflicted by blindness, is or is not a proper person to continue in the performance of the functions appertaining to his office? I must say that the question being mooted, my opinion agrees with that of my hon. and learned Friend the Attorney General; and I would put this case—would any Government appoint in the first instance a person afflicted with loss of sight to fill the office of Judge? Nobody would dream of doing such a thing. Therefore, if that infirmity would disqualify a learned barrister from being appointed a Judge, I think the inference is not very difficult to be drawn that the same infirmity would incapacitate a Judge already filling the appointment from the proper performance of his duties. It was further said that the object of the Government in making these inquiries is, to drive some Irish Judge from the Bench, for the purpose of creating a vacancy. ["Hear, hear!"] I repudiate that imputation. No imputation whatever has been thrown upon Baron Pennefather; but I say that an imputation has been thrown upon Her Majesty's Government, which I repel with the greatest indignation. Such an imputation is utterly devoid of foundation. Sir, the only object that we had in making these inquiries was, to promote and uphold that respect and consideration which is due to the bench.

I repeat, that was the only object we had in view, and which induced us to support the Motion of my hon. Friend the Member for Westminster (Sir J. Shelley); and it is for him to consider, taking into account the state of the House, that the Motion was made upon the supposition of great failure of duty on the part of the learned Judges on the Irish bench, which supposition has not been entirely borne out, whether it is not expedient now to rest satisfied with what has been stated that such an impression was not well founded. The House must be satisfied that there has not been that failure of duty to the extent of charging the Irish bench with incapacity, by reason of infirmity and other causes, which was the foundation of the Motion; but, at the same time, if it goes to a division, I shall deem it my duty, on constitutional grounds, to support the Motion, because I think that this House has a right to inquire whether those who are charged with the duties devolving upon Judges do or do not perform their duties in a manner in which they ought to perform them. At the same time, although this House has no official or Parliamentary knowledge of that which has been stated in the course of the debate, yet, as it has been stated in the debate, upon authority which I think my hon. Friend the Member for Westminster will admit to be correct, that the supposition was not well founded, perhaps the better course on the whole, and one more consistent with due respect to the learned persons whom the right hon. Gentleman opposite (Mr. Disraeli) has so eloquently defended, and more consistent also as a matter of personal feeling, would be to withdraw the Motion.

SIR JOHN SHELLEY, in reply, said, he thought he had a right to complain of having been misrepresented. The right hon. and learned Gentleman the Member for the University of Dublin had accused him of calumniating the character of Baron Pennefather. So far from that, he said everything that he could say to express his admiration of the learned Baron; adding, however, that however eminent and able he might be, there were judicial duties which, as a blind man, he could not perform. Having brought forward the Motion, he felt that he should not be doing his duty to that House, or to those venerable men whose names had been made the subject of debate, by then withdrawing it.

MR. FRENCH said, the hon. Member for Westminster having just declared that he had not uttered any calumny against Baron Pennefather, he begged to ask him what he meant by saying that the learned Judge retained his office from cupidity?

SIR JOHN SHELLEY: If I am allowed to make an answer to the observation of the hon. Gentleman, it will be this. I said that in the case of men retaining their offices after they were disqualified by their age and infirmities from performing their duties, it was calculated to create an impression that they were influenced by motives of cupidity.

Question put.

The House *divided*:—Ayes 134; Noes 120: Majority 14.

Main Question put.

The House *divided.*

One of the Tellers announced that Sir James Duke, Member for the City of London, refused to vote; whereupon Mr. Speaker desired that he should come to the Table. The hon. Member accordingly came to the Table, and stated, that he had not heard the Question put, having been in the left Division Lobby at the time. The Speaker then informed him that, not having been within the walls of the House, and not having heard the Question put, he need not vote, but might withdraw; and he withdrew accordingly.

Whereupon the Tellers announced the Numbers—Ayes 132; Noes 121: Majority 11.

Ordered—"That there be laid before this House, a Return of the date of the Call to the Bar of each of the Judges of the Superior Courts of Law in Ireland; the dates of their respective appointments as Judges; the number of times each has been absent during the whole of any Assize, or, if absent during a part only, stating what part, and the reasons, if any, given for such absence; also, in how many, and in what instances, substitutes have been appointed by the Crown to preside at any Assize, or portion thereof, in the absence of any such Judge, giving in each case the name of the town."

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, February 15, 1856.

MINUTES.] PUBLIC BILLS.—2ª Vice President of Committee of Council on Education; House of Commons Offices; Metropolitan Police.

THE NEW HOUSES OF PARLIAMENT—THE CLOCK TOWER—QUESTION.

THE EARL OF EGLINTON said, he wished to call attention to the state of the clock tower of the new Houses. That beautiful edifice was rapidly approaching completion; and he concluded that the clock which was to be placed in it was intended to inform the public generally, as well as their Lordships and the Members of the other House, what hour it was. He knew not whether their Lordships had observed the dial-plate put up on one side of the tower; but it certainly appeared to him that if all the dial-plates were to be furnished with the same hieroglyphics which disfigured the face of the dial-plate now put up, the public at large would not be very much the wiser as regarded the time of day, though it might give some information to those of their Lordships who had obtained some knowledge of mediæval art. He would suggest that the figures should be modernised, and made intelligible. Their Lordships could remember that originally their House was furnished with a clock which none of them could make out; but that it was now happily replaced by one of a more intelligible character. He had also heard a rumour—he knew not how far it was well-founded—to the effect that the tower which was approaching completion, and was now nearly roofed in, had been so constructed as to exclude the possibility of the clock or bells being got in. If that were so, it would certainly be a very curious oversight on the part of the architect. He wished also to call the noble Earl (Earl Granville's) attention to the unfinished state of the base of the clock tower, and he trusted it would soon be remedied.

Earl GRANVILLE said that, having received notice of his noble Friend's question, he had communicated with Sir Charles Barry on the subject, and had received from him a letter, which he would read. It was as follows:—

"Old Palace Yard, Feb. 15, 1856.

"My dear Lord Granville,—The best answer I can send to your note is the enclosed diagram of the great clock faces, which, I think, you will agree with me will be sufficiently intelligible. The truth is, that the clearness of the numerals is of little importance if their position is clearly defined within some definite form that will duly correspond with the point of the hour hand. The clearness of the division of the minutes is really of the only great importance, and you will see, therefore, that an unusual prominence is given to the minute-hand for that purpose.—Most faithfully yours, "Charles Barry."

As to the other question of the noble Earl, there was no foundation for the rumour—it would be found that the clock and bells would go in perfectly well.

Earl of Eglinton

Lord EGLINTON: Do I understand that the dial-plate now put up is to correspond with the others?

Earl GRANVILLE was understood to reply in the affirmative.

UNCONSECRATED BURIAL-GROUNDS—PETITION.

Lord BROUGHAM *presented* a petition from Inhabitants of Carlisle for a measure for regulating Burials in unconsecrated Burial-grounds; and complaining of a grievance they were labouring under arising out of the operation of the law regulating burial-grounds. The petitioners stated that their old burial-ground had been closed, and that a field had been assigned to them in the neighbourhood of the town for a burial-ground. They fenced it all round, and then made a road of 20 feet wide through the field for the purpose of separating the consecrated from the unconsecrated ground—the former being for the members of the Church of England, and the latter for Nonconformists. The Bishop of the diocess, however, laboured under the impression that he was not at liberty, owing to the forms of the consecration prayer, to consecrate any portion of the ground unless it was entirely closed in; and he did not consider a road to constitute a sufficient fence or enclosure. Assuming that the graveyard which was to be consecrated was required to be separated altogether from the other parts of the field, no doubt it might be said that the right rev. Prelate was right not to consecrate it, because there was no further separation than the road, 20 feet wide. The consequence of this decision of the Bishop, whether right or wrong, had been most unfortunate, for, as the ground was not consecrated, no clergyman of the Church of England could perform the funeral service, and the result was that the service had been performed by Nonconformist clergymen. The petitioners represented this to be a great evil, and painful to their feelings. They made no charge against the right rev. Prelate; they only complained of the unfortunate result of the scruples he entertained upon the members of the Church, and they prayed that a remedy might be provided either by dispensing with the necessity of consecrating the burial-ground, or declaring that the clergy of the Church of England might lawfully read the service of the Church at any funeral, although the burial-ground had not been consecrated, provided it was certified as being fit for the purposes within the Burial Act, without incurring any penalty or ecclesiastical censure thereby. He (Lord Brougham) undoubtedly felt that there might be very great difficulty in regard to the mode of proceeding suggested by the petitioners; but he thought that some other remedy might be afforded without resorting to that course.

THE BISHOP OF EXETER observed that the petition related to a subject which excited considerable attention, and the question as to these consecrations had assumed an aspect which, to say the least of it, was of a very mischievous character, and had created great difference of opinion. The present petitioners called upon their Lordships to devise a remedy for the grievance complained of, which was contrary to the existing law. The noble and learned Lord who presented the petition had very clearly stated the facts; but he was not disposed to take the noble Lord's authority without some reserve upon an ecclesiastical point as to what a Bishop ought to do, although no doubt if that noble and learned Lord had not been a very great lawyer, he might have made a very good bishop. The noble and learned Lord said that the question was as to what was the mode of relief which should be adopted. Certainly, it was not for him (the Bishop of Exeter) to answer that question; but he had seen a written opinion of an eminent lawyer who had been consulted on the point, who had no hesitation in saying that, supposing a bishop refused to consecrate the ground, as not being, in his judgment, fit for consecration, it was open for any person aggrieved to apply to the Court of Queen's Bench for a *mandamus*. The noble and learned Lord at the table (Lord Campbell) shook his head; but that did not alter his opinion. [Lord CAMPBELL: We certainly should not grant a *mandamus*, because we should have no jurisdiction.] If his noble Friend had done him the honour of permitting him to finish the sentence he was speaking, he thought he would not have indicated any dissent from it. He did not mean, it never entered his head, that a *mandamus* could be granted directed to the Bishop, calling upon him to consecrate the burial-ground, but that a *mandamus* might lie against the burial board, calling upon them to put the burial-ground in a fit state for consecration. [Lord CAMPBELL was understood to assent.] But his noble and learned Friend had interrupted him by a shake of the head. They all knew how much meaning could be conveyed by a great man's, a Lord Burleigh's, shake of the head. Happily, there had since been another movement of the same head, and he rejoiced to understand this second shake as testifying that the noble and learned Lord at the table recognised the right of the Bishop to have the ground put in a proper condition before he could be called upon to consecrate it. If, therefore, any parties felt aggrieved in this case, they had a remedy in their own hands. Let them first apply for a *mandamus* against those who were bound to put the ground in a state for consecration, and if they found that they had no remedy under it, they might then be entitled to come to their Lordships and ask for their interference. This being a petition of a public meeting of the inhabitants of Carlisle, he assumed that some of the petitioners were not members of the Church; he had read the petition carefully, and observed that the first grievance complained of was, that the separation by a fence of the ground to be consecrated from the unconsecrated portion was offensive to the feelings of those who were not members of the Church. He must frankly say, that he could not feel sorry that such is the feeling of these persons, for he hoped it might lead them to consider why they should put themselves in such a position as to render anything done by the Church, in obedience to its own laws, offensive to them. To the Church, certainly, it was not offensive to see a space of ground set apart for the burial of those who did not belong to the Church; and he had never heard a churchman in the House or anywhere else express the slightest disapprobation of the law which provided for another place of sepulture for the Dissenters. If this provision were offensive to Dissenters, it must surely be because it was annoying to them that they were not considered members of the Church; or else, why should they complain? When the law for the first time interfered with parochial rights in respect to graveyards, and declared that the portion of the graveyard in which Dissenters were interred should not belong to the Church, the Church never indicated even a silent disapprobation of that part of the Act; and although it did not take offence at the Act declaring that Dissenters might have a separate place of interment, it was justified in insisting upon that separation being a real and effectual one. If, indeed, this separation had been a measure forced upon them by the Legislature, and one in the passing of which they had borne no part, then they might have a right to complain. Unless Parliament had thought fit to set aside all those laws which regulated the right of sepulture in this country, and the rights of the Church in the grounds appointed for sepulture, there must be a place of special enclosure for the burial of persons connected with the Church. The petitioners stated that the canons of the Church said nothing about consecration, and therefore they complained of consecration. Now, that a churchman should join in declaring that this rite was a thing which ought to be put an end to, and one for which there was no authority in the Book of Common Prayer and in the canons, he confessed, thoroughly amazed him. But, setting that aside, why should there be such eagerness to be buried in consecrated ground if there were really nothing in consecration? Everybody knew the decided feeling on this subject which existed in the minds of churchmen, and therefore he was wholly at a loss to understand how the petitioners, if churchmen, could make such a statement as that he had noticed. It was plain that the property in consecrated ground vested in the Church, because he found in the 88th canon, under date 1603, that it was the duty of the churchwardens "to take care that the churchyards shall be well and sufficiently repaired, fenced, and maintained with walls, rails, or pales." That was the law of the case, and it had been acted upon ever since the promulgation of the canon as a matter of course. Lyndewood (*De Ecclesiis Ædificandis*) on the Constitution of Winchelsea, distinctly declared that the parish was bound to build and repair the "*clausuram cœmeterii*;" and in *Comyn's Digest*, 169 (under the heading Cemetery), he found it laid down that the churchyard was "*totus fundus qui infra clausuram ipsius continetur.*" In the statute 31 *Edw.* I., under the title "*Rector ne prosternat arbores in cemeterio*," it was laid down—

> "Because we do understand that controversies do often grow between parsons and their parishioners touching trees growing in the churchyard, &c., forasmuch as a churchyard that is dedicated is the soil of the Church, it must needs follow that those trees which are growing in the churchyard are to be reckoned among the goods of the Church."

The same law had been recognised by Lord Coke in his *Institutes*, and although on a recent occasion the authority of that learned Judge had been much canvassed, yet when he was commenting upon a statute, having the words of the statute before him, and giving the plain meaning as a commentary, there could be no hesitation in accepting his decision. Lord Coke, in his *Institutes*, commenting upon this statute, called it a treatise, and said that the parishioners ought to repair the enclosure of the churchyard, because this was their duty *per consuetudinem notoriam et approbatam*, and the Church's conusance thereof is allowed by this Act—35 *Edw.* I. That was the law upon the subject, and it followed, although it might not be very satisfactory to the petitioners, that all the trees, soil, and stone of the churchyard were entirely the property of the incumbent of the parish. The averment of the petitioners was, that they had satisfied the requirements of the Act by constituting a boundary of the whole ground; and if this were intended by them to satisfy the demands of the law, he (the Bishop of Exeter) had no objection to it, if they only carried it out to its legitimate conclusion, namely, that all the thirty-five acres should be, as Lord Coke said, the soil of the Church, and the trees which might grow thereon be the goods of the Church; for less than this did not satisfy the law and statute quoted, which declared that all the ground within the fence belonged to the Church. He did not wish to force the argument to that length, but only to point out to the petitioners how very little ground of complaint they had in this matter, and what must be the inevitable conclusion to be arrived at by pressing it to its fullest extent. With respect to the Church itself, undoubtedly it was opposed to burying in unconsecrated ground, as was the practice of Dissenters. The Bishops were bound by their duty and by the laws of the Church and the requirements of the canons not to consecrate a graveyard until they were satisfied that it was fit for consecration; and his Friend the late Bishop of Carlisle had told him that he was determined to act in accordance with his duty, and not to consecrate the ground until what the canons of the Church required had been complied with. There were persons who said that the less distinction that was made between

Churchmen and Dissenters the better, and to a certain extent he agreed with them. Unnecessary distinctions between Churchmen and Dissenters he would never sanction. He would not say that every one who did not belong to the Church was thereby guilty of the very grievous and deadly sin of schism; but he said that schism was in itself a grievous and deadly sin. It might happen that some persons, from want of due information or from objections which they could not overcome, did not recognise the duty of seeking communion with the church. While churchmen forbore from reproaching those persons with the sin of schism, yet he must be permitted to say that no one who believed in the Church as an article of their creed could doubt that schism was a grievous sin, from which we prayed the Lord to deliver us, for He only could deliver us. The Church must and would, as she was bound to do, discharge the duty that devolved upon her, even although the course she pursued might be offensive to the feelings of some who might call themselves churchmen, although they could hardly in reality be so. But the complainants in this petition stated another objection to a fence—that a considerable expense would be thereby incurred. But the only expense necessary was, that of building a wall, which need not be a high one; and the only alternative proposed by themselves—namely, that of constructing a coachroad, would be still more expensive, as might easily be conceived by any of their Lordships who had any practical acquaintance with the cost of road-making. He trusted that the future Bishop of Carlisle, following the example of the late lamented occupant of that see, would insist on having some real fence, as the line of separation laid down in that case; and he should further say, that he hoped Parliament would not adopt the suggestion of his noble and learned Friend, and would not create a new statute, altering the law of the Church and State in reference to that subject.

EARL GRANVILLE said, that, although he believed his noble and learned Friend opposite (Lord Brougham) would be eminent in any profession which he might embrace, he should not like to commit himself to the doctrine laid down by the right rev. Prelate, that his noble and learned Friend as a bishop would be "the right man in the right place." He was more ready to think that the right rev. Prelate himself, if he was not a distinguished Member of the episcopal bench, would be a very eminent law Lord. With respect to the prayer of the petitioners, he would remind their Lordships that there was no power residing with the Government to interfere. During the passage of the Burial Amendment Act through Parliament last year, the Government were pressed to insert provisions that would in some way meet the case complained of. The Government felt, however, that it would be quite out of the question to give the Secretary of State power to override the ecclesiastical law in a matter of that kind. The best course, therefore, for the petitioners to adopt would be to institute a suit in the Ecclesiastical Court, if they thought the bishop had exceeded his duty. At the same time he (Earl Granville) did not think this was so entirely a question of law as had been represented, but it was one in which some discretion ought to be exercised in the application of the law. So far from agreeing with the right rev. Prelate in hoping that the new Bishop of Carlisle would follow the example which had been set him, no doubt most conscientiously, by the eminent and respected person by whom the see had just been vacated, he trusted that whoever was appointed, instead of following the course pursued by a very small minority of the episcopal bench, would take a wider and more liberal view of the matter.

LORD CAMPBELL said, that if an application were made upon such a subject as that to the Court of Queen's Bench, and if the Bishop submitted that the ground, according to the canons of the Church, could not be consecrated, the Court would refuse to interfere.

Petition to lie on the table.

VICE PRESIDENT OF COMMITTEE OF COUNCIL ON EDUCATION BILL.

Order of the Day for the Second Reading read.

EARL GRANVILLE, in moving the second reading of the Bill, said that the arrangement proposed in it would carry out the pledge given first by Lord J. Russell, and subsequently by Sir George Grey, in compliance with a suggestion made by Sir John Pakington, a right hon. Gentleman who had done so much for education last year, not only by the knowledge and ability which he has shown in dealing with the question, but also by the example which he has set of treating these great social questions apart from any party feeling. Last year the right hon. Gentleman suggested, in another place, that, considering the large grants of money now made for the purpose of promoting education, it would be desirable that some Minister should be appointed who should be responsible to the House of Commons for the proper distribution of those grants, and who could answer any question that might be put upon the subject. The Vice President would have a seat in the other House, unless the President were a Member of the House of Commons, in which case the Vice President might have a seat in their Lordships' House; and thus the Department of Education would be able to give to Parliament any explanations that might be required of it. The new Department of Education in the Council Office would also take charge of the department of science and art, now administered by the Board of Trade; and in the same way it would have the inspection of the army and navy schools, leaving their superintendence to their respective departments. It was also intended that the Board should give counsel and advice to the Charity Commissioners, and should offer them any assistance in its power with respect to education.

Moved, That the Bill be now read 2^a.

The Earl of DERBY said, he entirely agreed with the noble Earl that the time had arrived when there should be a separate department established, especially charged with the education of the country, presided over by a Minister immediately responsible to Parliament. Probably the mode proposed by his noble Friend of carrying out the proposition was the best that could be adopted; that was to say, the appointment of a subordinate Minister in the other House, or in their Lordships' House, if the President of the Council happened to be in the House of Commons, to represent the department, on the same principle as the Board of Trade was represented. But if the time had arrived for charging a responsible Minister with the duties of instruction, it appeared to him well worthy of consideration, whether it would not be well to supersede the Privy Council altogether in this matter, and to have a Minister as the head of a Department who should have no other duties to perform, and who should be, in fact, responsible for the education of the people. The President of the Council had various other duties to perform; and he was not sure, although heavy duties no doubt devolved upon the Prime Minister, that that high functionary might not very effectually and very satisfactorily discharge the duties which fell upon the President of the Council, provided that the matter of education were withdrawn from the Council. He had a strong feeling that the institution of a Minister of Instruction at the present moment was desirable; that the subject should be altogether separated from the Privy Council; and that the duties of the President of the Council might be attached to those of the Minister now called the First Lord of the Treasury, who might be relieved from the nominal duties connected with the Treasury. This, however, would open a very large question, into which he was not at present prepared to enter. He had no objection to the Bill, the second reading of which had just been proposed, understanding that its object was to render the Department of Education a substantial office presided over by a responsible Minister: and he said upon this, as upon most other questions, that a single responsible Minister was much more efficient than a Board, however respectable and able the Members constituting that Board might be.

Lord MONTEAGLE said, that he rejoiced the Government had at last dealt with this important question; he could not, however, approve of the proposed plan, however favourable he was to the appointment of a Vice President sitting in the House of Commons. A Board, or Committee of Education, as appointed under the old system, was in constitution and principle one of the worst modes of administration. [Earl Granville: It was founded on the analogy of the Board of Trade.] That was the main ground of his objection. Neither the Board of Trade nor the Board of Control was governed on principles that could be defended in a case like that under consideration. Both consisted of two classes of Members; the one, the parties to whom was attached the real responsibility; the other, the *ex officio* Members who had but a nominal responsibility, being encumbered with opposing duties and with conflicting functions. He would ask those who had been Members of either of these Boards, which was his case, whether they consider the annexation to any particular office of a separate class of Members belonging to other departments of the Government, and charged with distinct functions, to be other than prejudicial to the office with which they were united *ex officio?* The Board to be named under this Bill is founded on the principle of appointing Members *ex officio* in conjunction with the President and Vice President, the Members especially entrusted with the duties of the office. He doubted whether any real good resulted from any such Boards. As far as he could discover, these Boards were liable to be really represented by subordinate persons, all true responsibility being lost; and, however desirous the Board might be of discharging its duty, wrong measures would be adopted and carried into effect, from the nature of which it would be apparent that the Board was not represented by the nominal head of the Department, but by its subordinate officers. The system of Boards of this description was an unfortunate one; the official Members were ill assorted—some could not attend for want of time—others had not the knowledge or the opportunity of understanding the functions that nominally devolved upon them, and the whole system resolved itself into an entire delusion. It was otherwise where the duties of a Board—like the duties of the Treasury, the Admiralty, and the Boards of Revenue—were distributed in different classes. He rejoiced that in this Bill at least some approach was to be made to a better system, by the appointment of a paid and responsible head. It was only twenty years since the first direct step had been taken in support of education by the Government of Lord Grey, when the House of Commons voted for that purpose the small sum of £30,000. The progress of the question had been so rapid, that in his opinion the time had fully arrived when Parliament were called on to take a decided step, to assume the responsibility of the education of the people, and to hold that responsibility in direct connection with Parliament. He had another reason for rejoicing in the introduction of this Bill—on account of the intention expressed by the Lord President to connect with the Department of Education another modern Establishment, of late formation, but of unusually rapid growth—he meant the institution for the Encouragement of Art. These great objects had been at first pursued with discretion, and on the principle of resting on the basis of successful experiment; the experiment he hoped had been successful, but it required careful superintendence; and he rejoiced that these two branches of knowledge, popular literary instruction and the Arts, had been brought into the same system. Their Lordships were not in the habit of meddling with financial questions; but he recollected a noble Friend of his taking up the Estimates a few years ago, and showing the multiplication of offices, and the growth of expenditure, which were extending year by year under the title of schools for the encouragement of science and art. Thousands and tens of thousands were thus expended, while a controversy was raging as to whether the miserable sum of £1,000 per annum, given to the Royal Society for the undeniable encouragement of science, should be continued or not. At the same time, they were creating a new department, which promised to be more costly than all the Cabinet offices in Downing Street taken together. He was glad that the Bill provided for the appointment of a responsible Minister to control this department, because that appointment would insure a closer inspection of the Estimates, for which he knew not who was responsible at present. There was another point to which he would be most anxious to call the attention of the House, if it were included in the Bill, which he sincerely hoped would not be the case. He alluded to the system of Irish National Education. He understood the Bill did not meddle with the question of Irish education at all, and on that suggestion he would not say one word with respect to the general principles of that admirable system; but he would remind the House in reference to the present Bill, that if there was one lesson they might learn from the administration of education in Ireland, it was this—that to charge a large number of persons as Commissioners, or as Members of a Committee, with the administration of education, persons who had other duties to perform, some of them being Bishops and Judges, was not the way to provide for the effective performance of their duties, as directors of public education. As for the two responsible Ministers charged under this Bill with the superintendence of education, they ought to be able men—men with their hearts in their business, men who considered their duties not only as they applied to politics, but for the sake of the duty itself. They ought to be competent with an intelligent staff to conduct the whole business, and that business would thus be infinitely better done than by the agency of an unpaid Board—more especially when the Members of that Board were entrusted with other and inconsistent duties.

THE EARL OF ELLENBOROUGH said, he not only agreed with the noble Lord who had just addressed their Lordships in his condemnation of Boards for the management of public business; but he further thought that if they wished to have a department well conducted, they should rather place it in the hands of one than of two ministers, however able; and he certainly did hope that this Bill was intended to delegate all the duties connected with education substantially to the one officer who was to represent the Board in the House of Commons. It was quite enough work for one man, and that work would never be well done until it was confided to one man only. He thought that the more, because it appeared to him most desirable, if it were possible, and as far as it could be possible, to separate the department of Education from the political changes which affected the Government. That being his impression, he should look with the greatest anxiety at the selection Her Majesty's Ministers might make of the gentleman who was to preside over the educational system of the nation. It was a matter of the greatest importance that that gentleman should not be a person of extreme opinions either in politics, in religion, or even in the cause of education itself. If he were a man of extreme opinions in politics or in religion he would not receive the co-operation of the resident gentry and clergy of the country, and without that co-operation it would be quite impossible for him to carry on successfully the business of his department. And if he should entertain exaggerated and extravagant views with respect to education itself, he might be hurried into doing a great deal of evil instead of a great deal of good. He might be so enthusiastic on the subject of education that for the sake of having a literary peasantry he would sacrifice the useful labour of the country. He (the Earl of Ellenborough) had seen a great deal of practical working of those schools, and he was persuaded that for the welfare, for the respectability, for the very existence of the labouring classes, it was absolutely essential that their sons should be permitted to obtain employment at the earliest moment at which employment would be profitable to them, and at which they could, by earning wages, relieve the wants of their families. The period of greatest difficulty in the life of a labouring man was that which occurred between the period of his marriage and the period at which his eldest son attained an age at which it was possible for him to earn money for his own support. That was the real period of agony to the labourer. If they prolonged it by saying that two, three, or four years more should be taken from the useful labour of his sons for the purpose of making them persons of more literary knowledge, they would inflict the greatest possible injury upon every labouring man in the country; they would force his family into the workhouse, where his sons would receive their education, and they would destroy that sentiment of independence and self-respect which they ought to uphold. Continuous labour was of infinitely more value to a poor man than literary instruction, which fitted him neither for one thing nor another; and it was earnestly to be hoped that those who were to conduct the education of the country would bear in mind that it was essential to the respectability, the happiness, even the existence of the labouring classes that they should be enabled, at the earliest moment, to avail themselves of the services of all the members of their families.

EARL GREY said, he thought the concluding observations of the noble Earl who had just addressed the House were of the highest importance, and he for one concurred very much in the opinions the noble Earl had expressed. He could not help thinking that the great fault of the existing educational department had been, that they had required too high a literary standard in schoolmasters and schoolmistresses, and that they had not at the same time required in them, what was far more essential, a sufficient acquaintance with the useful arts and employments in which the labouring classes could be trained. With respect to the schoolmistresses in particular, he was persuaded that it was of the utmost consequence to the happiness of the poor that those mistresses should be able to make the children under their charge acquainted with those details of good housewifeship, on which the comfort of their future families must mainly depend; and that was a portion of education which highly accomplished schoolmasters and schoolmistresses, who could recite the list of Popes from the earliest period to the present, and knew the latitude and longitude of every town in the world, were often extremely ignorant of. He entirely concurred in the opinion expressed by noble Lords who had preceded him, that a public department was best managed when it had one responsible Minister at its head. But the authority of such a Minister was not incompatible with the existence of a Board; and he confessed it appeared to him that for certain descriptions of business a Board formed a very useful system of organisation, provided it was understood that its members were in all cases to defer to the judgment of their superior. There was another point to which he wished to advert, and that was the opinion expressed by the noble Earl opposite (the Earl of Derby)—that it would be better to dissociate the Presidency of the Council from the superintendence of the Educational Department. In that opinion he concurred with the noble Earl. Looking upon the extent to which Parliamentary business had within late years increased, and bearing in mind the duties which Her Majesty's Ministers had to perform, and considering how necessary it was that there should be in each House of Parliament one Member of the Government fully acquainted with the general business of the Administration, and competent to answer any questions upon that business which might be proposed, he thought that the leader of the Government in each House ought to be exempted from the labours attendant upon the administration of any department, the duties of which were at once important and heavy. He should also add, that he deemed it expedient that the President of the Council, as being one of the chief Members of the Government, should be in the one House, while the First Lord of the Treasury should have a seat in the other; and if that arrangement were adopted, he considered that the salary of the President of the Council, who stood already nearly highest in point of dignity, should be put upon an equality with that of a Secretary of State. It was perfectly clear that at present he could not devote his whole time to the subject of education. Although, therefore, he agreed with the noble Lord opposite in not objecting to the Bill before their Lordships, he could not help feeling desirous that the revision of the various Parliamentary offices should, as soon as possible, be carried into effect. Within the last few years there had been brought, he did not know how many, persons holding official situations into Parliament, while very many offices of ancient date—such, for instance, as the Chancellorship of the Duchy of Lancaster, to which no particular duties attached, had been left unaltered; and he must certainly say that he could not regard it as wise, under those circumstances, to create new offices for the discharge of new and important duties, or to impose those duties upon men who had already quite a sufficient amount of business to transact. The best way of dealing with the subject would, perhaps, be, to appoint a Committee to consider its details, and he trusted that the Government would seriously turn their attention to the adoption of some such course.

LORD BROUGHAM said, he must at once express to his noble Friend the President of the Council the satisfaction he experienced at hearing the present measure announced, and at the prospect we now had of having a real Education department. It was now, he thought, eighteen years since he introduced a Bill having for its main object the establishment of such a department. His plan had been a Board, but under a responsible Minister. Though aware of the importance of securing individual, and therefore effectual responsibility, yet he did not entirely agree with his noble Friend behind him (the Earl of Ellenborough) in holding that that could not be obtained where there was a Board. They might place responsibility in the chief of the department, the head of the Board. His noble Friend opposite (Lord Monteagle) referred to the measure which was brought in by Lord Grey's Government in 1832, which was the origin, in fact, of all that had since been done by Government in this matter. His noble Friend was kind enough to say, that he (Lord Brougham) had a hand in that measure, as no doubt he had; but it was fit that he should do justice to those who, fourteen or fifteen years before, laid the foundation for it. He would remind his noble Friend of the labours of the Education Committee of the House of Commons, so much attacked at the time for their most useful inquiries and recommendations. He had the honour of presiding over that Committee, and it was their recommendations, the Resolutions reported from them to the House of Commons, though not adopted by the House of Commons, which were acted upon by Lord Grey's Government, and which became the foundation of all the educational measures that had since been adopted. The only point on which he thought there was any difficulty was that alluded to by his noble Friend (the Earl of Ellenborough), and a very difficult question it was; he meant, whether the department should be under an individual removable with the Government, making it what was commonly called a political office, or whether it ought to be, as his noble Friend was inclined to think, a non-political office, the holder of which should not be removable with the Ministry. There were many reasons to be adduced on both sides of this question—for himself, he was not prepared to adopt the suggestion that the office should be unconnected with Government. That plan had, no doubt, great advantages, and some inconveniences might arise from the office being subject to change; but he thought that the inconveniences of his being irremovable would be greater than those which would result from his going out with the Government. He could not allow the opportunity to pass without expressing his thanks to the Government for bringing in this measure for the immediate formation of a Board of Education, and which he trusted would be the foundation for much future improvement.

The Marquess of LANSDOWNE said, that although it was impossible to contend with truth that some disadvantages would not be likely to result from the fact that the existence of the Minister of Education of the day depended upon that of the Government with which he was connected, yet in his opinion great inconveniences must result from a contrary state of things. Questions upon the subject of education must constantly arise, in which a permanent Minister of that department must take up views different from those of the Government for the time being, and such difference of opinion must, he maintained, greatly interfere with the efficiency of that Minister, and retard the progress of the very cause he was appointed to promote. He, therefore, thought that the Department of Education should be presided over by some individual in close connection with the Administration. The noble Earl opposite (the Earl of Ellenborough) had adverted to the measure before the House as connected with the labouring classes, and had observed that in the case of those classes it was absolutely necessary that their children should be employed at an early age in working for the support of their families, thus rendering it impossible and unadvisable that they should devote any considerable portion of their time to attendance at school for the purpose of acquiring a good education. Now, that was a part of the subject with respect to which he (the Marquess of Lansdowne) had always felt that it was extremely difficult to lay down any general rule, inasmuch as in some portions of the country children might, without detriment to their parents, devote less time to their labour, and more to attendance at school, than in other districts would be found to be the case. The question, indeed, must be one to be settled between the Minister of Education and the labouring classes themselves, whose position must always be considered, and who ought to be the best judges of the course which circumstances would permit them to take. With reference to the question of the standard of education which should be required in the case of schoolmasters and schoolmistresses, he must observe that he believed that standard had been very considerably improved, inasmuch as a system of inculcating useful practical knowledge had, particularly in the case of schoolmistresses, been carefully carried out. Now, if their Lordships would call to mind the position of our soldiers in the Crimea, they could not fail to appreciate the advantages which in their case must have resulted from some acquaintance with the art of cookery; and it was with reference to useful knowledge of that character he spoke, in alluding to the circumstance that the standard of practical education had undergone considerable improvement. He thought the responsibility of those officers to whom it was proposed to commit the superintendence of the educational system would be in no measure diminished by their being enabled, when they deemed it necessary, to obtain the assistance of the Committee of Council. He could assure their Lordships that occasions arose when it was a great advantage to the President of the Council, in administering such a department, that he should be enabled, when information with regard to particular localities or circumstances was required, to call upon the Committee for their advice and assistance, without devolving any portion of his responsibility upon them.

Lord COLCHESTER asked, whether it was intended to place under the control of the Minister of Education the whole department of science and art, which was now under the superintendence of the Board of Trade? He thought it was advisable that the department of Nautical Science, which was particularly connected with the Board of Trade, should still remain in connection with that Board.

Earl GRANVILLE: In answer to the question of the noble Lord, I beg to say that I quite agree with him in the opinion that the best course would be to leave the department of Nautical Science under the control of the Board of Trade. I can assure the noble Lord (Lord Monteagle) who has asked whether this Bill will interfere with the system of education in Ireland, that it will in no respect affect that system, and that we do not intend to assume any power whatever with regard to national education in that country. The noble Marquess (the Marquess of Lansdowne) has answered most of the objections which have been raised in the course of the debate; but one point has been mentioned upon which I feel that I did not give your Lordships, in the short statement I made, a sufficiently clear explanation. Several noble Lords have urged the importance of unity of direction with regard to this department. I did not mean to convey any other impression. It is intended that the President of the Council shall himself be responsible for the conduct of the department, and that the Vice President shall be appointed to act under the orders of the President, and for him in his absence, and that he shall be subordinate to the head of the department. With regard to those persons who hold seats at the Board *ex officio*, they will not share the responsibility more than other Members of the Government; but we thought that, retaining the entire responsibility in the head of the Board, it would be advisable to constitute such Ministers as the President of the Poor Law Board, and other heads of departments, *ex officio* Members, in order to facilitate any reference to them that might be necessary. An objection has been raised to the President of the Council being the person selected to act as Minister of Education. I feel some difficulty in defending this provision, owing to the fact that I am myself the President of the Council, and I feel very strongly how unequal I am to undertake the important duties attached to that office in connection with education; but I must confess I cannot see that any practical inconvenience can arise from the arrangement. I do not think the President of the Council is so fully employed by the duties of his office, that there can be any objection to his taking the Department of Education, supposing him to be a fitting person, under his own direction. It has been suggested that the Minister of Education should be a permanent Minister; but I rather agree with my noble Friends who think it expedient that the head of that department should change with the Government. I have been in several departments of the public service, and I have found among my subordinates men who were infinitely more able than I am, and who possessed far more information with respect to the several departments than I could pretend to—and yet I think advantages are to be found in the system of change. The noble Earl (the Earl of Ellenborough) has said, there is danger that men of extreme opinions may have the control of education; but that is just as likely to happen if you have a permanent head of the department as if you make the Minister removable with the Government. If I did anything objectionable in the Committee of Council, my conduct would probably be canvassed by noble Lords in this House, and I might be succeeded by a colleague of the noble Earl opposite, who might come into office with different ideas, and who might pursue a very different course. If the department were not represented in Parliament, I think similar inconveniences would be felt to those which were experienced in the case of the old Poor Law Board; and, if the Board is to be represented in Parliament, it is almost impossible that you should have a permanent head of the department. Some other questions of importance have been introduced into this discussion. One of my noble Friends has referred to the department of Science and Art, and has raised some objections to the mode in which it has been conducted. I think it would not be convenient that I should go into that question now, but in two or three weeks hence I shall be prepared to enter fully into the subject, and to show what has been done by that department. With regard to the general subject of education, I cannot quite agree with the noble Earl opposite. There is, I think, a tendency on the part of highly-educated men in this country rather to discountenance the education of the poorer classes, and to express doubts as to the expediency of giving them any very general instruction. In that feeling I do not concur. I quite admit that it would be extremely difficult, by any compulsory enactment, to deprive parents of the benefit of their children's labour, in order that they might receive instruction; but if a child is taught an industrial art by a person exercising a particular branch of industry, and whose interest it is to make him work as hard as he can, the probability is, that any education the child has received up to the age of ten or eleven will be entirely thrown away. I think, however, that by the half-time system you may be enabled to afford education in a manner most convenient to the employers of labour, to the parents of children, and to the children themselves. I know that the noble Earl entertains very strong feelings on the subject of over-educating children, and thereby incapacitating them for those employments which are suited to their station in life. I remember hearing that, on visiting the Greenwich schools, he expressed very natural surprise at finding the boys there so highly educated, and he might think that boys so educated would be unlikely to enter either the Royal navy or the mercantile marine. I have seen—and I regret that I have not it with me—a very interesting report made by Mr. Canon Mosely, in 1850, with reference to those schools, and which contains some curious statistical details. It appears that, before the education in those schools was as good as it now is, very few of the boys educated there went into either the navy or the mercantile marine, and those who did so turned out very badly on board ship; but now, out of a very large number of scholars, all, with the exception of about forty, have entered the navy or the mercantile marine, and the reports which have been received of their conduct show that they have almost universally proved the best sailors in the respective services. I think this fact shows that the apprehensions entertained of the effects of too high an education are unfounded. When it is considered that the young people, to whom the system of education of which we have been speaking applies, are seldom at school for more than four or five years, I do not think there is any great probability that they can be over-educated. I know it has been said that

the certificated schoolmasters and mistresses are too highly trained. I think if you took a certain number of the most highly-trained schoolmistresses you would find them, as regards a knowledge of common things, such as sewing and the elements of cookery, infinitely better teachers than the inferior class of dames who formerly taught those things. It is undoubtedly a great object to introduce a general knowledge of those common things which are so useful in after life, and the inspectors have been instructed to urge and stimulate the teaching of those things. That is now generally done, and I think there will be some utility in the proposed junction of the department of science with the department of Education in the Privy Council, as it will tend to introduce better teaching of the elementary parts of science in the common schools. I do not know that there is any other point to which it is necessary I should now refer, and have only to thank the House for the favourable manner in which it has received this measure.

THE EARL OF ELLENBOROUGH said, the House ought to distinguish between the case of boys and that of girls. Boys were wanted at a very early period to work, both for their own benefit and that of their parents, whilst girls were not required to do so for three or four years after the period at which boys usually commenced to work; so that it was difficult for them to give that high education to boys which they could to girls, without they interfered with the right and authority of the parents. It was, therefore, of much greater importance that they should have good schoolmistresses than good schoolmasters, because they could continue the education of girls to a much longer period than they could boys; and he was convinced, from all that he had seen and heard, that the best way of promoting the moral improvement of the great body of the poorer classes of society was by improving the education of those who were to be the wives of our labourers and the mothers of their families. It was through them, if they were made what they should be, persons of good moral character, with that necessary knowledge in addition requisite for managing a family dependent on small means, that the best education would always be given, and which would be of infinite benefit, not only to their husbands and families, but to society also.

Motion *agreed to.*

Bill read 2^a accordingly; and *committed* to a Committee of the whole House on *Monday* next.

METROPOLITAN POLICE BILL.

EARL GRANVILLE moved that the Bill be now read a second time.

LORD CAMPBELL said, he did not intend to oppose the second reading of this Bill; but he wished to point out something of great importance to the country closely connected with it, and which, he thought, might have been advantageously introduced into it. This Bill dealt with the metropolitan police force, which depended greatly upon the metropolitan police magistrates, who were gentlemen bred to the law, and who, in a highly creditable manner, discharged all the duties belonging to the office. It often occurred that important and difficult cases came before them, which they adjudicated on in a most satisfactory manner. What was wanted to perfect the system was, that these magistrates should not continue to be removable, as now, on the pleasure of the Crown; or, in other words, be liable to be removed at any time on the fiat of the Secretary of State for the Home Department. He did not pretend to say that any practical inconvenience had arisen from it, and he was quite certain that the police magistrates were quite safe in the hands of such men as Sir George Grey and the hon. Mr. Walpole, who held office under the Earl of Derby; but the danger which he (Lord Campbell) wished to guard against was that which might arise at a future period, and to prevent the police magistrates and the public from suffering, because the magistrate had firmly discharged his duty. He would suggest to the Government that police magistrates should hold office subject to any complaint, to be investigated by a domestic tribunal, consisting of a selection of Judges, who should have power to remove him on the complaint being satisfactorily substantiated. Such a tribunal would remove a man from his office with less apparent harshness or indignity to the officer than the present system, and the public be in no way injured by it. He did not expect the Government would introduce a clause to that effect in the present stage of the Bill, but he had been induced to make those observations, hoping the Government would give the subject their consideration.

LORD PANMURE said, that having on a former occasion held the office of Home Secretary for six years, he could not abstain from expressing his opinion on the suggestion of the noble and learned Lord. During that time one or two instances came under his knowledge with reference to police magistrates, that confirmed him in the opinion that the power at present retained by the Home Office with reference to the dismissal of police magistrates should be continued. In the case to which he had alluded, that power was exercised for the benefit of the public. No Secretary of State would venture to exercise that power from any personal or malicious motives, and which the Parliament and the public would be sure to condemn. If they made police magistrates irremovable, he (Lord Panmure) thought they would find very many of them running into extremes in the administration of justice, which would be very likely to bring it into disrepute more than anything else. He hoped the police magistrates would continue to be held responsible to the Home Secretary for their conduct in the discharge of their official duties.

LORD CAMPBELL said, that he was quite sure, when his noble Friend was in the Home Office, that he would do nothing but what he believed to be right, and that he would not be likely to err in so doing; but his noble Friend had urged nothing to show that any inconvenience would arise from adopting the proposal which he (Lord Campbell) had made. The noble Lord had said that, in two instances, magistrates were properly removed. Of that he (Lord Campbell) had not the slightest doubt, and he believed that if those cases had been referred to such an independent tribunal as that which he had recommended, there would not have been the slightest danger of their being allowed to continue in office for one hour beyond the time when they ought to be removed. But that arbitrary power, by which the Secretary of State was able, without assigning any reason, and without giving the accused party any opportunity of defending himself, to remove a magistrate from office, ought not to be allowed to exist in this or any other free country.

Bill read 2^a; and *committed* to a Committee of the whole House on *Monday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 15, 1856.

MINUTE.] PUBLIC BILL.—1° Civil Service Superannuation.

CAMBRIDGE UNIVERSITY AND TOWN BILL.

Order for Second Reading read.

Motion made and Question proposed "That the Bill be now read a Second Time."

MR. FENWICK said, he should move that the Bill be read a second time that day six months. The Bill purported to carry out the award made by Sir John Patteson in the dispute between the University and town of Cambridge. It was agreed by both parties that a Bill should be brought in to carry out that award. Now what he complained of was, that the Bill before the House did not carry out that award, but a different award. The Bill contained clauses for rating all the parishes of Cambridge as one parish, and the following letter from Sir John Patteson, which he would beg permission to read, stated that that matter was not within the scope of the award submitted to him.

"13, King's Bench-walk,
"Temple, Feb. 14.

"Sir,—In answer to your note, I beg to state that the draft of the Bill respecting my award in the Cambridge University and Town matter was sent to me in print by Mr. Hyde, the solicitor for the University, and Mr. Cooper, the town clerk.

"I took it for granted that the variations from and additions to my award, which the Bill contains, were made with the consent of all parties, and approved of them on that supposition. I did not ask the question as to consent, nor was it asserted by either of the gentlemen. I took it for granted, as it seems now, too hastily. It would have been better if I had adverted to such supposed consent, which I believe I did not, when I sent the draft back with my approval to Mr. Hyde.

"You are quite at liberty to use this note in any way you think fit.

"I am, Sir, yours very truly,
(Signed) "J. PATTESON.
"J. C. Heath, Esq."

He should therefore move the postponement of the Bill.

Amendment proposed, to leave out the word 'now,' and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. WIGRAM said, he hoped that the Bill would be sent before a Committee, which was the proper tribunal for deciding the point raised by the hon. Gentleman. As to the merits of the question between the parties, he did not wish to give any opinion. The hon. Gentleman was wrong in saying that the award proposed to be carried out by the Bill was altogether different from the award of Sir John Patteson. The Bill was simply and accurately confined to that award, with the exception of the 35th and 36th clauses, which provided that all the parishes of Cambridge should be rated as one parish. The people of Cambridge wished that Sir John Patteson should make an award on that point, but he said that it did not come within the scope of the matters submitted to him. At their request, however, he introduced a recommendation that it should be adopted, and it was in consequence of that recommendation that Clauses 35 and 36 were introduced into the Bill.

COLONEL ADAIR said, he should also support the second reading, because he did not consider that the Bill was contradictory, but supplementary to the award of the arbitrator

MR. STAFFORD said, he would appeal to the hon. Member to withdraw his Amendment, and allow the Bill to be considered in a Committee upstairs.

Amendment by leave *withdrawn.*

Main Question put and *agreed to.*

Bill read 2°

CONVENTION WITH JAPAN—QUESTION.

MR. CAIRNS rose to ask the First Lord of the Treasury whether there were any letters or papers illustrative of the probable effect of the late convention with the Emperor of Japan on the trade of this country; and whether the Government would lay on the table copies of such letters or papers?

VISCOUNT PALMERSTON: The only paper we have in relation to the treaty with Japan is contained in the despatches of Admiral Stirling, in which he gives his interpretation of the effect of that treaty.

MR. CAIRNS: Are there no letters between the Board of Trade and the Foreign Office on the subject?

VISCOUNT PALMERSTON: I apprehend that letters between these departments containing anticipations of the effects of the treaty would only tend to mislead the House. If those anticipations are realised it will be known by the facts; but if the treaty is not successful those inter-official communications will be judged after the event. The treaty speaks for itself, and the letter of Admiral Stirling will show his understanding of the effect of the treaty.

RECENT EDICTS OF THE SULTAN—QUESTION.

MR. PELLATT said, he begged to ask the First Lord of the Treasury, whether the Sultan's recent edicts, granting civil and religious equality to all his subjects, abolished the penalty of death upon a Mussulman becoming a Christian; and, if not, whether Government would exert its diplomatic influence to repeal that law?

VISCOUNT PALMERSTON: Sir, Her Majesty's Government have received a telegraphic communication, stating that certain edicts have been signed by the Sultan, but the edicts themselves have not yet reached this country. I will not say what may be the effect of those edicts, but I will assure my hon. Friend and the House that the Government have for many years earnestly urged the abolition of the penalty to which he adverts, and, that if it does not form part of that edict, no exertions shall be wanting to induce the Sultan to abolish that penalty. At the same time, my hon. Friend and the House must see that matters relating to religious opinions and prejudices of this kind are very difficult to handle. The Turks have persecuted until lately Mussulmans who have become Christians, but it must be remembered that in some of the Italian States Christians have been persecuted who have changed from one sect of that religion to another.

DECIMAL COINAGE—QUESTION.

MR. WARNER said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer, whether the Government were about to take measures for carrying into effect the Resolution of the House of last Session in favour of a further adaptation of the coinage to the decimal system?

THE CHANCELLOR OF THE EXCHEQUER: Sir, in reply I beg to state that the Government have taken steps in consequence of the resolution to which my hon. Friend has alluded. A Commission has been issued under the Great Seal to three persons qualified to inquire into the subject, namely, Lord Monteagle, Controller of the Exchequer, Lord Overstone, and Mr. Hubbard, late Governor of the Bank of England. These Commissioners are now acting in discharge of their duties, and the subject is under their consideration. In due time they will make a Report, which will be laid before Parliament.

THE CRIMEAN REPORT—QUESTION.

MR. PALK said, he begged to ask whether it was the intention of Her Majesty's Government to take any steps to ascertain the correctness of the allegations reflecting on the conduct of certain officers in Sir John M'Neil's Report?

MR. FREDERICK PEEL: Sir, the House is already aware that several of the officers have announced their intention to make a statement in explanation of their conduct. I shall this evening lay on the table the answers of Lord Lucan and Lord Cardigan to the Report in question.

MR. PALK said, that in consequence of the answer he had just received, he would beg to give notice that on an early day he should move a Resolution to the effect that the Report of the Commission of Inquiry into the Supplies of the British Army in the Crimea be referred to a Select Committee of the House of Commons, and that it be an instruction to the Commission to ascertain whether the allegations made in that Report against many officers of high rank were borne out by the evidence.

MR. LAYARD said, he had already given notice of a Motion on the subject, which he had been obliged to postpone until Thursday week. He found, however, that his Motion was so low down in the list that there was no chance of its coming on. It was of great importance to many Members to know when it would come on; and, as the subject was a Government one, the First Lord of the Treasury would probably give him a day. The Government might, he thought, fairly do this, and might give him that day fortnight for his Motion.

VISCOUNT PALMERSTON: Sir, that sort of appeal may be a very fair one towards the close of the Session, when private Members have only one day in the week open to Motions, and when the period is fast approaching the termination of the Session. But we are now just at the beginning of the Session, when hon. Members have two days in each week for their Motions, and when the business of the Government is very pressing. I think, therefore, the hon. Gentleman might as well try the ballot again, and acquire as a right what he is now asking for as a favour.

Sir JOHN PAKINGTON said, he thought the answer of the hon. Under-Secretary for War did not meet the question of his hon. Friend (Mr. Palk). The hon. Gentleman had said that the answers of Lord Lucan and Lord Cardigan would be laid on the table that evening; but he wished to ask whether the officers implicated in that Report, and who were not Members of the Legislature, would have the same opportunity of making their defence that was extended to Lord Lucan and Lord Cardigan because they were Peers?

Mr. FREDERICK PEEL said, he had already stated that General Airey intended to make an answer to the charges which affected the Quartermaster General's department. As soon as these and any other replies were in the possession of the Government, they would be laid before the House.

DUTY ON FIRE INSURANCE—FRENCH OFFICES—QUESTION.

Mr. PALK said, he would now beg to ask the Chancellor of the Exchequer whether it was his intention to repeal the duties on fire insurance, which it had been stated enabled foreign companies to insure at a less premium in consequence of their freedom from a similar tax?

The CHANCELLOR of the EXCHEQUER: In answer to the question of the hon. Gentleman, I beg to state that it is not my intention to make any proposal for the repeal of the duty. In the event of the Companies paying that duty being exposed to unfair competition with untaxed policies of assurance, it will be my duty to bring in a measure of a different character for the protection of the revenue and the interests of those companies which may be subject to that competition.

ATTACK ON THE REDAN—LIST OF OFFICERS FOR PROMOTION—QUESTION.

Mr. LAYARD: I beg, Sir, to ask a question of the hon. Under Secretary for War of which I have given him notice. After the dispatch of General Simpson containing the account of the attack on the Redan, a second dispatch, bearing date September 18, was forwarded to Lord Panmure, giving the usual routine list of officers, including those of the staff engaged in the attack. To that dispatch, when published, was appended a significant note from Lord Panmure, stating, that the list of officers recommended for promotion for distinguished services had not yet been received. I wish to ask if that recommendation has been received, and if it has, why it has not been published, and whether the Government would have any objection to lay upon the table the dispatches from General Codrington and General Wyndham containing an account of the attack upon the Redan?

Mr. FREDERICK PEEL: Sir, the hon. Gentleman has not put his question very clearly, but I will answer it as well as I am able. Of course, General Codrington, General Wyndham, and the other officers in command of the divisions or brigades concerned in the attack on the Redan, made reports to General Simpson, upon which General Simpson founded his report. General Simpson did not, however, think it necessary to send home those reports at the time, and, although they have since come into the possession of the Government, it has not been deemed advisable to publish them in the *Gazette*.

Mr. LAYARD: Will that list of officers recommended for distinguished services be given to us?

Mr. FREDERICK PEEL: I will make inquiries about it.

OFFICERS OF THE HOUSE—QUESTION.

On the Motion that the House at its rising adjourn till Monday next,

Mr. BANKES said, he wished to ask whether any arrangement had been made for securing to the Speaker for the time being the nomination or recommendation to the Crown of the officers of that House, more especially those who sat at the table?

Viscount PALMERSTON said, the Bill now in progress through the House gave the appointment of those officers to the Crown, according to an arrangement made some time ago. He should deem it to be his duty—and no doubt his successors would feel it to be their duty—to place the appointments so made on record, and to act under the advice of the Speaker with regard to them.

Mr. BANKES: Then the power of appointment would, in fact, be vested in the Treasury.

Motion for adjournment *agreed to.*

OUR RELATIONS WITH THE UNITED STATES.

Order of the Day read for going into Committee of Supply.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. ROEBUCK: I rise, Sir, to call the attention of the House to our relations with the United States of America. It is incumbent on me to make an apology to the House for bringing forward a Motion on this subject. It has been stated by the Government, through the medium of the noble Lord at its head, that the reason why no mention was made in the Speech from the Throne on the subject of America was, that the negotiations were now in such a condition that they could not, in fairness to all parties, be published at present. The noble Lord, therefore, appealed to the House and said—"Do you think, under these circumstances that I ought to have made public an incorrect statement of the affairs in question? Now, Sir, I quite agree with the noble Lord that it would have been wrong to do so, but as I believe that silence would now only lead to confusion I am determined to break that silence. It appears to me that an incorrect statement of affairs has been laid before the public of this country, that they do not know what has occurred; and I think I now hold in my hand the means of dissipating that ignorance, and of making them acquainted with the actual state of affairs. As my intention is to convey to the House and to the nation at large a correct statement of facts, I hope the House will bear with me while I attempt, feebly as I know it will be, to perform that duty. The noble Lord at the head of the Government, taking an illustration from the hon. Member for the West Riding (Mr. Cobden), said that we had done all that a man of honour could have done in the case between ourselves and the Americans; that we had apologised for that which had been taken amiss by them; that we had expressed our sorrow for having trenched upon their laws; and that we had done everything which, as persons desirous of peace and honourable men, we could be called upon to do. Now, Sir, if the facts were as the noble Lord stated, I should have been the first to support him in his view of the case; but as I believe they are very different, I have come forward to enlighten the ignorance of the world (if I may so express myself) in this matter—an ignorance fostered by the holding back of all that militated against England in the circumstances which have occurred. We have been led to suppose that we have right on our side, and that our cousins on the other side of the water, taking advantage of our position, were nevertheless endeavouring to force us to make a sort of supplication to them for peace. Now, what is the real state of the case? It is this:—After the Parliament of Great Britain had passed a Bill for the enlistment of foreigners, the Government determined, under the provisions of that enactment, to enlist people in America. Being unable to intercept the emigration flowing from Germany to America, they went to America, and they gave instructions to our authorities there to form a foreign legion, to be composed of persons enlisted in America. One of the persons employed upon that occasion was our Minister at Washington (Mr. Crampton), another was the Governor of Nova Scotia, and a third was the Governor General of Canada; there were also some others. The noble Lord said that, as soon as Government discovered that umbrage had been given to the United States by the course they had taken, he gave instructions to our Ministers and agents not to trench in any way upon the municipal laws of America, and at the same time sent a full apology to the American Government. The noble Lord then appealed to the House, and said, "could we do more?" If the noble Lord had only done what he stated, I should have answered his appeal by saying that nothing more could be done. But the Government did more, and what they did I will now state. Mr. Crampton went from Washington to Nova Scotia, and he there entered into a sort of combination with the Governor of that Colony, and laid a plan by which the laws of the United States might be contravened, in order to obtain surreptitiously that which could not be obtained by other means. I will prove directly all that I assert out of Mr. Crampton's own mouth, or rather out of his own pen, but I ought first to state the law of America upon the subject of enlistment; and the House will then see that it is in accordance with the opinion and feeling of the country. In the first place, it is illegal to enlist anybody in the United States for the services of a foreign State. The Government are not however charged with that offence, but with something more. Any person going to the United States and inducing people to leave those States for the purpose of being enlisted abroad also acts in contravention of the law, and this is the part of the law which Mr. Crampton is accused of having broken through. He went to Nova Scotia, he there engaged persons going to the States to enlist people—that is, to induce them to go to Nova Scotia to be enlisted. Now, the very act of inducing people to leave the United States for the purpose of being enlisted is a violation of the law, being a contravention of that neutrality to which the Americans wish to adhere. Mr. Crampton thought he could do this without being discovered by the authorities of the United States. They did, however, discover what was taking place, and, in consequence of that discovery, Mr. Crampton issued a proclamation from Nova Scotia, suggesting a means of evading the law of the United States, and giving the parties whom he employed a cypher by which they might communicate with him.

Now, how do I prove this statement? Why, Sir, I hold in my hand a document, curious in many ways. It is a report of a trial that took place in Pennsylvania, in which one Henry Hertz was the defendant, being charged by the United States Government with certain breaches of the law set forth in the indictment. One peculiarity of the indictment is, that it is intelligible. This Henry Hertz was a man who had been employed by Mr. Crampton to crimp people—that is, to induce them to leave the United States and go to Nova Scotia for the purpose of being enlisted there, and then sent to the Crimea. Now, we are supposed to have made an apology to the United States, and it was supposed, too, and at one time supposed by myself, that the apology was one which the United States ought to have accepted; but it now appears that either Mr. Crampton went beyond his instructions, and, if so, the United States are fully justified in requesting his recall, or his instructions went beyond what the laws of the United States would permit, and in that case the United States would be justified in saying that the apology of our Government was disingenuous, and could not be admitted, and that they still insisted on the recall of Mr. Crampton. I will mention a circumstance known to every one familiar with the history of the United States, that during the revolutionary wars of France, and during the Presidency of Washington, an envoy from France, Citoyen Genet, went to America, and endeavoured to fit out privateers contrary to the rules of neutrality which the United States had laid down. Washington and Jefferson complained of this conduct on the part of the citoyen, and they sent to the republican Government of France a requisition for his recall. He was recalled, and the demand of the United States was satisfied. The United States then did by a friendly Government—the Government of France—what they now do by England—namely, they demanded the recall of the man who had broken their laws of neutrality. Now, I want to make it clear that Mr. Crampton has also broken through the laws of the United States, which laws he ought to have known; and if he has broken through those laws without the authority of the Government here, the Government of the United States are fully justified in demanding his recall. If he has broken through them by the command of the Government here, then I say that the Government in making their apology have endeavoured to palm off a deception on this House and the country for which they are responsible. What, then, has been done? I will endeavour, as nearly as I can, to give the facts of the case from the report of the trial: and a curious one it was. Mr. Vanderliste, the district attorney for the United States at Philadelphia, was the prosecuting counsel. He got out of the witness that he had seen Mr. Crampton, and had been authorised by him to act as a recruiting sergeant for the troops of Her Most Gracious Majesty. The witness admitted that he had been in Nova Scotia, and got from Mr. Crampton a paper. That paper shows the system of deception that has been practised. The following is the paper:—

> "Memoranda for the guidance of those who are to make known to persons in the United States the terms and conditions upon which recruits will be received into the British army:—1. The parties who may go to Buffalo, Detroit, or Cleveland for this purpose must clearly understand that they must carefully refrain from anything which would constitute a violation of the law of the United States. 2. They must, therefore, avoid any act which might bear the appearance of recruiting within the jurisdiction of the United States for a foreign service, or of hiring or retaining anybody to leave that jurisdiction with the intent to enlist in the service of a foreign Power. 4. There must be no collection, embodiment of men, or organisation whatever attempted within that jurisdiction. 5. No promises or contracts, written or verbal, on the subject of enlistment must be entered into with any person within that jurisdiction."

Now, this showed clearly that they knew the law, and that they were not breakers unknowingly. We were inducing persons to act in contravention of the law, and sought to evade the consequences of their acts. What was the inducement held out to men to go to Nova Scotia? Oh! there was a railway there, and in one breath they were told to go there to be navvies, and in another they were to go there to receive, according to the proclamation issued, thirty dollars on enlisting, and eight dollars a month while they remained in the service of Her Britannic Majesty. The paper goes on to state—

> "The information to be given will be simply that to those desiring to enlist in the British army facilities will be afforded for so doing on their crossing the line into British territory, and the terms offered by the British Government may be stated as a matter of information only, and not as implying any promise or engagement on the part of those supplying such information, so long at least as they remain within American jurisdiction."

Can it be said, I ask, to be in accordance with the dignity of the British Government to publish such a statement as that? As honest men ought we so to act? The document proceeded:—

> "It is essential to success that no assemblages of persons should take place at beerhouses or other similar places of entertainment, for the purpose of devising measures for enlisting, and the parties should scrupulously avoid resorting to this or similar means of disseminating the desired information, inasmuch as the attention of the American authorities would not fail to be called to such proceedings, which would undoubtedly be regarded by them as an attempt to carry on recruiting for a foreign Power within the limits of the United States; and it certainly must be borne in mind that the institution of legal proceedings against any of the parties in question, even if they were to elude the penalty, would be fatal to the success of the enlistment itself."

I ask whether the sentiments in that statement are consistent with English honour? It appears that the authorities of the United States did take umbrage at the proceedings, and what then occurred? Another paper was shown to the witness, and this is the evidence given:—

> "In whose handwriting is this paper?—At that time I also received this cipher to telegraph with to Mr. Crampton, and to Halifax, about this recruiting business. I cannot swear to whose handwriting it is in, but I believe it is Mr. Crampton's. I did not see him write it, but he handed it to me."

The attention of the United States authorities was naturally drawn to these acts, and proceedings were taken against those engaged; their object was enlistment, an they knew that enlistment was contrary to the laws of the United States. I cannot but think that this was a discreditable display on the part of the English authorities. Mr. Crampton was responsible for all this. The attempt to evade the law was degrading to himself, and to the name of England, which he represented. The authorities of the United States did take umbrage at these proceedings, and this trial was instituted in consequence. Now, Sir, is anything more required to prove that Mr. Crampton knew the law, and that he took means to evade it, and that he was abetted therein by the Governor of Nova Scotia and the Governor General of Canada? All these English authorities endeavoured to break the law of the United States. It appears to me that a war between us and the United States would be a war between brethren, the evils of which would surpass anything that could be imagined. We are the only two great free nations at the present time, and shall it be said that we cannot preserve peace between ourselves? This House and the country has been led to believe that it was by ignorance that a breach of the municipal laws of the United States had been committed by us, and that for that breach we made every atonement in our power; but could this House believe that we committed that breach with our eyes open, and that when we made an apology we were attempting to evade the laws of the United States, which we promised to observe? It may be said that these are statements made at a trial by persons who turned evidence against their employers. That is true, I will allow; nay, I will allow that the report itself is a discredit to the United States. I think it is, and I will tell you why. Throughout the authorities show a feeling of violent hatred to England, and the defence of the parties charged is entirely excluded from the Report. In itself that Report is not worthy of any regard, but it contains documents written by Mr. Crampton, it contains statements which have never been contradicted, and which in themselves prove the case against our Government. Now, what I want to know is this—I want to know distinctly what were the instructions given to Mr. Crampton. It may be said that he was told not to break the law, but I want to know whether he was told to enlist men in the United States, because to tell a man not to break the law, and in the next breath to tell him to do something by which the law will be broken, is nugatory. It is a farce—an idle direction, not worthy of any man who pretends to be a man of sense and honour. That Mr. Crampton knew the law is proved by his own written statements; he knew that to do certain acts was to break the law, and he laid plans by which he fancied that law could safely be broken. He was aided in this by two high functionaries—Sir Gaspard Le Marchant and Sir Edmund Head, as well as by Mr. Joseph Howe, a gentleman of some celebrity in Nova Scotia. Mr. Joseph Howe was sent to the United States; by his intervention people were employed to break the law of the Sates, and by his hands they were paid for so doing. After spending about 100,000 dollars he got together about 200 men, when he might have had the same number of thousands for half the money. I may be asked what good I expect to derive from this Motion. ["Hear, hear!"] I perfectly well understand that cheer. I know whence it proceeds and what it means, and my answer is, that I wish to obtain from the noble Lord at the head of Her Majesty's Government a distinct answer to this question—was Mr. Crampton instructed, not simply not to break the law, but not to do deeds by which the law would be broken? I wish further to draw forth an expression of opinion on the part of Members of this House which shall show the people of America that we are no parties to these dishonourable proceedings. I want this House, on the part of the people of this country, to say to our brethren across the water, that we sympathise with them, that we rejoice in all their greatness and good fortune, that we are running with them the race of improvement as brethren and not as enemies, that we desire the good of humanity, and that we would work it out with their aid, but that we feel that a war with America would retard the advancement of mankind for centuries, and that a war with any part of Europe would sink into insignificance compared with it. I do not like to plead my own inefficiency, but still I cannot help wishing that some more powerful person had undertaken this question. My heart is so bound up in it, my feelings are so strongly enlisted in it, that I feel I am advocating the rights of humanity when I am endeavouring to lay bare what I believe to be the misconduct of Her Majesty's Government in regard to the American people. The hon. and learned Gentleman concluded by moving that a copy of Mr. Crampton's instructions be laid on the table.

MR. HADFIELD seconded the Motion.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"An humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House a Copy of the Instructions to Mr. Crampton relative to the Enlistment of Soldiers in the United States of America,"—instead thereof.

VISCOUNT PALMERSTON: Sir, the hon. and learned Gentleman who has made this Motion began by reproaching and condemning Her Majesty's Government for not having either mentioned our differences with America in the Queen's Speech, or laid on the table of this House the papers especially connected with the subject to which he has now called the attention of the House.

MR. ROEBUCK: I beg the noble Lord not to disappoint me. I did not find any fault with the Government. I simply pointed out that they had not done what I said.

VISCOUNT PALMERSTON: The hon. and learned Gentleman, I am glad to find, draws a distinction between an assertion of what the Government did not do, and a condemnation of them for not doing it. He is very much in the habit of animadverting on what the Government does not do, and I trust the House will understand for the future that, when the hon. and learned Gentleman recites the omissions of the Government, he does not mean any censure thereby. I must, however, remind the House that the American Government did not think fit to lay before Congress the correspondence relative to this question, and the same reasons which induced the American Government to withhold the correspondence in the present state of the matter were the reasons which induced Her Majesty's Government to pursue that course. I stated upon a former occasion, that Her Majesty's Government had thought until a few days before the meeting of Parliament that they would have been in a condition to lay that correspondence before Parliament, but that, either the day preceding, or two days before the commencement of the Session, the American Minister at this Court gave to my noble Friend at the head of the Foreign Office a long dispatch, containing a great variety of statements and assertions touching the conduct of Her Majesty's Minister at Washington and Her Majesty's Consuls in different parts of the United States, to which assertions and statements it was impossible for the Government to reply without referring to the parties themselves to know to what extent they were accurate. I said then that this made it impossible to answer that dispatch, and that as on the one hand we could not give the correspondence without an answer to that dispatch, so, on the other hand, it was equally impossible for us to give it with that important dispatch entirely omitted. That, Sir, was the reason why Her Majesty's Government could not lay the correspondence before Parliament, and that was also the reason why I declined to enter into a detailed discussion of the question before Parliament were in possession of the necessary *data*. That state of things still remains. We have not yet received the information which will enable us to reply to that dispatch. As the hon. and learned Gentleman is aware, that dispatch contains a demand for the recall of our Minister at Washington and for the recall of our consuls, and to a demand of such gravity and importance it would be unbecoming for Her Majesty's Ministers to reply, either one way or the other, until they had accurately ascertained the foundation on which that demand was made. The same reason which made it our duty to withhold the papers then would, of course, make it equally our duty to refuse to give them piecemeal in the manner proposed by the hon. and learned Gentleman. I said then, and I repeat now, that I trust that a very short time will elapse before we shall be in a condition to lay the whole of that correspondence before this House, and it will then be able to judge whether Her Majesty's Government and its officers in the United States have done that which ought to expose them to its censure, or whether, on the other hand, their conduct has been such as to entitle them to receive its support. I therefore cannot now follow the hon. and learned Gentleman through those details into which he has entered. All I can say is, that it was the desire and the instruction of Her Majesty's Government that nothing should be done which should be at variance with the laws of the United States. The hon. and learned Gentleman says that giving information to persons who might be willing to go to our provinces that they would there be enlisted if found fit, that the offering any inducement to leave the United States, was a violation of their municipal law. Sir, the United States is not the empire of Russia. *Civitas non carcer est.* The United States is a free country like our own, and would not impose upon any man the slightest restraint to prevent his quitting its boundaries for his own advantage. I will not now therefore argue a question which will be more properly examined when the papers, without which it would be unbecoming to enter upon it, are before the House; but this I will say, that during the course of these transactions offers were repeatedly made to Her Majesty's officers in the United States by persons whose sole object was to entrap them into something which might afterwards be construed into a violation of the municipal law of that country. A conspiracy was got up for the purpose of entrapping and misleading them, and inducing them to do that which might afterwards be fastened upon them as a violation of the national laws. As to the trial which has been referred to by the hon. and learned Gentleman, I think that, when the details are made public, the House will not be disposed to attach to the statements which were made upon it so much importance as has been given to them by the hon. and learned Member. The hon. and learned Member says that the apology made by Her Majesty's Government was insincere and treacherous. The truth of that assertion I utterly deny. I utterly and entirely deny that we made that apology, intending to continue the violation of the law for which it professed to be the satisfaction. Sir, we had given directions that these proceedings, which might give umbrage to the United States, should be discontinued. The assertion made in the last dispatch from the American Government is that, after these directions were given, and after the explanation was tendered, some of these proceedings were continued. The truth of that assertion remains to be ascertained. If such was the case, the proceedings were clearly against the intentions and without the knowledge of the British Government. I repeat that that explanation, that statement of orders revoked, that expression of regret—not regret, as the hon. and learned Gentleman says, that the laws of the United States had been violated, because we did not believe that such a violation had occurred—but regret that anything should have occurred which could be considered by the

American Government to amount to such a violation—was received by the American Minister at this Court with an expression on his part of a belief that it would be deemed satisfactory by his Government. As a proof that such was his belief, I may mention that he sometime afterwards received a dispatch directing him to make a second remonstrance, and that he put that dispatch into his pocket, and abstained from communicating it to this Government, because he believed that the communication which he had previously forwarded to his Government would be deemed satisfactory. Sir, I am forced to make these statements, prematurely perhaps, because they belong to a part of the question which cannot be fully explained—by the extraordinary conduct of the hon. and learned Member. The fact, then, is, that a considerable time after our communication, stating that we had discontinued these proceedings, and expressing our regret if anything had happened which was contrary to the laws of the United States, the American Government re-opened the question, and it now stands in the undetermined position which I have described. Under such circumstances it really is very difficult for a person in my situation to deal with an hon. Member who pursues such a course as the hon. and learned Member (Mr. Roebuck) has adopted this evening. He knows that this question is still pending between the two Governments; he knows that Her Majesty's Government has received a communication from the United States, calling upon them to do things to which none but the most valid reasons would induce them to consent; he knows that we are waiting to receive from officers in America a Report upon the grounds on which those demands are founded; he knows that but a short time will elapse before that Report will be received, and a final answer one way or other be given to these requisitions; he knows that this question deeply concerns the feelings and the interests of two great nations; he must know, also, that to trifle with such feelings and such interests is a course unbecoming any man who belongs to a great National Assembly like this; and yet, knowing all this, he rushes with hasty impatience to interpose between the two Governments, and, if it be possible, to prevent that amicable arrangement which on matters of so delicate a nature cannot be come to unless both Governments are left to their own action without being swayed one way or the other, either by popular clamour, or by the expression of national feeling. These are differences which will only be settled in an honourable way by the two parties examining with dispassionate judgment their respective cases; yet in regard to them, the hon. and learned Gentleman rushes with this impatient haste to deliver himself of opinions formed upon an imperfect knowledge of the facts, and without the full statement of the whole case between the two countries, of which he might be in possession in a fortnight or three weeks, if indeed so long a time should elapse before it is ready; and, rising in his place, and holding in his hand the brief of the antagonist of his own country, he makes himself the mouthpiece of calumnies which have been uttered by interested parties in the United States against Her Majesty's officers in that country; and, not content with expressing his own opinions, calls upon the House of Commons, forsooth, to pronounce upon facts of which they are ignorant, and to draw conclusions from premises which have not been submitted to their judgment. Sir, in this House, every man is master of his own conduct. It is competent for any man to adopt such a course as he pleases. If he is so deeply imbued with the opinion that his country is wrong, as to rise in his place and call upon the House to condemn by anticipation, and without knowledge of the facts, the Government and his country, I am bound to suppose that in doing so he acts from motives which are paramount to every other consideration, and that he believes that in taking that course he is performing a duty to those who sent him here and to his country. All I can say in that respect is, that neither the spirit of party, the vehemence of opposition to any Government, nor any other motive, would induce me to take a part of which I should feel ashamed—to step between the House and the facts upon which an opinion is to be formed, and to call upon Members ignorantly and without information to pronounce a judgment against my country in a matter in which it is at issue with another. The hon. and learned Gentleman concluded his address with the expression of a feeling which is entertained, I firmly believe, by the whole country—a sense of the calamities which would arise from a conflict between this country and the United States. No man can feel that more strongly than I do. Sir, I will not allow the hon. and learned Member a monopoly of those sentiments. I will venture to say that those are the feelings of the people of this country, and that no American can traverse Great Britain from John O'Groat's house to the Land's End, nor pass from the northern to the southern extremity of Ireland, without finding that there is, on the part of every man of information, and of every man who has the slightest influence upon others, the most friendly disposition towards the people of the United States. It is, however, one thing to entertain friendly sentiments towards a neighbouring and kindred people, and another to lose that self-respect which is due to ourselves. Under circumstances like these it is incumbent upon those who are charged with the public interests to consider, not whether they feel the most kindly sentiments towards another country, not whether the interests of the two are equally bound up in the continuance of friendly relations—I say equally, because let it be clearly understood that the interest in the maintenance of peace is perfectly mutual, and that, if to us war would be distressing and calamitous, it would be equally calamitous and distressing to the inhabitants of the United States—but to consider what is the justice of the case, and what is right and befitting the dignity and honour of the country with the interests of which they are charged. I am convinced that this good disposition is reciprocated on the other side of the Atlantic, and that, in spite of what we may have seen of speeches which savoured but little of such a feeling, the sentiment of friendship which prevails in this country is no stranger to the breasts of our American cousins. Notwithstanding these ebullitions, which have, in my opinion, a tendency to anything rather than the settlement of differences, I am persuaded that there is so much right feeling in the people of the United States, that they attach so much value to the friendship of the people of this great empire, and that they are so sensible that the interests of both are inseparably bound up with the maintenance of friendly relations between the two, that these matters of difference, when they are laid before the Congress of the United States, as they will be before the Parliament of Great Britain, will receive the calm, dispassionate, and reasonable consideration which is essential to their amicable settlement, and which will, I trust, prevent any intemperate individuals, either on the one side of the Atlantic or the other, from plunging the two countries into the calamities of war.

MR. DISRAELI: I had hoped, Sir, that I should not have had to address you on this subject until the whole of the papers relating to it had been laid upon the table of the House. I have ever felt that in all cases of this kind, where the conduct of a foreign Government is called in question, and especially where it is called in question under the circumstances which appear to apply to the present instance, it is of the highest importance that no opinion should be expressed upon it in this House until the House has been made acquainted with all the particulars of the case, and until we are in possession of such full, clear, and authoritative information as may enable us to arrive at a fair and accurate decision. To that opinion, notwithstanding the speech just made by the noble Lord the First Minister of the Crown, I still adhere, and, therefore, I shall most assuredly not support the hon. and learned Member for Sheffield (Mr. Roebuck) in the Motion he has placed in the hands of Mr. Speaker. But I may be permitted to say that I, for one, protest against the principle which the noble Lord has laid down as that which should govern the conduct of Members of this House with respect to foreign transactions and the negotiations of this country with foreign Governments. Sir, I have always considered that it was the first duty of a Member of Parliament, if he believed that our affairs with foreign countries were not managed in a manner conducive to the interests and, above all things, to the honour of this country, it was his first duty, I say, to call the attention of Parliament to the subject. I have ever held, that if a statement were made by a Minister of the Crown, which a Member of Parliament deemed to be inconsistent with certain documents in his own possession, it was the imperative duty of such a Member to demand an explanation, and to ask for the opinion of this House in reference to the matter in question. This doctrine is, I venture to submit, a sound one; and I certainly think that it is not the duty of a Minister of the Crown, filling the office of the noble Lord, to taunt an independent Member of Parliament with holding a brief from the enemy, or to call in question the motive that may have induced him to take a course which, however little I may be disposed to agree with the hon. and learned Member for Sheffield, I can have no doubt that he has adopted in fulfilment of what he deems his duty. I am of opinion, Sir, that, under the circumstances in which we now find ourselves with respect to this question, which so violently agitates the people and Government of the United States, the utmost forbearance and most cautious reserve are duties incumbent on this House. Thus much I am willing to concede; yet I cannot say that I am surprised that the hon. and learned Member for Sheffield should have made this Motion to-night. From the very moment that the noble Lord at the head of the Government volunteered an *ex-parte* statement in this House, while affecting to answer a question, I felt that it was inevitable that some effort would be made to induce the House to suspend its judgment, and refrain from sanctioning the conclusions which, with some unfairness and with great indiscretion, I think, and in a manner and spirit most premature, the noble Lord attempted to make it adopt, before it was in possession of the documents which alone could enable it to arrive at a correct and deliberate decision. Nor can I think that the tone of the noble Lord to-night will in any degree compensate for the indiscretion of which he was guilty in making that *ex-parte* statement the other evening. The noble Lord talks of the danger of trifling with the feelings of two great nations. Is the model of discussion to be taken from the speech of the noble Lord, who more than hints—who intimates to this House, that there has been a conspiracy on the part of the Government of the United States to entrap. [*Loud cries of* "No, no!"] I can only say that such was the impression I received from the statement of the noble Lord. ["No, no!"] That was what I collected from his words; but, if I be mistaken, what, let me ask, was his meaning?

Viscount PALMERSTON: I stated that which I believe to be the fact—that there was a certain number of persons, not connected, with the American Government, who entered into a conspiracy to entrap the officers and agents of the British Government, into the commission of acts contrary to the laws of the United States.

Mr. DISRAELI: Sir, I am willing to accept the explanation of the noble Lord; but the inference from the statement he now offers appears to be, that the circumstances to which he refers were really too trifling and indifferent to be brought before the House this evening. But I am bound to say that this subject, since we are forced to speak of it, assumes in my opinion a far graver character than I had hoped it would possess. I trust that no great length of time will elapse before these papers shall be submitted to our consideration, and until they are before us I shall scrupulously refrain from forming any opinion as to the conduct of the Government in this affair. However, Sir, one of the statements made by the noble Lord this evening has filled me with great alarm. He appeared to me to admit that even after the apologies, to which such frequent allusion has been made, had been offered to the American Government with respect to the behaviour of our Minister, and with reference to conduct acknowledged by Her Majesty's Government to be illegal, a course equally illegal was pursued by the agents of the Government, and apparently with the concurrence of the Government.

Viscount PALMERSTON: I said that an allegation to that effect had been made, and that inquiry as to its accuracy was deemed necessary.

Mr. DISRAELI: I am sorry, Sir, to have misapprehended the noble Lord, but I certainly conceived him to have said, that the conduct of Her Majesty's Ministers and agents in America, with respect to the enlistment of troops, did not end with the apologies offered.

Viscount PALMERSTON: I am really ashamed, Sir, to have again to interrupt the right hon. Member. I stated that that was the allegation, and that it was with regard to the truth or erroneousness of that assertion that further information was required.

Mr. DISRAELI: Sir, I beg the noble Lord to believe that there I have no desire to misinterpret him. I speak with the hope and wish of eliciting from the Government a satisfactory expression of feeling on a subject of the deepest interest. It is by no Motion of mine, but rather to my great regret, that this question has been brought forward; but, since it has been introduced, I venture to speak on it lest my silence might be misconstrued, and because I wish it to be understood that I do not approve of the tone adopted by the noble Lord on the present occasion. I will not revert to the point he has just noticed, further than to say that an apology founded on equivocation is the most dangerous instrument that any Government can use, and, when the promised papers are produced, I hope that we shall not find the conduct of Her Majesty's Government impugned in that respect. Sir, I cordially concur in the hope expressed by the hon. and learned Member for Sheffield, that in this House there will be such an expression of opinion on the part of the representatives of the British people as will assure the subjects of the United States Government that here the question will be discussed without prejudice and without passion, and that we will not willingly defer to the rumours—on whatever authority founded in either country—that these questions are pretexts, and not causes for a misunderstanding between the two countries, which, if persisted in, I cannot but regard as one of the most calamitous events that could possibly occur. I trust that the hon. and learned Member will not persist with his Motion, for a division under the circumstances in which the House now finds itself might lead to much misconception. For my part, I think that if the hon. and learned Gentleman believed that there was an inconsistency, and a most important one, between the statement of the noble Lord the other night and certain documents in his own possession, he did nothing more than his duty as an independent Member of Parliament in bringing the question before the House. The hon. and learned Gentleman has done so, and he will stand clear before the House and the country for the course he has adopted. Should he, however, press his Motion to a division, I shall vote against him—not to imply approval of the Government, but because I think it would be injudicious to proceed further in this business until we shall have received the papers which have been promised, and for which I wait with great anxiety.

Mr. ROEBUCK: My object is sufficiently attained. I will withdraw the Motion.

Mr. MILNER GIBSON: I wish, Sir, to put a question to the noble Lord at the head of the Government. He stated the other evening that a formal offer of arbitration had been made to the Government of the United States with regard to the Central American question. Would the noble Lord have the goodness to say when that offer was made?

Viscount PALMERSTON: I will not trust my memory as to dates; but all the papers are in process of preparation. They will be before the House in a very short time, and will be found to contain the whole of the details.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

Question again proposed.

Mr. W. WILLIAMS said, that if he were not precluded by the forms of the House from moving an Amendment to the Motion, he should certainly call upon the House to refer these Estimates for consideration to a Select Committee, especially as these Estimates were for the first time submitted to the revision of the House only two years ago. As it was, he must content himself with laying before them some facts in justification of such a course. In the first place these Estimates, dealing with such an enormous amount of public money, and referring to the three great departments of the Customs, the Excise, and the Post Office, had only been in their hands a day and a half; it was obvious, therefore, that there had been no time to consider them. The expenses in the Customs, Excise, and Post Office amounted to £4,588,000. There was an increase in 1855 over 1854 of £333,000; and in 1856 over 1855 of £202,500; making a total augmentation of charge within the short period of two years of no less than £535,000. Surely, then, an investigation of the circumstances which had led to so large an addition to the public expenditure was imperatively demanded, in order to ascertain whether every portion of it was absolutely unavoidable, or whether waste and extravagance were not practised somewhere. For this purpose the day and a half that had been allowed the House to examine these Estimates before being called on to vote them was manifestly insufficient; and a reference to a Select Committee would alone enable them to check the different items with the view to a proper economy. He would, however, call attention to a few instances. They had in the Post Office Department officers called packet agents all over the world, and supported at the public expense. Taking Jamaica for example, he found that the management of the post office there involved an expenditure of no less a sum than £11,080 a year out of the public money. There was at Jamaica a deputy postmaster with £1,000 a year, and the clerks in the establishment received £4,480. He found also that the conveyance of mails in Jamaica cost this country £4,200, and that the surveyors' department cost £1,400, making together £11,080. Now he should like to know why the people of this country were to be called upon to be taxed to this enormous amount to maintain the post office of Jamaica. It was true that against that charge had to be set the receipts derived from postages, but it was obvious that the revenue accruing from that source must be very inadequate for reimbursing such a large outlay. Then there were the petty islands in the West Indies, whose names were hardly known, where postmasters were paid large sums out of the funds of this country. In Grenada, for example, the postmaster received £120 a year. Then, again, at Hong Kong, the postmaster received out of the public money a sum of £600 a year. At Canton the postmaster received £300 a year. These establishments altogether were put down in the Estimates at £2,200 a year. Then, again, we had a packet agent at New York. What could a packet agent have to do there? He did not think it would be found that New York had any such officer as a packet agent in this country. The Post-Office packet expenses cost the country the large sum of £800,000 a year, compared with which the receipts from the foreign and colonial postage was a trifle. In the Estimates of 1854 there was a charge for Custom-house officers in the North American colonies. In other words, we paid Custom-house officers for collecting the revenue of the colonies from which we derived no benefit whatever. In 1854 the charge under this head was £20,910 for the salaries and allowances to those officers in the North American colonies. On a previous occasion he had pointed that out to the Government, and last year it was reduced to £2,700. This year, he was happy to say, it had disappeared from the Estimates altogether. The other evening he brought the question of the Crown lands under the consideration of the House. He was sorry that nothing was said in the Estimates on that subject. He should like to know why these were withheld. It was a well-ascertained fact that in that department there was more waste than any other. It was a department which ought to be fully explained, for it belonged absolutely to the public, the Crown having, in consideration of the Civil List, made it over to the public. He had shown that £111,000 had been expended without in any way being accounted for. If he had gone to a division, as he had intended to do, he should have stated some additional facts, with a view to show the enormous character of the expenditure, but he would not now detain the House with them.

MR. WILSON said, he wished to impress upon the House that the Estimates must be voted before the 13th of March, which was perhaps the principal argument against their being referred to a Select Committee, as had been suggested by the hon. Member who had just addressed them. There had been of late years so many investigations by Commissions and otherwise, and he thought the work which the hon. Member for Lambeth desired to accomplish had been more effectually accomplished by Commissions than by any other means. In 1848, a Commission was appointed to inquire into the whole of the Customs department, and their labours were attended with very beneficial results, and many important changes had been effected. A Committee of that House had also laboured very beneficially in reference to improvements in the Custom system. Then, with regard to the Post Office. Last year, there was laid upon the table the result of a very careful inquiry into that establishment, the recommendations of which were now being carried into effect, and which had occasioned a part of the increase to which the hon. Member had referred. The increase to which the hon. Member had referred had been occasioned by the greater facilities of railways, and by the extension of district ports into every part of the United Kingdom. At present, the authorities of the Post Office were engaged in improving the communication with Ireland, in consequence of which there would probably be an increase in the Estimates next year. Then, again, with regard to the Customs, the labours of the department must be reckoned by the number of ships entering, and not by the amount of revenue received; and, to show how the business had increased, he need mention but one solitary fact—that, in 1820, the cost of collection was £8 19*s*. per cent, and the amount of shipping 2,115,000 tons, while, last year, the cost of collection was reduced to £5 14*s*. per cent, and the amount of shipping had increased to 9,151,000 tons. [MR. W. WILLIAMS: What was the increase last year?] The increase in 1854 was 200,000 tons. With regard to the Post Office, it had been said that the charges abroad ought not to be paid. If £800,000 a year were paid for packets, it was clear that we must have some persons to receive the letters thus conveyed. The hon. Member had said that there was no occasion for packet agents at New York. The Government were obliged to send their Canadian letters and dispatches through the United States, and it was indispensable therefore that some one should be at New York to take charge of them in the interval between their arrival there and their despatch for Canada. Then, in regard to the Crown lands, he might state that a Return had been laid before the House, in which the whole revenue was stated in one column, the cost of collection in another, and the net receipts in a third. The public only held this property in trust, and at the death of any Sovereign the successor might take it, so that there was no constitutional reason why the House of Commons should not have the Estimates, more especially when it had the best possible information about the expenditure. As the hon. Gentleman was not to press his Motion for a Committee, he would not make any further remarks.

SIR HENRY WILLOUGHBY said, in respect to the Crown lands, it was true that the accounts were given in the annual finance accounts, but they were given in such a confused shape, that he thought they would puzzle the hon. Secretary himself to understand them. He found amongst those accounts the item of £49,000 under one head, which was no account at all. The House was placed in a difficult position as regarded those Estimates. They were now called upon to Vote something like £5,000,000 without being able to ascertain whether the money was well applied or not. If the House had undertaken the duty of passing the annual Estimates, they ought to be prepared to examine into their details. He recollected when the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had made the change regarding the mode of dealing with those Estimates, and at the time he entertained much doubt as to the policy of the change. Now, with respect to those Estimates, what happened in 1854? Why, those Estimates were all passed on a Wednesday, within a period of eight minutes. The House had lost the security which it possessed before, when the heads of the various departments were held responsible for those Estimates. Between the responsibility attached to the Government and that attached to the House if it passed those Estimates without inquiry, he was afraid that it would be difficult to place the responsibility upon any party. In respect to the payment of the clerks in the Custom House and the Post Office, there were great complaints from all parts of the country that their salaries were entirely too low. Unless they placed those Estimates in the hands of a small body of men for investigation, it would be impossible for the House to consider them properly. He would ask the right hon. Gentleman the Chancellor of the Exchequer whether he had taken into his consideration the propriety of submitting those Estimates to some special ordeal. Those Estimates had been only for three years presented to the House in their present shape. It behoved them to ascertain whether the right hon. Gentleman had considered the propriety of referring those Estimates to Select Committee.

THE CHANCELLOR OF THE EXCHEQUER said, he was perfectly ready to enter into a fair discussion of the Motion of the hon. Member for Lambeth (Mr. W. Williams), whenever he brought it on. His answer to the question just put to him by the hon. Member who spoke last was this—If those Estimates had never undergone any ordeal—if they had never been submitted to any investigation—it would have been very proper, not only for the Government, but for every independent Member of the House of Commons, to demand that they should be submitted to a certain scrutiny; but, inasmuch as they had been annually submitted to Parliament, and from time to time had undergone a searching investigation, it would be only an unnecessary waste of time to refer them now to a Select Committee. It was, of course, the interest of the Government to collect the revenue in the cheapest and most efficacious manner. Not only had those Estimates from time to time been investigated by Commissioners of Revenue, but Commissions almost without number had investigated the collection of the revenue. There was scarcely any part of the expenditure more thoroughly considered during a long series of years—certainly as far back as the peace—by persons well skilled in all the departments of finance, with the double view—in the first place, of making the collection as economical as possible; and in the next, of organising the revenue department as efficiently as possible in order to prevent evasions of the revenue. Those observations applied to the department of stamps and taxes, including the income tax, to the Excise, to the Customs, and to the Post Office. The perpetual complaints made to the Government were, that sufficient accommodation had not been given to the public in the delivery of letters; that the speed was not sufficiently great; that the deliveries should be more numerous; that not sufficient use was made of the railways; but that the old and less expeditious mode of conveyance was still resorted to. Now all the grounds of those complaints had been investigated, and the best remedies possible applied. Any further alterations would only lead to increased expenditure and greater cost in the collection of the revenue. Now, having given to those Estimates, in regard to that particular branch of the revenue, his especial care, he would express his confident opinion that there was no part of the public expenditure which could bear, without difficulty or without discredit, a more searching, a more jealous, and even a more hostile investigation than the expenditure for the different branches of the revenue. As far as any apprehension as to the result was concerned, he entertained none whatever as to the result of an inquiry into the subject by any impartial tribunal. If the House could satisfy itself that there was a rational ground to employ fifteen hon. Members as a Committee for the rest of the Session in investigating into the revenue departments—and if they thought that the result would be the introduction of some essential improvement, or that there would be a reduction effected in the expenses of the department, he should certainly offer no objection to such an inquiry. In the absence, however, of any such assurance, he confessed he did not see any advantage arising from the appointment of such a Committee.

Main Question put, and *agreed to.*

House in Committee of Supply.

(1.) £840,001, Salaries and Expenses of the Customs Department.

Mr. W. WILLIAMS said, he begged to ask for an explanation in respect to three items—namely, the medical inspector, with a salary of £800 a year; £28,000 for rent of warehouses for bonding tobacco; and the employment of three inspectors to look after twelve persons.

Mr. WILSON said, that a medical inspector was employed in the Customs department in the fulfilment of the following duties. The Committee would observe that 1,800 persons were employed in that department in London. To some of these an annual payment was made, to others a small daily addition whenever they were actually employed. Amongst so large a number of men, it was necessary to have some one competent to examine those who were desirous of entering the service. It was also necessary that a medical inspector should visit those who were absent on the ground of disease, in order, amongst so large a number, that the public should not be defrauded by simulated ill health. There was yet another reason for this officer; it was that it was found to be very essential to have some one to visit the poorer classes of *employés* when they were actually unwell. So necessary was this, that he could inform the Committee that many large establishments had of late years appointed such an officer, and as an example of this he would mention the Bank of England. The next question was as to the charge of £28,000 for bond warehouses for tobacco, in respect of which only £8,000 was received from the merchants placing tobacco in bond. There was no doubt but that the revenue was a loser upon this item, but it was necessary to keep up the bond warehouse by reason of an Act of Parliament binding the Government to do so, the Government by statute being responsible for warehoused tobacco. The Act was rendered necessary from the character of the tobacco trade, and the probability there was of frauds occurring without especial care being taken. The last question of the hon. Member was, as to the employment of three inspectors to look after twelve under officers. The hon. Member seemed to suppose that the inspectors did nothing but look after those who were placed under them; but the fact was, that they worked at their particular branch in the same way as the subordinates, and were, in fact, a sort of superior officer.

Mr. JOHN M'GREGOR said, he should wish to see the hon. Member for Lambeth (Mr. W. Williams) taking up greater subjects than those connected with the payment of men, most of whom had discharged their duties in a manner most creditable to themselves, and advantageous to the public, at a miserably low rate of salary. Considering that the revenue from tobacco amounted to £5,000,000 a year, he thought that the Government could not do better than to provide proper warehouses for the article. He believed there was no other country in the world that paid their really working clerks such small salaries as ours did. He did not know any class of men so badly paid, and who worked so laboriously as the clerks in the department of the Post Office.

MR. MICHELL said, he must complain of the inadequate remuneration given to the junior clerks in the Customs. He thought some of the higher officers should be reduced for the purpose of increasing the pay of the juniors. There were thirty-four clerks receiving £38,000 a year amongst them, while there were 1,800 junior clerks, amongst whom £300,000 was given. Such an unjust discrepancy ought not to be allowed to exist. He must also complain of the manner in which the duties of those clerks were apportioned. Money was paid for extra time in the long room, but such money was most partially awarded, some getting nothing, while the more favoured ones got a great deal. Those who were required to attend before eight o'clock in the morning got nothing for overtime, but those who remained after four o'clock in the afternoon were those who were paid overtime. He trusted the whole system would be looked into and improved. He could bring forward circumstances connected with the Customs, which would astonish the House. He knew of a case of an officer in the Customs who was so aged and infirm that he was carried out of a cab into his office, and had to sit in a chair every morning for half an hour before he could proceed with his duties.

MR. SPOONER said, he begged to call the attention of the hon. Gentleman the Secretary to the Treasury to an item of £28,500 for providing warehouses to store tobacco. This was reduced by a sum of £8,000 received from merchants for the use of those stores. Now, what he desired to know was, why the sum received bore so small a proportion to the sum paid?

MR. WILSON said, that warehouses of a very extensive and peculiar kind had to be provided for the storage of tobacco. Such provision was made for the protection of the revenue, but the merchants ought not to suffer for that, and therefore it was not thought right to charge them a higher storage rent than would be charged for ordinary warehouses. An additional reason for the disparity between the sum received and the sum paid under this head was, that while the Customs department were obliged to have warehouses sufficiently large to contain any quantity of tobacco which might be stored at any one time, they could only charge for the space occupied. During the greater part of the year there was a great deal of unoccupied storage in the warehouses.

MR. W. WILLIAMS said, he thought the revenue should not lose £20,500 a year by those warehouses. The parties who derived advantage from them ought to pay for them.

MR. LLOYD DAVIES said, he thought an expenditure of £28,000 to get an income of £8,000 was an astounding fact. Either there was a great want of judgment in the expenditure, or of vigilance in collecting the income.

Vote *agreed to.*

(2.) £486,028, Coast Guard.

CAPTAIN SCOBELL said, he wished to ask how had the vacancies caused in the coast-guard service, by so many of the coast guardsmen having joined the navy, been filled up? and whether the coast guards, who were now novices at their business, had been trained sufficiently to prevent any loss to the revenue from their want of skill and experience in their duties? The next question he would ask was, what average proportion did the pay of the new hands bear to that of those who had been placed in the navy?

MR. WILSON said, that the vacancies which the hon. and gallant Member alluded to had not been all filled up. In the selections they had made of new hands the department had done the best they could to procure efficient officers. An increase of a sum of £2,700, that appeared in the Estimates, occurred in this way—the Customs had been obliged to provide pensions for a number of men who had joined the navy, but who, it appeared, were not entitled to pensions on account of naval service.

SIR CHARLES NAPIER said, he begged to inquire whether there was not a difference between the pay of the coast guards employed in this country and those employed in Ireland? He did not know why there should be.

MR. WILSON said, that up to a recent period there was a difference, owing to the coast guardsmen in Ireland having been paid in Irish currency. However, on a representation of that fact being made to them, the Lords of the Treasury had come to the conclusion that there was no reason why there should be this difference, and an assimilation of pay had been the result.

Sir CHARLES NAPIER said, he would also beg to ask whether care had been taken, when the recent appointments were being made, to appoint to the coast guard service men who had been to sea, and who were of such an age as that their services could be made available for the navy, in case of a continuance of the present war, or of a new war arising? He made this inquiry in consequence of the number of coast guardsmen who had come into the navy bald-headed and with spectacles.

Mr. WILSON said, that every care had been taken to procure efficient men. It was, however, very difficult at the present time to get them. Many of those who had temporarily left the service to join the navy would expect to be restored to their former positions when peace should have been restored.

Vote *agreed to*.

(3.) £1,459,207, Salaries and Expenses Inland Revenue Department.

Mr. HANKEY said, he wished, before this Vote was taken, to call the attention of the Committee to the amount of poundage paid for the collection of the income tax. Although under an increased taxation, the income tax collectors had only the same duty to perform as when the amount to be collected was much smaller, they were allowed the same poundage, and the result was, that they had made, in 1855, double what they had in the previous year. The poundage paid to one gentleman was, for the year 1855, £5,740, out of which he had to pay a sum of £800 for clerks, leaving him a net income of £4,900 for the year. Now, if this gentleman were to be paid the same rate of poundage for the present year, his pay for collecting income tax would amount to between £6,000 and £7,000, besides which he was paid for other duties discharged by him in connection with the revenue. If there were no other mode of dealing with this matter a Bill ought to be brought in to change the system. There was an anomaly in the matter too; for the gentleman whose name appeared first on the list of the London collection, and whose services were of the highest order, received only £450 a year.

The CHANCELLOR of the EXCHE- said, that the Committee was aware that the collection of income tax was different in principle from that of any other tax. As a general rule, the collector of a revenue tax was an officer paid by the department of the Government under which he was employed, and was an officer of the establishment; but on account of the jealousy that not unnaturally existed in regard to the particular nature of the income tax, Commissioners were appointed, who were not officers of the Crown, and those Commissioners appointed collectors, who were paid a poundage settled by Act of Parliament. This system might occasionally lead to such anomalies as that now under the consideration of the Committee. He confessed himself that, though he entertained great respect for the jealousy manifested by Parliament in all that pertained to the income tax, he nevertheless had some doubt as to the expediency of the present system of collection, and he believed that, on the whole, it would be more advisable to assimilate the system of income tax collection to that on which the other revenue taxes were collected. He had for some time had a plan for effecting this object under his consideration; but there were difficulties in the way of carrying it out, which must be overcome before he could submit any proposition on the subject to the House.

Mr. W. WILLIAMS said, he must complain of the discrepancy of the incomes of the collectors, some being £6,000 a year and some only £27. In the country, farmers had to collect over large and thinly-populated districts for the latter remuneration. He also had to complain of an item of £10,000 for copying wills, he presumed with a view to the collection of the legacy and probate duty. The amount seemed enormous, and, he believed, gave an income of from £8,000 to £9,000 a year to an officer of Doctors' Commons. Why not have the wills copied by the clerks from the Inland Revenue Department? He also wished for information respecting £63,000 for the revenue police in Ireland, including a charge for a screw steamer.

Mr. WILSON said, that the fees alluded to by the hon. Member were paid in pursuance of a regulation of the Ecclesiastical Courts, with which the Treasury had nothing to do. However, from what had recently been stated as to the number of wills lodged in Doctors' Commons in a year, this sum of £10,000 would show a fee of 5*s*. for each will, which was not an extravagant sum. The employment of the revenue police in Ireland had been rendered necessary by the increase which had from time to time been made in the duty on whisky. The steamer was employed in consequence of a number of cargoes of tobacco having been landed on the coast of Ireland, which afforded facilities for that kind of smuggling.

Vote *agreed to;* as was also—

(4.) £63,025, Revenue Police.

(5.) £1,740,483, Post-Office Services.

COLONEL DUNNE said, he should like to have seen the increase made in the salaries of the superior officers of the Post Office in Ireland extended to the inferior class of officers; but he saw no reason whatever why the head of the department in that country should have his salary increased to £1,000 a year, especially as there were no additional duties imposed upon him. It would be in the recollection of the hon. Gentleman the Secretary to the Treasury, that last year a Committee was appointed to inquire respecting the conveyance of the mails and the manner in which the Post Office carried out the service in certain parts of Ireland. Subsequently the Committee was instructed to extend its inquiries to the whole of Ireland; but its sittings commenced so late in the Session that it found it could not get through the details in sufficient time to prepare any recommendations upon the subject. It recommended, therefore, that it should be permitted to resume its inquiries during the present year. He now wished to know if the Government were prepared to allow the Members of that Committee to re-assemble; for he believed he might say he was authorised to state that many of the most useful of its Members were ready to serve again. At the present moment there was a fresh necessity for the resumption by the Committee of its labours. Within the last two or three days a Treasury Minute had been issued with regard to the postal communication between England and Ireland, which was drawn up, as it appeared to him, satisfactorily to the Irish people. It pointed at some acceleration in the mail communication between London and Dublin; but he apprehended that those alterations would entail an almost total change of times of arrival and departure, not only between one country and the other, but in all the provincial towns of Ireland. He thought the Committee might well take these arrangements into its consideration, and he hoped the Government would allow it to re-assemble for the purpose of concluding its labours.

MR. WILSON said, there was no change in the conditions upon which the office of secretary to the Post Office in Ireland was held, as his hon. and gallant Friend seemed to think; but, according to the original conditions, it was to be augmented £100 a year, from £700 until it reached £1,000. With regard to the Treasury Minute, his hon. and gallant Friend had fairly stated that the great changes which were contemplated by it might possibly cause an alteration in the hours of arrival and departure of the mail between the two countries, and in that event involve the necessity of some reorganisation of all the internal mails. But a work of that kind could not possibly be undertaken by a Committee of that House. It was of so extensive and minute a character that it would require the officers of the chief office themselves, in their individual capacity, to lay it down and work it before a Committee could possibly judge of the propriety of the arrangement. If, after the new arrangements were completed, it appeared to Irish Members that it was desirable the Committee should inquire further into the local postal regulations, he should not, on the part of the Government, oppose it.

COLONEL DUNNE said, he certainly considered that it would be better that the new arrangements should be carried out by the Post-Office officials. He would not, therefore, move for the reappointment of the Committee, until he saw how the arrangement worked.

MR. DUNCAN said, he wished to draw attention to the circumstance that a memorial had been presented to the Post-Office authorities, from the local magistrates and inhabitants of Dundee, complaining of the small number of letter-carriers — seven only—employed in that town. He hoped the number would be increased, and also that the carriers would be provided with a distinctive uniform.

MR. MICHELL said, he thought the letter-carriers were, as a rule, very badly remunerated. For his part he was not surprised that so many robberies were perpetrated by that class of servants; he rather wondered that there were not more. The poor men were kept on their feet for eight and ten hours a day, and received in wages the miserable pittance of 19*s.* a week. It was a disgrace to the department, that with so large a revenue, it should pay the men such scanty wages. He willingly admitted that Mr. Rowland Hill had done a great deal to improve the postal service and promote its efficiency;

but there was much more yet to do before he would have placed it on a proper footing. The times of Sir Robert Walpole had been referred to as distinguished for corruption. [*Laughter.*] The Secretary to the Treasury might laugh; but he (Mr. Michell) could tell him that the Post Office could furnish him with cases of corruption worthy only of the times of Walpole. See, for example, the invidious distinction that was made between the post offices in the borough towns and those in towns which were not boroughs. Why, in the former, the officials were paid double what they were in the latter; and the reason was palpable. Political considerations were at the bottom of it all. In Honiton, with a population of 3,437, the post-office expenditure was £161 per annum, and the letter-carrier was paid £36. Honiton was a borough represented by two Whigs. But in Sidmouth, with a population of 3,444, the expense of the post office was £90, and the letter-carrier was paid only £18. Sidmouth, however, was not a borough. These cases were not exceptional; for there was a long list of others precisely similar in their character, and among these he might mention Bridport. [An hon. MEMBER: "Bodmin."] Yes, Bodmin, too; he would not excuse it more than any other place; Chard, Crewkerne, and St. Austel. He considered the system was a disgrace to the Post-Office authorities, and the sooner a Committee was appointed to inquire into it the better.

MR. LLOYD DAVIES said, he quite concurred with the hon. Member for Bodmin that the letter-carriers were most inadequately paid. He also wished to draw attention to the smallness of the remuneration awarded to postmasters in villages in remote districts. He did not, however, blame the officials for that, but the system. It clearly showed that there was something radically wrong in the mode in which the large funds of the Post Office were appropriated. If the revenue of the department was sufficient to cover the expenditure proposed, and give a surplus, he thought they should not have persons in the service who were insufficiently paid. The answer given by the General Post Office to the representations made to it on the subject was, that the profits of those districts were not enough to justify an increase of the allowance made to those persons. But he regarded the Post Office as a national establishment; and if they were receiving too little in one part of the kingdom, they were receiving so much in another, that, in his opinion, they might with the greatest justice and propriety make that increase.

CAPTAIN SCOBELL said, he must confess that he was astonished at the wonderful regularity and despatch with which the Post-Office arrangements were carried out, although, no doubt, there might be some small matters which required adjustment. He thought it would be a useful change in London and large cities if all the receiving houses were required to have some sign or distinguishing mark in the day, and a coloured light after dark to attract the eye, so that a stranger might know where to go to post a letter by night and by day. He would also suggest that the letter-carriers should wear a similar kind of uniform in the country as they did in London.

MR. WILSON said, that the practice of giving uniforms had, within the last year, been extended to several towns, including Bristol, Birmingham, Glasgow, and Liverpool. In answer to some remarks which had been made by different hon. Members, he begged to observe, that there could be no question that the large towns had been well supplied with letter-carriers, but that the great difficulty of the Post Office hitherto had been in permeating the rural districts; and that was one of the special objects to which Lord Canning had with great assiduity directed his attention. Eight or ten years ago there was scarcely such a thing as a sub-post office in the small hamlets and villages throughout the country. In 1854, however, there were as many as 7,986 of such Post Offices; in 1855 the number had been increased to 8,479; and at present there were 8,960—showing an increase of nearly 1,000 in two years. The hon. Member for Bodmin (Mr. Michell) had complained of the low rate at which the keepers of those offices were paid; but the fact was that either those persons must be paid a very small sum, or the sub-post offices must be given up. Small as the amount was, however, there was a great deal of competition for it, and it was somewhat enhanced by the poundage received upon the sale of postage and receipt stamps. The gross revenue of the Post Office was £2,700,000, and the cost of collection was £1,700,000, leaving a balance of £1,000,000, of which, however, the packet service consumed £800,000. Strictly speaking, the Post Office must not be regarded as a branch of revenue, but as a great public service which conferred vast advantages upon the community, and did little more than pay its expenses.

Mr. W. WILLIAMS said, he wished to point out that there was an increase in the salary of the solicitor to the Post Office at Edinburgh from £100 to £400 a year, and, without saying that the amount was too large, he wished to know the reason for the increase? He also begged to ask what this country had to do with paying for the postal arrangements of Jamaica and Hong Kong? There was a deputy postmaster general at Jamaica with a salary of £1,000 a year; what were his duties? There were numerous clerks also, and various incidental expenses, which brought up the item for salaries to £4,480. What did this country, he would ask, receive in return for that payment? The postmaster general at Hong Kong received £600 a year; that appeared to be an extravagant sum, and the Committee had a right to some explanation on the subject.

Mr. WILSON said, that the increase from £100 to £400, for the salary of the solicitor to the Post Office in Edinburgh was accounted for by the fact that the £100 had been paid to a deputy while the office of solicitor was vacant; but a new appointment having been since made, the salary of course returned to its former scale. With regard to the case of Jamaica, the amount of the post-office salaries (£4,480) was far more than compensated by the postal revenues derived from that island. Should the Colonies hereafter prefer to undertake the management of their own postal establishments entirely new arrangements would have to be made; but as long as the mother country collected the whole of these revenues she must be content to bear the whole of the expense. As to the salary of the postmaster at Hong Kong, £600 was not an excessive remuneration for a man who expatriated himself to an unhealthy climate to fill such an office; and when it was borne in mind that we carried on an export trade with China amounting to more than £2,000,000 annually, together with a very extensive import trade, it would be obvious that regular postal communication with that distant quarter was indispensable, and could not be provided except at considerable expense.

Mr. W. WILLIAMS said, that a larger trade was carried on at Canton, where the postmaster's salary was but one-half the sum paid at Hong Kong. The hon. Gentleman (Mr. Wilson) had not explained the whole of the items relating to Jamaica. There was a charge of £42,700, which he had not accounted for.

Mr. WILSON stated, that only £1,300 of the £42,700 applied to Jamaica. The hon. Member had committed the serious mistake of placing a charge, spreading over the whole of the British Empire, to the exclusive account of the island of Jamaica.

Vote *agreed to*, as was also—

(6.) £80,000, Medal Services.

House resumed.

CIVIL SERVICE SUPERANNUATION BILL.

The CHANCELLOR of the EXCHEQUER: Sir, I rise to ask for leave to introduce a Bill to amend the Act relating to the Superannuation of the Civil Service. In submitting to the House the Motion of which I have given notice, I will take the liberty of calling its attention to the manner in which the existing system of superannuation in the civil service originated and has worked. In the last Session of Parliament the subject of administrative reform deservedly engaged a considerable portion of the attention of this House. Her Majesty's Government fully appreciated the importance of that subject, and is desirous, to the extent of its power, of contributing to the reform of the administrative departments. One important element in that reform is the just apportionment of the remuneration of persons employed in the civil service. This remuneration, according to the present mode of payment, is divided into two parts. It consists partly of an annual salary received by a public servant while he is discharging the duties of his office. It also consists of an allowance which he receives at the time when he ceases to be able to perform those duties. During the last Session of Parliament I was asked whether it was my intention to submit to the consideration of the House a Bill which I found in existence at the time of my accession to office. I replied, that the business of the Session would not admit of any probability of its being considered at that period, but that as soon as an opportunity should present itself I would call the attention of the House to the subject. In fulfilment of that promise I have now to ask the House to permit me to introduce, this evening, a Bill which is substantially identical with that which I found in existence on my coming into office.

Before I explain the provisions of the Bill, I will trouble the House with some remarks upon the nature of the present system of superannuation. I will do so for various reasons. In the first place, the existing system of superannuations has given rise to extensive complaints and dissatisfaction on the part of the members of the civil service. Those complaints and that dissatisfaction have found numerous modes of expression. They have been circulated in printed statements, they have been expressed in newspapers, they have found organs in this House; and I think it due to so important, so respectable, and so public-spirited a body of men as the civil service, that their complaints should be fairly considered and investigated. I am sure that every Member of this House, casting aside those old prejudices which used to be entertained against placemen merely as such, will admit the great importance to the due conduct of the Government of the country of the permanent civil service. We know how much importance was attributed to the permanent civil service connected with the army during the painful discussions that took place last Session. The civil service connected with the administrative departments at home is equally important to the due conduct of our public affairs; and those Gentlemen who give an unpaid attention to the business of the State as Members of this House will, I am sure, be not slow to recognise the valuable assistance which the stipendiaries in the civil service render to them in the discharge of their public duties. There is another reason why I am desirous of calling the attention of the House to the state of the existing system of superannuations. That system has grown up within a comparatively recent period; but during the short time it has existed there has been much inconsistency shown in the conduct of this House in dealing with the subject. Important changes have been made without due deliberation, and, now that we are called upon to reconsider the question, it seems to me of the utmost importance that we should proceed to that consideration with a full knowledge of all the antecedent circumstances, in order that any measure we may adopt in the present Session may be of such a nature as will prevent future vacillation and uncertainty on the subject. During the last century there was no system established by Act of Parliament for the superannuation of the civil service. The Treasury had a general power, in certain cases where it thought fit to interfere, of granting retiring pensions, but that power was not very frequently exercised, because there were then numerous sinecures in existence which were called in aid for the purpose of providing for persons whose time of service had been so long as to give them a fair claim for retirement. The system was altogether irregular; it did not, indeed, deserve the name of a system, and about the end of the century remarks were made by several Committees of this House as to the expediency of introducing a more regular and better adjusted mode of superannuation for the civil service. And here I must be permitted to say, in connection with the plan which then existed, that in my opinion nothing can be more shortsighted than to abstain from providing superannuations for civil servants who are unable, from age or infirmity, to discharge their duties efficiently. When a person of liberal education has given the best part of his life to the service of the public, and the time comes when it would be for the public advantage that he should retire, it will be found that no Government, from whatever side of the House it may be taken, will consign such a gentleman to poverty and destitution, if such would be the effect of compelling him to retire. The certain result, if no system of superannuations be provided, inevitably will be that a large number of persons, incapable of performing their duties on account of old age or ill health, will be kept quartered upon the public offices, incumbering the departments to which they belong, and excluding from the upper branches more efficient persons, who would be entitled to an increase of salary, they themselves performing scarcely any duty, but receiving high salaries, and the chief business of the departments falling upon their juniors, who, with inferior and inadequate salaries, would be called upon to discharge their duties. Such an unwholesome and inefficient state of the public service would, I venture to predict with great confidence, be the inevitable result of attempting to carry on the civil service of the State without superannuation allowances.

Well, Sir, about the beginning of the present century the foundation of a system was laid. A Treasury Minute, of the 10th of August, 1803, is the first authority by which a system of superannuations was introduced. The operation of that Minute was confined to officers of customs. An officer who had served with diligence and fidelity, and was reported to be absolutely incapable, from infirmity of mind or body, of executing the duties of his office, might retire upon one-third of his salary. Service from ten to twenty years was rewarded with one-half of the salary; and above twenty years, with two-thirds. This was, I consider, a very liberal provision. We next come to the first Act of Parliament on the subject. The 49th of *George* III. c. 96, entitled "An Act to provide for a durable Allowance of Superannuation to the Officers of Excise" was passed in the year 1809. An officer who had served less than ten years was entitled by that Act to three-fourths of his salary, if incapable of duty; and an allowance was also provided for officers who had served between seven and ten years, and who were incapacitated by injuries received in the execution of their duty. There is one peculiarity in this Act which I would venture to point out to the House. The Act recognises the principle of making deductions from the salaries of Excise officers for the purpose of creating a fund from which superannuation allowances were to be paid, and directed that the sums so collected should be invested in Government securities. The next Act of the Legislature on the subject was in 1810. That Act approved of the Treasury Minute of 1803, and fixed certain limits, but less restrictive than those of the Minute. It set forth a scale of superannuation and determined the conditions upon which allowances were to be made. This was the first general Act for superannuation of the civil service, the previous Act having been confined to the department of Excise.

I come now, Sir, to the fate of the Customs' Superannuation Fund, which it seems had not a very long existence. It was originated in 1803. In 1811, when in consequence of the war the finance Minister of the day was obliged to resort to various expedients for raising the revenue, a Bill was passed for abolishing the superannuation fund in the department of the Customs, for transferring it to the Consolidated Customs; that is to say, for carrying it to the account of revenue —and for authorising the payment of all retiring allowances in that department out of the Consolidated Fund. Now the meaning of that phraseology was simply this, that the Government took possession of the fund, paid it into the Exchequer, and made the superannuation allowances a charge on the general revenue. The sum thus paid over was £165,071. Such was the fate of the Customs' Superannuation Fund. That brings us to the year 1821, when, in consequence of an Address of the House of Commons, originating in a Motion by the late Member for Montrose, Mr. Hume, for an inquiry into the several civil departments, the Treasury, among other things, took the superannuation allowances into consideration. The House will recollect that at that time there was no fund in existence, the Government having appropriated the only one that had been created. A Treasury Minute was issued on the 10th of August, 1821, recommending that those who enjoyed the benefit of the superannuation allowance should be called upon to contribute to a superannuation fund, and also proposing an amended scale of allowances, somewhat less liberal than that of the Act of 1810. At this time the amount of the superannuation allowances began to attract much of the national attention, and a movement took place for the purpose of diminishing the expenditure under this head. The Treasury Minute to which I have referred led to the Superannuation Act of 1822, by which the superannuation fund was authorised to be raised by a percentage on salaries and emoluments. All the salaries of persons to whom superannuation allowances might be granted were charged as follows, and this is the first introduction of the system of deductions, which is one of the many grounds of complaint urged by the civil service. Salaries under £100 were exempt; those between £100 and £200 paid a deduction of 2½ per cent, and those above £200, 5 per cent. I ought to mention that at this time all the departments of the civil service had undergone a general revision by the Treasury, in consequence of the movement originated by Mr. Hume, and on the ground of the regulation then made it was required that all salaries increased beyond a certain regulated rate should pay 10 per cent—that is to say, that if a civil servant received an increase of salary beyond the regulated rate, he had to pay upon it an annual deduction of 10 per cent. It was further enacted that the contributions should be paid into the Bank of England to an account to be raised in the names of the Commissioners for the Reduction of the National Debt, being entitled the General Superannuation Fund; also, that in every case where an officer retired from the office held by him, under any circumstances that would not allow of the grant of a superannuation allowance, he should be entitled to the return of all the money deducted from his salary, but without interest; and that if an officer died while in office, the sum contributed by him should be paid to his executors, also without interest. The repayment of contributions was likewise authorised where an officer might die after his resignation or removal from any office without having received a superannuation allowance. The Act also introduced a new scale somewhat more liberal than that of 1810. The Act was made applicable to the case of existing officers, and this caused so much objection that in the following year a Motion was made in Parliament on the subject which was supported by a majority of the House, though opposed by the Government of the day. The result of this Motion was, that in 1824 a Bill was passed by which so much of the Act of 1822 as related to the superannuation fund was repealed, and the sums paid during the two preceding years returned to the contributors. The whole amount of these contributions I have not been able to ascertain; but in 1823 they amounted to £88,000, so that probably the entire sum was something short of £180,000.

We now arrive at this result—Parliament, having created a superannuation fund in 1822, changed its mind two years afterwards, and the contributions to the fund were repaid to the contributors. That was the state of the second superannuation fund which Parliament created, the first having been made a charge on the general revenue of the country. The second fund, after two years, was, as I have just stated, dissolved by the return of all the contributions. I wish to draw attention to these circumstances, because one of the plans now proposed by members of the civil service involves the creation of a superannuation fund. I have now shown the attempts which have been made to create a superannuation fund, and the breaking down of the system in two years. Nevertheless, the opinion of Parliament was that a superannuation allowance ought to exist, and that it might be effected; and the subject came before a Committee of the House which sat to consider the state of public salaries and expenditure in public offices in 1828, and which was presided over by Sir Henry Parnell. The object in view was the diminution of the charge for superannuation allowances on the public revenue, and the restoration of the system of deductions from salaries, which was established by the Treasury Minute in 1821, enacted by Parliament in 1822, and repealed by Parliament in 1824. The attainment of that object was recommended by the Committee. I hope the House will give me its attention while I read a short extract from the Report of that Committee, because it excited much attention at the time, and will explain clearly the idea which was then entertained as to the best mode of settling the question. The Report first speaks of the persons holding office at the time, and then proceeds—

> "With respect to persons who may hereafter come into office, there is no difficulty in making a more economical arrangement. The Committee, therefore, recommend that the means of granting allowances to such persons in case of age or infirmity should be wholly provided by deductions from their salaries; the scale and conditions of the allowances to be made to them should be so regulated, that the charge may be fully provided by the fund which their contributions would create, so that the public may not eventually have to bear any part of the expense of these allowances. The Committee have fully considered whether it might not be more expedient either to leave the salaries wholly in the hands of the parties themselves, wherewith to provide by insurance or by other arrangements of their own for the contingency of a forced retirement from office, or to diminish the salaries in the proportion of the deductions proposed to be made, and to provide the charge of the retired allowances out of the public moneys; but neither of those modes has appeared to the Committee so advisable as that which they now suggest."

The plan of the Committee, therefore, was, that a fund should be created by annual deductions from the salaries of persons in office, and that the superannuation allowances granted should be exclusively derived from the fund so created. The Chancellor of the Exchequer at that time, Mr. Goulburn, whose recent loss we all so much deplore, introduced at the end of the Session of 1828 a Bill to give effect to the recommendations of the Committee. This Bill was to be made applicable to the entire civil service, and every officer's salary was to be subject to the deduction by which the fund was to be created. The measure underwent a close examination in this House, and strong objection was taken to the introduction of a system of deductions applicable to existing officers who had entered the service on other conditions. The consequence was, that after the discussion on the second reading the Bill was withdrawn. The recommendations of Sir Henry Parnell's Committee, therefore, were followed by no action on the part of Parliament. But the Government of the day thinking themselves bound to take some course in consequence of the recommendation of the Committee of 1828, issued in 1829 that Treasury Minute which is the foundation of the system now in operation. This Minute imposed a deduction on all persons entering the civil service from that date of 2½ per cent for salaries not exceeding £100 per annum, and of 5 per cent on all above that sum. These deductions were carried into effect; but Parliament did not legislate on the subject, and there was no rule laid down with regard to the appropriation of the deductions, which remained invested in Exchequer Bills till Parliament should decide upon the question. In 1831 a Treasury Minute was adopted which made some reduction, taking off one-fifth from the scale authorised by 3 *Geo.* IV., imposing some checks with regard to superannuation, and providing that no superannuation allowance should be granted without an examination of the application by two Lords of the Treasury. No change took place until 1834, when the Bill was passed under which superannuations are at present granted. That enactment adopts the rule of the Treasury Minute of 1829 with respect to deductions, and declares that all persons entering the civil service after the year 1829 shall be subject to deductions of 2½ per cent from salaries under £100, and to deductions at the rate of 5 per cent. from salaries of higher amount, but it contains no specific provision with reference to the appropriation of these deductions. The Act does not direct that the deductions shall be constituted into a fund, but it clearly contemplates that they shall be carried to the account of the revenue, in diminution of the expense of superannuations. So far, then, as the deductions are concerned, the Act of 1854 introduced no new principle. It merely gave the authority of Parliamentary legislation to a rule which had been laid down five years before in a Treasury Minute. It made, however, this important change—it altered the scale of superannuation allowances which was laid down by the existing Statute, and it made that scale less favourable to the civil service. One principle was introduced into the Bill while it was passing through this House, which had considerable effect upon its operation. When the measure was introduced, it was intended that all increases of salary which might take place after its adoption, should be subject to deduction, but by an alteration introduced during its progress through the House, the rights of all persons employed in the civil service at that time were recognised, and it was declared that every person who was engaged in the civil service in 1829, whatever office he might hold, and whatever his salary might be, should be exempt from deduction. The sytem of deduction was, therefore, limited strictly to those persons who entered the civil service after 1829.

During the earlier years of the operation of the Act, the number of persons whom it affected was small; the persons in the public offices consisted mainly of those who had entered the civil service before 1829; and complaints with regard to the deductions were not much heard. I find, however, from the best information I can obtain, that about one-third of the persons at present employed in the civil service entered that service before 1829, and about two-thirds have entered it since. The consequence is, that about two-thirds of the persons now engaged in the service are liable to the annual deductions, and inasmuch as they feel greatly the diminution of their salaries caused by these deductions, their united complaints have reached the ears of Parliament. The complaints of the civil service are distributed under several heads, and I think it due to them to put the House in possession, as briefly as I can, of those points in the existing system, to which I understand the objections of the civil service chiefly to apply. In a printed paper which has lately been circulated, I presume widely, among the public offices, and which bears the signature of Mr. Bromley, a very able gentleman, employed in the department of the Admiralty as Accountant General of the Navy, who has acted as Chairman of the Committee of the Civil Service, who have considered the subject, I find very strong assertions with respect to what he considers a distinct breach of faith on the part of the Government—namely, that there has been an illegal application of the funds derived from the deductions, and an attempt—I will not say to defraud the civil service of their just dues—but at any rate, an attempt, deliberately carried on by a succession of Governments, to withhold from the civil service, by the non-creation of a fund, those deductions from their salaries, which ought in justice and in law to have accrued to them. I have stated distinctly the charge that is made, in order that I may meet it with an equally distinct denial. I have looked through the whole series of Treasury Minutes and the Acts of Parliament which bear upon this subject, with as much care as I have been able to bestow upon them, and I have shown the House how variable the policy of Parliament and of different Governments has been. At one time, undoubtedly, they created in the most distinct terms a superannuation fund, and it was the policy of Parliament that a superannuation fund should exist, from which the pensions should be paid. It appears to me equally clear that that policy was abandoned in 1829, and that under the Act of 1834, which we have now alone to consider, there is not the slightest trace of any direction to create a fund; and the absence of any direction to create a fund, coupled with the precise enactments in former Statutes, directing the creation of a fund, prescribing the title under which it is to be raised—as it is technically termed—in the books of the Bank of England, and making provision with reference to the Commissioners in whose name the account is to stand, shows in the most conclusive manner that it was not intended by the Act of 1834 to create a superannuation fund. I will read to the House the recital of the clause in the Act of 1834 which imposes the deduction—

> "And whereas the Commissioners of the Treasury did, by a minute dated the 4th day of August, 1829, record their intention to adopt certain regulations with a view to reduce prospectively the charge incurred in providing for superannuation allowances, of which notice was given in the several public departments, for the information of those who should thereafter enter the public service; and whereas, in pursuance of the said minute, an annual abatement hath been made from the salaries and emoluments of the several persons who have entered the public service subsequent to the date thereof; and whereas it is expedient to continue such abatement in those cases, and to extend it to others, as hereinafter provided."

That is the entire recital, and the section goes on merely to define the amount of the deduction, but the Act contains no provision whatever relative to the appropriation, or application, or management of abatements.

Now, if the House should desire it, I will state to them the precise practice which is followed with regard to the disposition of the money which accrues from these deductions. Inasmuch as such charges as those to which I have referred have been made, it is important the House should be informed of that practice, that they may be satisfied there has been no departure from the terms of the Act which has guided the conduct of all the Governments which have dealt with this subject since 1834. In the Revenue Departments—the Customs, Inland Revenue, and Post Office, the deductions from salaries are made when the salaries are paid, and the amounts are carried to the account of pensions for superannuations. Those amounts are never paid into the Exchequer. With respect to the other departments, the practice up to 1848 was similar to that of the Revenue Departments. The deductions were stopped, and were carried to the account of the departmental charge for superannuations, and reduced *pro tanto* the Vote of the following year; but since 1848 the deductions have been paid into the Exchequer, in order that Parliament may vote the full charge for superannuations. If any further inquiry should be made on this subject, I believe the House will find, on looking into all the documents bearing upon the question, that there is no ground whatever for the charge of a breach of faith on the part of the Government, since the year 1834, with reference to the administration of these deductions. The terms upon which these deductions were to be made were, as I have stated, communicated to the several departments in the year 1829; they were afterwards embodied in an Act of Parliament; all persons who accepted office since 1829 had full notice that such deductions would be made; and it is impossible to say that they have any right to complain on the ground of breach of faith or non-observance of engagements on the part of the Government with regard to these deductions. It is, however, important that the House should bear in mind the nature and operation of the deductions. When you vote the salaries for the Revenue Department you vote the full salaries, but every salary above £100 is subject to a deduction of 5 per cent. I will, for example, take the instance of Sir Thomas Fremantle, the First Commissioner of the Board of Customs. His salary is set down in the Estimates at £2,000. The present First Commissioner is, however, liable to a deduction of 5 per cent, and never can receive by any possible combination of events more than £1,900 a year. If he had entered the service before 1829 he would receive the full salary, but having entered since, he is liable to a deduction of 5 per cent, and that remark applies to every salary which is voted by this House. Those who plead the cause of the civil service for remission of deductions and increase of pensions have drawn a very highly-coloured picture of the enormous profits which they state the Government has made by the present system. They say that if the deductions which have been made since the year 1829 were funded, and if they accumulated at compound interest, in a certain number of years a sum which certainly would move the envy of any Chancellor of the Exchequer would rise before his eyes, and they make it appear that the Government have achieved a most profitable bargain, and that the civil service has been defrauded of a very large sum. Now, Sir, these speculations about compound interest are similar to those of Dr. Price, who, in reference to a sinking fund, estimated that a halfpenny at compound interest would, after a certain number of centuries, produce a sum sufficient to pay off the National Debt; but, if instead of such calculations we refer to facts, we shall find this result—that the total amount of compensations and superannuation allowances payable on the 31st of December, 1854, was £767,659. A further sum of £75,000 is paid for pensions to artificers, labourers, and others in the Naval and Ordnance Departments. Those two sums make £842,659, which is now the annual charge of the compensations and superannuation allowances. The deductions in 1854 were £61,214, so that at present the deductions bear a very small ratio to the total amount of superannuations, and, I must say, taking the most sanguine views which any calculators can form of the probable amount of those deductions, even if they could be funded, I can hardly conceive the time will ever arrive when the fund will cover the probable expense of the annual superannuations.

Another objection to the present system is, that it is partial and capricious—that it spares the high and the low, and that it strikes only those whose salaries are of the middle class. The complaint of the civil service reminds me of two quaint old monkish lines, in which the same idea is expressed, probably in reference to some former system of taxation—

> "Deuce ace non possunt et seize cinq solvere nolunt,
> Omnibus est notum quater tray solvere totum."

Those lines express in a few words the complaint by the civil service—that the chief officers of the State escape deductions, and that a large class of artificers employed in the Naval and Ordnance Departments are likewise exempt. I believe at this moment there are only four political pensions in existence. Therefore that class scarcely affords any ground of legitimate complaint. Then it is said Ambassadors and Ministers and the whole diplomatic establishment ought to be subject to deductions. The system under which they are placed is peculiar, a charge of £180,000 is made on the Consolidated Fund, out of which both these salaries and these pensions are defrayed. They are not entitled by right to superannuation allowance. Their pension depends on the discretion of the Government; it is impossible, therefore, without an entire change, to bring them under the system of deductions. The next head of complaint is, that the India Board is also exempt from the superannuation system. That department has always stood by itself, and has not been brought under the general rules as to salaries and superannuations. Then, also, it is said the judicial establishments are not subject to the Superannuation Act. They also must be considered as standing upon different ground. The Court of Chancery is paid from the suitors' fund, and many officers are paid from fees of court. They are not voted in the same manner as other departments, and have always been considered as standing apart from this system. Many of the officers in the Judicial Department do not come under the description of high officials. Nevertheless, they are exempt from this charge. So far this is an anomaly in the system, but an anomaly for the reason which I have stated. Then there are a number of inferior officers in the Naval and Ordnance Departments also exempt from deduction. In the Ordnance, in the year 1855-6, there were 9,472 workmen entitled to pensions without being liable to the superannuation fund abatements, whose aggregate pay was £504,000 a year. In the Admiralty the number was 12,508, with the aggregate annual pay of £821,085. There is also a considerable number of persons in the Post Office who are in the same position. The annual pay of persons in that department, who are entitled to pensions but do not pay deductions, is £174,000; the number of officers is 2,398. That shows that there is a considerable number of persons in branches of some of the large departments whom it is found advantageous to the public service to bring under the benefits of the system of superannuation, but who, receiving, in many cases, weekly pay, in all cases small salaries, are not placed under the system of deduction. Another very serious complaint, made by many members of the civil service, is, that out of the number subject to deduction a very small proportion receive superannuation allowance. Dr. Farr, a member of the Registrar General's Office, who has given much attention to the subject, and whose authority on statistics is very high, estimates the number of persons who will be superannuated under the new scale, provided the system is fully brought into effect, at not more than 6 or 7 per cent—that is to say, that out of every 100 persons entering the civil service since 1829, ninety-three or ninety-four will pay deductions without receiving any benefit from them. That, however, refers to a future period.

I will now shortly state to the House some facts as to the operation of that system during the last five years. In the Inland Revenue Department, during the last five years, the number of persons who have retired altogether from the department is 1,348. Out of that number 667 have retired on pensions, or rather less than one-half; 242 have died in the service; 243 were discharged; and 196 left for other pursuits. The House, therefore, will see that out of 1,348 persons who left the department during those five years rather more than half paid deductions without deriving any benefit. With regard to the Customs, the total number who in the same time left that department was 1,280. Out of that number 509 retired with pensions; 22 were discharged on gratuities; 329 died in the service; 238 were discharged for bad conduct; and 182 left voluntarily for other pursuits. One objection made by the civil service is the double operation of the deductions and the income-tax. Sir, I am bound to say that in my opinion this combined operation produces cases of considerable hardship. I will state to the House one case which will show in a strong light how this combined operation is felt. A clerk who is promoted from £105 to £110 a year in consequence of his new liability to income tax becomes a loser by his promotion. His salary of £110, less superannuation abatements (£5 10*s.*), is reduced to £104 10*s.* It is still further reduced by £5 0*s.* 1*d.*, being the amount of income tax at 11½*d.* in the pound, which leaves him £99 9*s.* 11*d.* His previous income, after deductions, was £99 15*s.*, and he is thus a loser of 5*s.* 1*d.* by his promotion. Now, that is a case of considerable hardship, and, without confining ourselves to the low rates of salary I have just mentioned, this combined operation of the income tax, and the deductions, makes a large inroad in the small incomes of the chief part of the civil service.

I have now stated, I hope fairly, the objections which are urged by the civil service to the combined systems of deductions and pensions. Well, the House will perhaps expect me now to propose to them to accede to the prayer of the memorialists —namely, to abolish the deductions and to substitute the old for the new scale of pensions—the more liberal for the less liberal scale. In answer to that memorial of the civil service, I must, in the first place, remark that the notice given to all persons entering the civil service after the Act of 1834 is as distinct and explicit as it can be. Every one who accepted office after that time must know that his salary would be subject to these deductions. Although the salaries voted by this House are not diminished by the deductions, every person entering the civil service must have known, or might have known, that his salary was liable to that rate of deduction. We may, in fact, consider the Act of 1834 in the light of a contract entered into between the nation and the civil service. I cannot, therefore, admit as valid, the argument that any breach of faith has been committed on the part of the Government and the nation. I think that great objections exist to inconstancy and vacillation on questions of this sort. We cannot look to the conduct of Parliament in former years as holding out any very useful example of steadiness of principle. But it behoves us the more to beware that we take no rash step; and that we do not, without strong and valid reasons, rescind that which has been decided upon by a former Legislature, and acted upon, without intermission, for nearly a quarter of a century. Therefore, Sir, in the measure which I ask for leave to introduce I do not propose to make an alteration in the system of deductions. The amendments that I ask the leave of the House to make are limited to alterations in the scale of superannuation allowance. I purpose to make it more liberal than the existing scale, and to make it resemble more nearly the old scale than that which is now in existence. These amendments will be accompanied with several changes, rendering the allowances more liberal to the civil service; but beyond this I do not purpose to go. I will not trouble the House with any detailed statement of the Bill which I seek to introduce. If the House should permit me to carry the Bill to a second reading, I propose to refer it, not to a Committee of the whole House, but to a Select Committee, giving that Committee the power of examining witnesses. The Committee will then be able to examine thoroughly a subject full of difficulty, and embarrassed by numerous details. The Committee will also compare the provisions of the Acts of Parliament in force, and will be able to say whether there is any foundation for the complaint that there has been any illegality on the part of different Governments. I shall wish to submit to that Committee the whole series of Treasury Minutes and other documents of the departments on this subject; and the Committee will, moreover, have the opportunity of learning from different members of the civil service what are the complaints they make, by what arguments they are substantiated, and what remedies they have to propose. After considerable reflection, this appears to me to be the most satisfactory course for the House to adopt, and the fairest to the civil service. Before I sit down there is one other remark with which I must trouble the House. One of the measures proposed by different members of the civil service is simply the abolition of the deductions, combined with the increased scale of pensions. The other proposition is that the present system of superannuation allowances taken out of the Consolidated Fund shall be continued, but that the abatements shall be allowed to exist, and be made into a fund distinct from the pensions, which should go to the survivors in the nature of an assurance to the wives and families of members of the civil service. I express no opinion upon these two plans. I submit them to the judgment of the House, and I hope that if the subject is thoroughly sifted and investigated by the appointment of a Select Committee, the House will be able, with a full knowledge of the facts, eventually to arrive at a judgment which will be satisfactory to the civil service, and will be found conducive to the efficiency of the administration of public affairs.

Mr. RICH said, he must beg to express his approbation of the attention which the right hon. Gentleman had devoted to the subject, and his satisfaction that it was not intended hastily to alter the settlement that had been effected in 1834. When a claim was raised on the part of the civil service to a superannuation fund, it should be borne in mind that there neither was nor ever had been such a fund except during the short period from 1822 to 1824. All the other branches of the public service had suffered great deductions, whereas, since 1821, the salaries of civil servants had been untouched. In 1821 some reductions were sanctioned, but which were not such as to prevent the imposition of 5 per cent deduction for the superannuation fund then recommended. That had been abolished soon after, but in 1828 Sir Henry Parnell's Committee recommended a recurrence to it. Under Lord Grey's Administration there had been large deductions in the political, judicial, and diplomatic departments, but the civil service had been untouched, except by the reimposition of the deduction of 5 per cent for superannuation, to which it formerly had been subject. But even this regarded only those who should hereafter enter that service. There was no ground, therefore, for complaint of breach of faith with the civil service. The civil service were better paid than the Army, the Navy, or the Church, and had greater certainty of promotion. On the other hand, was the service so very hard? The service was so attractive that there was a constant pressure on the Government for admission into it. The proposition of the right hon. Gentleman to refer his measure to a Select Committee was a prudent concession to a pressure from without on the part of the civil service. He hoped the Committee would not be swayed by clamour or complaints, but would consider the subject carefully and justly. It was not conducive to the good working of the service that it should be filled with relatives of noblemen and Cabinet Ministers. The observations he made were not to cast any reflections upon the service, which, from what he knew of it, he believed to be efficient.

Mr. DISRAELI: Sir, after the suggestion of the right hon. Gentleman the Chancellor of the Exchequer to refer the Bill to a Select Committee, I think it would be extremely inexpedient to enter into any detailed discussion as to the principle we ought to adopt in the superannuation of our civil servants. When the labours of the Committee are completed and their Report is before the House, we shall have a proper opportunity to enter into a complete discussion upon the subject. I must look upon this Motion as virtually one to refer to a Committee, proposed and sanctioned by the Government, the consideration of the whole case. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] If I have rightly gathered the meaning of the right hon. Gentleman, the Committee will have not merely to consider his Bill, but also to make such suggestions on the subject as they may think expedient—in short, to recommend to the Government the course which in their opinion ought to be adopted in reference to the subject they were appointed to consider. It would, therefore, be unadvisable, as well as uninteresting, to enter at present into any discussion upon the details of this measure. I approve of referring the whole question, whether in the shape of a Government Bill or otherwise, to a Select Committee, and I shall defer greatly to any recommendations they may make to the House. The right hon. Gentleman gave the House a very perspicuous historical narrative of the whole topic under our consideration, but that narrative did not very much facilitate the solution of the difficulties we have to encounter. The history of superannuation in this country is the history of spoliation. It is a very short history, for it may be condensed into one sentence—"You promised a fund, and you exacted a tax." You will find that this fatal error is at the bottom of the whole business, that it is the origin and cause of all the difficulties which present themselves, and which you have to overcome. This is not the time, however, and, after what the right hon. Gentleman has proposed, this is not even the place to enter upon the perplexing subject of these difficulties; but I trust the Committee will be appointed speedily, that it will be composed of those who, from their acquaintance with the subject generally, and their position in this House, will arrive at conclusions which, if they do not command the sanction, will at least deserve the attention of Parliament, and that this question will, at last, receive the most practical solution they are able to give to it. I was a little disappointed when I heard from the right hon. Gentleman that this Bill is the greatest measure of administrative reform we are to expect from Her Majesty's Ministers. The right hon. Gentleman told us, that the question of superannuation was a great branch of that question of administrative reform which he and his colleagues were prepared to advance as much as lay in their power, and when I learnt, in a subsequent part of his observations, that the result of their great effort in favour of administrative reforms was a measure upon this, not little, but comparatively speaking, inferior question, which is, after all, to be referred to a Select Committee, I confess that I felt some disappointment. I do not think it is a fulfilment either to the letter or to the spirit of that consent to the Amendment proposed last year by my hon. Friend the Member for Hertfordshire (Sir B. Lytton) on the subject of administrative reform, which alone saved the Government from a defeat in this House. I did expect, although the House was placed in a difficult position, and called upon to exercise great patience and forbearance towards Her Majesty's Government—I certainly did expect that, when the subject of administrative reform was introduced by Her Majesty's Ministers, they would have felt their responsibility and have been prepared to hold out to us a prospect of far more extended and important measures than we are now led to believe it is the intention of the Government to introduce; and I think that, whether we look to the formation of the new measures, which have been intimated, or to other circumstances connected with the Administration of the country, if the right hon. Gentleman the Chancellor of the Exchequer did think fit to advert upon this occasion to that question, he might, I think, have found it convenient on the part of his colleagues to inform the House what were the intentions of Her Majesty's Government with respect to that Resolution which was carried last Session with their sanction. I should not have referred to this subject had not the right hon. Gentleman, with some parade and ostentation, announced to the House that, the question having been under their consideration, the Bill which is to be laid upon the table to-night is the first, and as I collected, the most important fruit of the deliberations of Her Majesty's Government.

SIR FRANCIS BARING said, he could not avoid expressing his regret that the right hon. Gentleman who had just spoken should have made the question of the civil service an opportunity for a display of party feeling. He hoped the Committee which was to be appointed would enter upon a consideration of the subject in a different spirit to that displayed by the right hon. Gentleman. He would suggest to the right hon. Gentleman the Chancellor of the Exchequer that the question would be brought more satisfactorily before the Committee if the form of his proposition were a Committee to inquire into the superannuation question, and to refer his Bill to that Committee, and thus bring the whole question before it; for he could not see how the Committee could go into the whole subject with only the right hon. Gentleman's Bill before it. For what would be the use of discussing the Bill before the Committee without having all the circumstances of the case before it? There had been so much canvassing, so much unfair representation, that he thought it would be for the public advantage to have an inquiry into the justice of the charges and allegations which had been made on the part of the civil service. He considered the right hon. Gentleman the Chancellor of the Exchequer had disposed of the allegation of fraud practised on the civil service, which, it was said by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), had been promised a fund, and got a tax. He (Sir F. Baring) had something to do with the Act of 1834, and would ask whether there was any concealment then about its objects? He had heard it said that that Act promised a fund, but it did no such thing. Such a thing was not mentioned in the Act; it was not intended. He held in his hand the Estimates for 1836, when, if it had been intended there should be a fund, it must have appeared as a separate article; but instead of that, in 1836, there was a deduction made from the vote for civil superannuation allowances. If there had been any promise of a fund, hon. Gentlemen opposite, who had served in civil departments, and who were then in communication with civil servants, would not have failed to urge that point. There was an impression that the Committee had recommended that the deductions should be such as to cover the whole superannuation allowances. That was true, but he must say he never believed that those deductions would cover all the allowances the public would be called upon to pay. It had been alleged that the sum which was or would be received was larger than that which was necessary for the purpose of fairly paying those charges. That was, therefore, a fair subject of inquiry. He did not believe there were on the last occasion, or would be on the present, any means of ascertaining what the real charges were likely to be. His impression was, that if the right hon. Gentleman the Chancellor of the Exchequer on the part of the public, could hand over to the Bank of England the whole deductions upon the condition of paying all the charges, he would make an exceedingly good bargain. His own impression was, that this was a simple question of salary. It was quite true that payments were made, and that in consequence retired allowances were made, and, therefore, if the deductions were not made, it would be an increase of 5 or 2½ per cent to the salaries of the public servants, an arrangement of which he could not approve. He thought the whole subject could be discussed in a Committee with advantage to the public, and the House would do well not to be led away by papers circulated among Members, but to wait and see what the real facts connected with the question were.

MR. ROEBUCK said, the civil servants had done him the honour to address to his charge their petition to that House, which he should shortly present. In justification of some statements made in that petition, he wished to answer an observation of the right hon. Gentleman who had just sat down. He said that the House would take an exceedingly good step if it were to hand over the sums taken from the salaries of the civil servants to anybody who would take upon themselves the obligation of paying the superannuation allowances. That might be true; and it might be a good bargain if all the superannuation allowances were included in the obligation; but there was this peculiarity—that the civil servants were divided into two classes: the first class was not taxed at all; the second was taxed under this Bill; and there was a third class, including the people in the dockyards, who also were not taxed; but all the three classes came upon the superannuation fund. So that, in fact, one class was now taxed for the benefit of all three. Therefore the people who were taxed complained, and said that they were suffering an injustice because they were taxed for the benefit of the other two classes. But as the whole question, and not the Bill only, was to be referred to the Select Committee, he should, when he presented the petition of the civil servants, move that it also be referred to that Committee.

Sir STAFFORD NORTHCOTE said, he hoped the Committee would be appointed in such a manner as to have the opportunity of considering the question of the deductions; for, as he understood, the Bill of the right hon. Gentleman the Chancellor of the Exchequer contained no provision to abolish those deductions. In the speeches which had been made a good deal had been done to remove or alleviate the feeling of injustice which had certainly rankled in the minds of many who considered they were wronged by the Government, which, having promised them a fund, inflicted a tax instead. The right hon. Gentleman the Member for Portsmouth (Sir F. Baring) had shown that, technically, such was not the case, but it must be borne in mind that civil servants generally were not aware of what had taken place in Parliament in 1834, and, knowing that schemes for a superannuation fund had been sanctioned by Parliament, it was not unnatural they should suppose that the deductions were made for the purpose of providing for them, and, when it was shown that those deductions were more than sufficient to provide their own superannuation allowances, it was not surprising they should consider themselves ill treated. He would submit to the right hon. Gentleman the Chancellor of the Exchequer, that it was not expedient the civil servants should even suppose themselves labouring under injustice. The hon. Member for Richmond (Mr. Rich) had said that if there was any case of injustice there was none of expediency, as there were plenty of persons knowing all the circumstances who were ready to enter the civil service. He (Sir S. Northcote) could point out that, although the civil service had been going on in a satisfactory manner to the public, it had not been doing so without discontent. They had been told they were paying, what many of them for a long time believed to be, a deduction for their own benefit, but which they were now told was a tax imposed on one portion of the civil servants, not for their own benefit, but to pay a certain portion of the charges which ought to be borne by the nation. If civil servants had now no pensions in any shape, and when superannuated were sent about their business, there would be a good reason for establishing pensions to get good servants, even as a matter of true economy. Even now it was in the power of the Treasury to give or withhold the retired allowances, and if they were withheld a feeling of injustice would be natural when sums had been paid for a certain number of years in expectation of a return. He believed they would consider themselves better off if the deductions were taken away, and the allowances left in the hands of the Government, so that they could apportion the rewards to good services, which they could do now certainly, but not without creating a sense of injustice in the breasts of those who, feeling that they had paid money, thought that they ought to have the benefit of it. The whole system required arrangement and supervision all the more from the tendency of late years to create offices at low salaries, and he thought the scheme proposed should have embraced some such supervision. If it was intended to improve the condition of the civil servants, it would be much better to effect that object either by abolishing the present system of deductions or increasing their pensions. He was not one of those who thought both should be done, for he conceived that it would be better to do away with the deductions, and give the Government power to grant pensions according to the deserts of the civil servants.

Sir JAMES GRAHAM: Sir, I shall not prolong the present discussion by many observations, since the Chancellor of the Exchequer has expressed his willingness to refer the Bill to a Committee. This system of superannuation has been called spoliation by the right hon. Gentleman opposite (Mr. Disraeli), who said that not only was a fund promised, but disappointment had been created, inasmuch as the Government had, moreover, imposed a tax, and the hon. Baronet the Member for Dudley had repeated that assertion. [Sir S. Northcote: I only said that such is the feeling in the minds of the civil servants.] The right hon. Member for Portsmouth (Sir F. Baring) has cautioned the House not to believe all they hear on this subject, and I go further, and caution them not to believe all that they read on the subject, for a circular has been distributed among hon. Members which I regret to see proceeding from civil servants, some of them of high station. When I had the honour to deal with this subject in 1834 I had some experience of the civil servants, and since then I have had a larger experience of their merits. Every successive year has confirmed me in the opinion that they are the most valuable class of men in the service of Her Majesty, and that their integrity and exertions cannot be overestimated, and ought to be liberally remunerated by the public whom they serve so effectively and zealously; and nothing would induce me to take any part against them if I thought their case demanded any further concession. But, in 1834, so far from the superannuation fund being considered an exaction, the converse was proved. As has been stated most accurately by the Chancellor of the Exchequer, between 1818 and 1829 there was great indecision on the part of the Legislature, and the proposition for the fund was more than once made and abandoned. In the Finance Committee of 1828, in which sat Lord Althorp and many distinguished Members, and over which Sir Henry Parnell presided, this question was considered. They made a Report on the subject, part of which has been read by the Chancellor of the Exchequer this evening, and in 1829 a Treasury Minute founded on that Report was introduced. So far from that Report promising a distinct fund, it was based on the opposite principle. The enactment of 1834 only gave legislative sanction to the Treasury Minute of 1829, and was not based on any idea of a separate fund, but upon a tax which was to be carried to the Exchequer generally, and in consideration of that tax a limited interest was given to the parties paying it in respect to their own contributions. To this extent, and on certain considerations, pensions were to be granted varying in amount according to the extent of service of which the Treasury was to be the judge. The hon. Baronet who has just sat down has said that, technically, if not really, a fund was promised. I know not the meaning of that expression, for nothing can be more precise than the enactment, and I cannot believe that persons could enter the civil service without well understanding the conditions offered them. It is again said that these conditions are hard, but I never heard that there has ever been the slightest want of persons for the performance of the duties of the service. The inconvenience is the other way, because the pressure of applications to obtain situations is extreme, and I cannot see any justification for any parties objecting to the existing arrangement unless it be those who, having small salaries, suffer from the pressure of the income tax. I think that is a portion of the case which does require the consideration of the House. There are hon. Gentlemen opposite who in 1849 and 1850 voted for the reduction of 10 per cent in the salaries of those very officials who are now said to be treated unjustly—and the Motion having been rejected—the salaries maintained—the sweeping deduction of 10 per cent having been refused—the right hon. Gentleman (Mr. Disraeli) now talks of the history of superannuations being a history of spoliations. Surely it is in the power of Parliament prospectively to diminish salaries, and it was only prospectively that the Act of 1834 operated. Vacillation on this subject unhappily marked the conduct of the Legislature up to 1828, but since there has been a firm adherence to a fixed principle, and while I am willing to see this Bill referred to a Select Committee, yet I should feel great difficulty, if I were called upon to vote for the Bill, in departing from the principle established in 1834, and before giving such a vote I should be anxious to study the details of the measure. I certainly shall be ready to give the most calm and indulgent consideration to the claims of those public servants whose salaries are small, and on whom there falls the pressure of an income tax, as heavy as it is at present, in addition to the reduction of their salaries for the purpose of providing pensions; but I should be sorry if my right hon. Friend, through any pressure on the part of the civil servants, were to consent to a measure which would be equivalent to a remission of the tax imposed on them, as well as a direct augmentation of their salaries. I certainly hope he will not listen to a proposal on their part that there shall be not only an increase of salary, but an increase of pension, a proposal which appears to me to be altogether unjustifiable, and to which I hope this House will not think of consenting.

MR. DISRAELI said, he must beg to explain that he had never designated the Act of 1834 as an Act of spoliation. He had spoken generally only, and had said that the history of superannuation was the history of spoliation, referring more particularly to a statement made by the Chancellor of the Exchequer with respect to the superannuation fund of 1811—a period of war—which was appropriated by the State—an act for which the Chancellor of the Exchequer could find no excuse except in the circumstances of the time.

MR. MONTAGU CHAMBERS said,

he was of opinion that the civil servants of the Crown entered the service without knowing the precise state of the law, and the nature of the contract they were making, but with the belief that the full amount voted by that House would be paid to them. He thought it would be much better for the Government to give their servants the amounts which they intended to pay them, instead of naming a certain sum, and afterwards making deductions from them, and it appeared to him that the Act of 1834 was founded on that false system. Those individuals appear also to have imagined that the deductions that had been made from their salaries had been made for their benefit, but such was not really the case, and hence the errors and misunderstandings that had occurred. The explanations that had been given by the Chancellor of the Exchequer and the right hon. Members for Carlisle and Portsmouth on the subject had been satisfactory, inasmuch as they had stated that their superannuations had never been promised or carried into execution. He would suggest that in future instead of telling a man his salary was £100, and then deducting £5 from it, it should be stated to him as only being £95 without deductions. With regard to the State obtaining suitable servants, he was of opinion it was the height of absurdity to prevent gentlemen holding high positions in the service of the Crown from introducing to subordinate offices their relations, who were possessed of talents and ability sufficient for the discharge of their duties. He was an administrative reformer, but he was afraid that in many instances the term was perverted. The offices of the State should be open to all persons capable of discharging their duties, whether they be the relations of persons high in the service of the State, or strangers to them.

Leave given.

Bill *ordered* to be brought in by the Chancellor of the Exchequer and Mr. Wilson.

Bill read 1°.

CARLISLE CANONRIES.

Mr. J. FERGUSON said, he would now move for leave to bring in a Bill to appropriate the income of such one of the canonries of the Cathedral Church of Carlisle as shall next fall vacant to the augmentation of certain ecclesiastical incumbencies in that city.

Mr. M. Chambers

Mr. R. PHILLIMORE said, this was the third time this measure had been brought before the House. He thought it was desirable the Government should state to the House whether it was their intention or not to support private Members in bringing forward Bills involving such important principles as the Bill in question. If the House acceded to the principle of the Bill, it would be competent for any hon. Member to introduce a Bill affecting the various cathedral establishments of the country, and to appropriate the revenue of the canonry of St. Paul's, which was, from the accounts he had read in the papers, likely to become vacant. Two opinions were entertained with reference to cathedral establishments —one was that they were useless sinecures, and ought to be abolished; and another was, that owing to their bad patronage they had been made sinecures, and failed to discharge the duties which they ought to perform. He was one of those of the latter opinion, and believed they were still to be made of great advantage to the country. He entirely disapproved of the principle of the Bill now sought to be introduced.

Mr. LIDDELL said, he hoped the House would not assent to the introduction of the Bill. It was part of a great subject so important in its bearing, and so complicated in its details, that the House had already placed in the hands of a properly constituted body the arrangement of all matters connected with it. If the House assented to this kind of legislation it would be inviting the inhabitants of every cathedral city in the country to make similar applications. But there did not appear in the present case to exist any strong necessity for a measure of this description. The Ecclesiastical Commissioners had at their disposal property to the amount of £3,200 a year, which was applicable to the ecclesiastical purposes of the city of Carlisle alone.

Mr. INGHAM said, he considered it would be most unusual and ungracious to oppose the introduction of a Bill which had been on former occasions discussed and passed through some of its stages without an adverse vote of the House; and which would now have been the law of the land if it had not been introduced at too late a period of the Session.

Mr. LASLETT said, he hoped the House would support the hon. Member for

Carlisle, at least so far as to allow him to introduce the Bill. He himself knew of a similar case to the one which it was the object of the Bill to relieve. He had applied to the Church Commissioners on behalf of an unfortunate rector whose income was only £100 a year, but he could obtain no assistance from them. It was highly necessary that there should be a better arrangement and distribution of the revenues of the cathedral churches throughout the kingdom, and this was a measure which in a small degree would promote that desirable object.

MR. GLADSTONE said, he would suggest to his hon. Friend opposite (Mr. Liddell) that it would not promote his object to divide the House on the present occasion. The Bill was one the object of which all must admit to be excellent; it was also a Bill which had been entertained by the House, and to the principle of which no vital objection could be taken, because it was undoubtedly a matter open to consideration how far in certain cases the revenues of cathedrals might be made available for the purposes of the cities in which the foundations were situated. That such might be done was a principle which with due limitations he was disposed to regard with favour. At the same time he must confess that he had the greatest possible doubts as to the expediency and convenience of legislating in this form; and the speech of the hon. Member who had just sat down, and who had said that the case of Carlisle was not the only one with which the House would be called upon to deal, had rather increased than diminished those doubts. It would be very inconvenient for the House to be called upon to deal with each case by a separate Bill. This was a subject as to which the House ought to be placed in a position to take a comprehensive view. There were thousands of cases in which assistance was required, and the House ought to have all the cases before it in order that it might judge where it was expedient to apply a remedy. He was far from promising to support the Bill upon the second reading, but he thought that it would hardly be consistent with courtesy to the hon. Gentleman (Mr. Ferguson) to object to its introduction.

Leave given.

Bill *ordered* to be brought in by MR. FERGUSON, MR. MARSHALL, and MR. CHARLES HOWARD.

The House adjourned at a quarter before Twelve o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, February 18, 1856.

MINUTE.] *Sat First in Parliament.*—The Lord Penshurst, after the Death of his Father.

THE WENSLEYDALE PEERAGE.

THE LORD CHANCELLOR acquainted the House, That he had received a Letter from the Lord Wensleydale, in which his Lordship declines to appear by Counsel before the Committee for Privileges on the Copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life: which Letter was as follows:—

> "Ampthill, Feb. 16.
>
> "My Lord,—I have the honour to acknowledge the receipt of your Lordship's letter of the 12th, giving me liberty to be heard by counsel, if I should think fit, before the Committee of Privileges, to whom it has been referred to examine and consider the copy of the Letters Patent purporting to create me a Baron of the United Kingdom for life; and I will thank your Lordship to state on my part to their Lordships that I decline to appear by counsel before the Committee of Privileges.
>
> "I have the honour to be, my Lord,
> "Your obedient servant,
> "WENSLEYDALE.
>
> "To the Lord Chancellor."

LORD CAMPBELL observed, that his noble Friend (Lord Wensleydale) had exercised a sound discretion in not denying the jurisdiction which their Lordships had asserted and exercised in considering the validity of the patent. He should have been indeed surprised and shocked if the noble and learned Lord had assigned as a reason for not attending by counsel, that he denied their jurisdiction. In admitting it, as Lord Wensleydale virtually did, he contradicted the noble and learned Lord on the woolsack, who had strenuously denied their jurisdiction.

COMMITTEE FOR PRIVILEGES—THE WENSLEYDALE PEERAGE.

Committee for Privileges to examine and consider the Copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life (presented to the House on Monday, the 4th Instant), and to report thereon to the House—Met.

THE LORD REDESDALE in the Chair.

The Order of Adjournment was read.

The Minutes of the last Committee were read.

Then Henry Stone Smith, Esquire, Chief Clerk in the Parliament Office, having been sworn, was examined as follows:—

Do you produce the Journals of this House from the Year 1660 to 1697?

I do (producing the same).

Do you find there Entries relating to the Banbury Peerage?

I do.

Will you read them?

The same were read; and will be found reprinted *in extenso* in the Minutes of Evidence before the Committee, printed by Authority.

In the Journals for the Year 1661 do you find an Entry relating to the Purbeck Peerage?

I do.

Will you read it?

The same was read.

In the Journals for the Year 1660 do you find Entries relating to the Marquis of Worcester's Patent to be Duke of Somerset?

I do.

Will you read them?

The same were read.

In the Journals for the Year 1694 do you find some Entries with respect to the Question of Peers' eldest Sons being summoned in the Lifetime of their Fathers?

Yes, I do.

Will you read those Entries?

The same were read.

In the Journals for the same Year, 1694, do you find some Entries with respect to the Descent of Baronies by Writ?

Yes.

Will you read those Entries?

The same were read.

Do you produce also the Journals for the Year 1710?

I do (producing the same).

Do you find there Entries with respect to the Duke of Ormond's Title as Lord Dingwall in Scotland?

I do.

Will you read them?

The same were read.

Have you the Journals for the Year 1711?

I have (producing the same).

Do you find there Entries respecting the Duke of Hamilton's Patent, creating him Duke of Brandon?

I do.

Will you read them?

The same were read.

Have you the Journals for the Year 1855?

I have (producing the same).

Do you find there an Entry relating to the Barony of Fermoy?

I do.

Will you read it?

The same was read.

Have you made Copies of the Extracts from the Journals which you have read?

I have (producing the same).

The same were delivered in.

Do you produce the Third Volume of the printed Rolls of Parliament?

I do (producing the same).

Do you find there an Entry of the Twenty-first of Richard the Second, intituled "Prefection des Ducs"?

I do.

Will you read it?

The same was read.

Lord LYNDHURST: We have now, then, extracts from the Journals, and a series of records, charters, and patents, upon the table. It may be said, that they only supply affirmative evidence, and but certain facts. Will it be necessary that we should go through all the records previous or subsequent to the period to which these documents extend, for the purpose of proving negatively that there is nothing to contradict them? If so, then, although we have made use of the greatest possible diligence for the purpose of such a search, we have not had time to complete it. I wish, therefore, to know from noble Lords opposite whether they consider that the papers printed and referred to in the original discussion comprehend the whole of the facts for the purpose of raising the question before us?

The LORD CHANCELLOR said, he could make no answer. He did not know what their Lordships' opinion might be; but so far as he was concerned, his noble and learned Friend must take his own course, and make out his own case.

Lord LYNDHURST: Then it would be necessary to make the search; and the Gentlemen who would have to do it have used the greatest possible diligence to do it by to-day, but have found it impossible to complete the search in the negative within the time limited by the adjournment.

Lord BROUGHAM would remind his noble and learned Friend that the question would not come on before the House until Thursday.

Lord LYNDHURST: I am not in a condition to pledge myself as to that day. We applied to search for some documents at the Rolls Chapel, and were referred to the Master of the Rolls, who said he could not interfere in the matter without the express order of your Lordships. We have not had an opportunity of obtaining the order; and that has been one of the obstructions we have met with in pursuing the inquiry.

The LORD CHANCELLOR said, he had heard that for the first time now, and he knew nothing about it. He was aware, indeed, that his late noble and learned Friend Lord Langdale, had always said that the officers of the Rolls were employed by the Court of Chancery, and ought not, without the express order of their Lordships, to be interrupted in the discharge of their duties. This may have been the reason for the course taken by the Master of the Rolls.

Lord BROUGHAM said, no doubt his right hon. and learned Friend the Master of the Rolls took the same view on the subject as the late Lord Langdale; that without an order from their Lordships he was not at liberty to interrupt the ordinary business of the Court for such a search. The making the order would, however, be quite a matter of course.

The LORD CHANCELLOR said, he hoped the expression of his noble and learned Friend opposite that this had been an "obstruction" he had met with, was not intended to throw any imputation upon the Master of the Rolls.

Lord LYNDHURST: I merely stated the fact as the reason why further evidence was not laid upon the table. We have examined all the cases of which we have found any mention. We could not go further.

Lord CAMPBELL regretted that any obstruction should arise, or any delay should take place, as it was desirable to come to a conclusion as expeditiously as possible. Their Lordships were all morally convinced that upon their table lay all the evidence that could be adduced. And although, in point of technical strictness, it would be necessary to call a person who had made a search to state positively that no further evidence existed; yet his noble and learned Friend on the woolsack might dispense with that form, and thus save a great deal of time.

Lord BROUGHAM said, that no one felt more strongly than he did the great expediency and necessity of expediting this inquiry, and of coming to a conclusion one way or the other with the least possible delay; but it was quite clear that the delay now required to be interposed was exceedingly important; because if there had been no delay his noble and learned Friend would have been prepared to give notice of a Motion for Thursday or Friday next. The question, therefore, was whether the discussion should take place on one of those days, or be deferred till Monday next.

The Earl of DERBY: My Lords, the question has been dealt with by the Government as if it were being conducted by counsel on opposite sides, who were determined to afford no facility to promote justice. But, my Lords, this is not a question we ought to treat as between two opposing parties; still less in at all a technical or captious spirit. We have had confided to us, as a body, the task of investigating the precedents which may appear either to support or to refute the course taken by the Government. And the noble Earl opposite (Earl Granville), has expressed, on the part of the Government, his anxiety (in which your Lordships share) that the matter should be determined with the least possible delay. My Lords, I cannot help thinking that it is inconsistent with this desire that when my noble and learned Friend near me (Lord Lyndhurst) made a proposition to the noble and learned Lord tending to facilitate the matter—either by an admission that the evidence was sufficient, or an assertion that it had not been sufficiently disclosed—the noble and learned Lord, instead of meeting that suggestion in the manner which might have been expected, meets it with an intimation that my noble and learned Friend must "take his own course and make out his own case!" My Lords, it is not my noble and learned Friend's case. It is the case which the House has deputed to all of us, and upon which a duty has devolved upon all of us, in which we are all equally engaged. It is not, therefore, for any party to attempt to throw difficulties in the way, or prevent the admission of the truth. If the noble and learned Lord opposite (the Lord Chancellor) says he is not satisfied, on the part of the Government, until an investigation has taken place, which is necessary for us to establish the negative, and he is not disposed to afford us any facility in bringing forward the case on affirmative evidence, but throws upon us the difficulty of proving a negative by a more technically strict search than has yet been made, then your Lordships can see that the difficulties now interposed in our way are not to be attributed to those who deny the validity of the patent, but to those who profess a great desire to expedite the matter, in order that Lord Wensleydale may take his seat in this House. If further evidence is to be sought, a further adjournment must take place; and when the evidence has been all collected will be the time for my noble and learned Friend to give notice of the resolutions he may have to propose, and of which I believe he is even now prepared to give notice.

Earl GRANVILLE observed that when, on a former occasion, he stated that it was desirable this matter should be expedited as much as possible, he did so because he thought that by the course they were then pursuing they were going to lose time unnecessarily. At the same time he entirely concurred in the opinion that the question having been once raised it should be thoroughly inquired into, and that no necessary step should be omitted towards arriving at a satisfactory conclusion. Whether any further proof was required beyond what the noble and learned Lord had adduced it was impossible at that moment formally to determine. If he were asked his opinion, he should say that he believed the case of the noble and learned Lord would not suffer by his not going into any further evidence. But, as to saying that no further evidence was necessary, it was impossible for him or his noble Friends around him to make any such assertion. With regard to the observation of the noble Earl (the Earl of Derby) as to this being considered a case between two disputing parties, instead of being treated as a matter affecting the whole House, he could assure the noble Earl that if the Government had determined to treat this merely as a party question, beyond which they had no further interest, their task would have been infinitely more easy than it now was. But such certainly was not their view of the case, and he trusted that no misapprehension would take place on that point: while, on the one hand, he hoped there would be no unnecessary delay, on the other hand he was desirous that no single step should be omitted that would really be useful in the consideration of the question before the Committee.

Lord ST. LEONARDS said, he had understood the noble and learned Lord (the Lord Chancellor) to state the other night, that the cases upon which the Government relied, were those already on the table; and that upon being asked, whether he desired that any further cases should be searched for, he answered that he had no such desire. He could not doubt that the Government upon so serious a question would have pursued the proper course, and that before they granted the patent, they would have examined with care all the precedents that could be found. The question, therefore, as to evidence of the negative was one of such strict proof as might be refused on a trial at law; and if ever there was a case in which such strictness of evidence should not be expected, it was the present case. It was not a party question; it was a constitutional question. He denied that it had ever been treated in that House as a party question. It was a great constitutional question. And he (Lord St. Leonards) should have expected that the noble and learned Lord (the Lord Chancellor) would have entered upon its consideration in a spirit more generous and liberal; and that feeling that their Lordships must all have the same object, to come to a decision upon a great constitutional question, the noble and learned Lord would have met the question fairly, stating the sort of evidence with which the House might proceed to deal. No man, in or out of their Lordships' House, could say, that after all the discussion and investigation which had taken place, anybody expected that the question of authority could be carried beyond the evidence already upon the table. He hoped, therefore, the noble and learned Lord (the Lord Chancellor) would make the admission asked of him, and thus dispense with the necessity of a further search for the purpose of negative evidence.

The LORD CHANCELLOR said, he had been asked whether he required further search? If by that it was meant to ask him, whether, in the argument that would ensue, he should urge that no further search had been made, he was prepared at once to admit that it would not be at all necessary for his argument to urge that point. For himself, individually, he should require no such search, but should assume that the search had been made; but he had no power to bind other parties by such an admission. He should be extremely glad to expedite the discussion. Nothing would be more unseemly or inconvenient than to interpose the least delay beyond what was absolutely necessary.

Lord CAMPBELL said, after that admission on the part of the Lord Chancellor, he would strongly advise his noble and learned Friend (Lord Lyndhurst) to close his case, and to dispense with any negative search.

The LORD CHANCELLOR observed, that it must at the same time be well known to noble Lords on both sides of the House, that there was a great number of grants and creations in modern times, and he would assume that their Lordships would allow that, and treat it as a matter of fact. He had that morning received a letter from the Deputy Keeper of the Rolls in Dublin, informing him that he had a grant there for life, only of so late a date as that of the reign of Philip and Mary. He had promised to send a copy of it. The present case would not, therefore, amount to a negative search if it should turn out that there was such a grant; and it would be competent to produce it. After all, it would only amount to this, that there was a precedent within 300 years instead of 400 years.

Lord ST. LEONARDS said, he believed the case referred to by his noble and learned Friend related to the Irish peerage, and not to the English peerage.

Lord LYNDHURST: My only desire, my Lords, is to procure all the evidence that can be obtained. I have no other motive than to enable your Lordships to arrive at a just conclusion.

Lord ABINGER said, there was a rather curious case mentioned by Lord Coke, in his "Institutes," of creation of a man by patent a spiritual Lord of Parliament to himself and his successors; and the patent being declared void: and the question would be, whether this had been done by Parliament. As he understood that, upon the first discussion on this subject, the jurisdiction of Parliament to inquire into a point of this nature had been disputed, and the absolute power of the Crown to confer a right to sitting in this House had been maintained, the case he had mentioned might be one of some importance, and might be worth referring to. It would be found in the Fourth Book of *Coke's Institutes*, p. 45, and was as follows:—

> "One rare and strange creation of a lord regular of Parliament we cannot passe over, which was that King H. 8, in the fifth year of his reign, by his letters patents under the great seale, did grant unto Richard Banham, abbot of Tavestock, in the county of Devon, being of his patronage, and to the successors of the said abbot, 'Ut eorum quilibet qui pro tempore ibidem fuerit abbas, sit et erit unus de spiritualibus et religiosis dominis Parliamenti nostri, hæredum & successorum nostrorum, gaudend' honore, privilegio & libertatibus ejusdem.' By that which hath been said, it appeareth that the creation of a regular Lord of Parliament was voide, for that the abbot was neither baro, nor had baroniam, &c. And if the King might create abbots or priors lords of Parliament in this manner, by the same reason he might create deans and archdeacons lords of Parliament, which without question he cannot."

Earl GREY said, after what the noble and learned Lord (the Lord Chancellor) had stated, the noble and learned Lord opposite (Lord Lyndhurst) could give notice to take the discussion on Thursday; meanwhile the search could be carried on; and if it resulted in the discovery of anything material the discussion could be postponed for its production.

Lord BROUGHAM thought the delay of a few days of far less importance than that the evidence should be incomplete.

Lord ABINGER concurred in this opinion, and thought the saving of a few days was of no consequence compared with the advantage of obtaining full information upon such a question. The question was, in fact, whether an hereditary peerage was to be upheld. It was evident that if this patent was supported no legal personage would have in future an hereditary peerage. And if not legal personages, why military or naval? The consequence of this would be, that the House would be soon divided into two sets or classes of Peers, one holding their dignities only for life, the other transmitting them to their heirs. It was impossible in such a state of things that the latter class could long sustain their hereditary privileges. The Crown appointing the life Peers—that is to say the Minister of the day—they would, in fact, be the nominees of the House of Commons. The result would be, that the Crown on the one hand, and the House of Commons on the other, would come into collision with the hereditary peerage. How long it could be sustained under such a system their Lordships could judge. The very essence of the constitution of their Lordships' House was the hereditary quality of the peerage, which infused into it a certain element of stability analogous to that which belonged to an hereditary monarchy, and could not arise from mere personal character, influence, or wealth. Considering the nature of the question at issue, it was most marvellous that the noble and learned Lord opposite (the Lord Chancellor) should have denied the jurisdiction of their Lordships to inquire into the validity of this creation.

The Earl of DERBY thought the House generally was disposed to adopt the course which would most facilitate the proceedings, and at the same time not expose them to the charge of neglecting duly to consider this question. In all probability the further evidence to be produced would not have a very material bearing upon the case, and he was informed that the gentleman who would be directed to search for further precedents, and establish, if he might so say, the negative, would be enabled to make that search and produce the result of his inquiry by two o'clock on Friday. Their Lordships had intended to proceed with the discussion on Thursday, but perhaps the delay of a single day would not be important; and he would, therefore, suggest that they should meet on Friday to receive the additional evidence and then proceed to the discussion of the question. His noble and learned Friend would probably be able to give in either to-day or to-morrow the terms of the Resolution which he intended to move.

The LORD CHANCELLOR said, it would be convenient if the noble and learned Lord (Lord Lyndhurst) would state the terms of the Resolution or Report he intended to propose.

Lord LYNDHURST stated, that at the conclusion of the evidence he proposed to move that the Committee do agree to the following Report—

> "The Committee have, as directed by the House, examined and considered the Copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life; and they report it as their Opinion, that neither the said Letters Patent nor the said Letters Patent with the usual Writ of Summons issued in pursuance thereof, can entitle the Grantee therein named to sit and vote in Parliament."

The noble and learned Lord stated that this notice was given, of course, on the assumption—which after what had passed would be allowed to be reasonable—that the further search which was to take place would throw no additional light upon the subject. Their Lordships already knew what had occurred from the time of Edward IV.

Lord GLENELG said, that in the discussion upon this question the two points raised were the legality and the expediency, or the constitutional nature of this exercise of the prerogative. Now, it was of the utmost importance that they should proceed with due deliberation in considering so grave a subject, and he therefore thought it would be very satisfactory, as there had been such a difference of opinion among high legal authorities upon the question of legality, if they could obtain the assistance of some of the learned Judges. He begged to ask the noble and learned Lord (Lord Lyndhurst) whether he proposed to ask for that assistance—though he (Lord Glenelg) would not have their Lordships bound by the opinion of any person if it was contrary to that entertained by themselves?

Lord LYNDHURST: In answer to the question of my noble Friend, I beg to say that I have no intention of calling in the assistance of the Judges. It is not a question for them to decide. They have nothing to do with the right to sit and vote in this House. They may give an opinion as to the character and operation of the patent in other respects; but as to the right to sit in this House they have nothing to do with it. There was a case in the reign of Henry VI. in which they were consulted, not merely as to the validity of a patent, but as to the right to sit and vote in this House; and they gave their opinion on the first part of the question, but said that the other part of it was out of their jurisdiction, and pertained to the Peers in Parliament.

Lord CAMPBELL: My Lords, if this were a question as to the construction of an Act of Parliament I should desire to have the assistance of the Judges. Such was the question that arose in the Brandon case, which was on the construction of the Act of Union. There the Judges were properly consulted, for the question turned on the construction of a statute. So in peerage cases, where questions have turned on the effect of an attainder, or on a descent. These are questions of common law, and the Judges have been called upon to assist. But where the question depends upon the *lex et consuetudo Parliamenti* the Judges have disclaimed all jurisdiction, and have said, more than once, they were not competent to pronounce an opinion; they have referred such questions to the Earl Marshal, the Lord Constable, or the House of Lords, who are the sole judges of their own privileges. Moreover, there is another objection to consulting the Judges, on the ground of the delay that would be caused by calling them in. It would be impossible to have a decision until the end of the Session. They were about to set out upon their circuits, and it would be a long time before they could hear the case and give their opinion.

Lord ST. LEONARDS said, that in

the Brandon case, to which reference had been made, the Judges attended in order to hear counsel and argue the point, which turned upon the construction of the Act of Union with Scotland. The question was put whether the opinion of the Judges should be taken and decided in the negative; and the House then proceeded to a decision upon the subject without the assistance of the Judges: and in his opinion, that case afforded a strong precedent against calling in the assistance of the Judges in the present instance.

LORD BROUGHAM said, that what was stated by his noble and learned Friend with respect to the Brandon case was perfectly correct, but he had omitted to mention the sequel to that case. Seventy-one years afterwards the same case arose, and upon that occasion the decision arrived at by their Lordships' House, and one which formed the law upon the subject now, was entirely contrary to the previous decision; and that decision was the one now acted upon.

Committee adjourned to Friday next.

House resumed.

BUSINESS OF THE HOUSE.

LORD REDESDALE *moved* to resolve—

> "That no Private Bill shall be read a Second Time after Tuesday, the 8th Day of July next:
>
> "That no Bill confirming any Provisional Order of the Board of Health, or authorising any Enclosure of Lands under special Report of the Enclosure Commissioners for England and Wales, or for confirming any Scheme of the Charity Commissioners for England and Wales, shall be read a Second Time after Tuesday, the 15th Day of July next:
>
> "That when a Bill shall have passed this House with Amendments these Orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended."

He said their Lordships were aware that he had in former years proposed another Resolution as to the time after which they would not take the second reading of public bills. He regretted to say that last Session the Resolution in question was not adhered to as it ought to have been, several Bills, the urgency of which was not such as to justify a departure from the Resolution, having been brought in and passed after many noble Lords had left town, assuming, as a matter of course, that the rule would be observed. If that Resolution was to be again adopted by their Lordships, it ought to be on the distinct understanding that no public bills, unless they were of sufficient urgency, should be taken into consideration after the period named in the Resolution. The noble Marquess opposite (the Marquess of Lansdowne) assured him last year that he highly approved the order, and thought it should be fairly construed according to its terms. If that assurance were repeated now on the part of the Government, and if he felt that he would not be misleading the House by asking it again to adopt the Resolution, he should be happy to give notice to that effect; but otherwise he should not trouble their Lordships on the subject.

EARL GRANVILLE thought the Resolution referred to by the noble Lord had done great good in expediting public business in the House of Commons. But it was manifestly impossible, with a due regard to the public interests, to lay down a rule which should in no instance be departed from. At the same time he was most anxious to assist the noble Lord in carrying the Resolution into effect.

EARL GREY said, that, if their Lordships did renew the Resolution of last year, they were bound in justice to their own character to adhere to it. He might remind them that a Bill—important, indeed, but without even the pretext of urgency—for the permanent improvement of the law was brought into that House last Session and passed through it with breathless haste, when it was utterly impossible to consider it, and when the House was in such a state that not one individual not holding some office in the Government or the Household could be prevailed upon to vote with the Ministers, and when, by a mere official majority, in a very thin House at the beginning of August, an important measure was passed into law. He alluded to the Limited Liability Bill. For his own part, he thought it so important that the House should maintain its character by adhering to the Resolution it had deliberately adopted, that, at great inconvenience to himself, he came from a considerable distance in the country for the express purpose of endeavouring to persuade their Lordships to stand by their regulation. It was represented to the Government that the subject of the Bill was one of great importance; that few noble Lords differed altogether from them as to the principle of the measure; that all admitted that the principle was one which, at all events, deserved the utmost consideration; but the law of partnership was a question of all others requiring the greatest care and deliberation. It was pointed out that the Bill, in passing the other House, had not received that attention which its importance demanded; that in the then state of this House, there being not a single day to spare, it would have to be passed through its successive stages on consecutive days, and that in those circumstances the measure could not be considered in a manner worthy its importance. These representations had no effect whatever upon the Government. The measure was pressed forward; the House sat on one occasion till two o'clock in the morning; and a great many alterations were made which, suggested on the spur of the moment, could not all be of a beneficial character. He confessed that upon so difficult a subject it was far beyond his power to be able, in four or five hours, to form a positive opinion as to how the Bill should be amended. But the best proof that he and those who acted with him were right, and that the promoters of the Bill were wrong, was to be found in the fact that already, at the beginning of the Session, the Government were introducing a new Bill to repeal the hasty legislation of last year—a Bill, too, founded upon very different principles from that of last Session even before it was amended. To show their Lordships how little the latter Bill received from the Government that consideration which its importance demanded, he might mention one curious circumstance. It was proposed in the other House to insert in the Bill four or five clauses of great importance. Those clauses were opposed by the Government and rejected. In the Bill of the present year those identical clauses, word for word, had been introduced by the Government themselves, and now stood part of the measure under the consideration of the House of Commons. Was that a proper and deliberate mode of carrying on the legislation of the country? Could anybody say that the permanent improvement of the Law of Partnership, however important, was a measure of urgency? He admitted its importance, but it would be trifling with the House to say that it was a matter of urgency that a law under which the commerce of the country had flourished for centuries should be amended a few months sooner or later. He mentioned those circumstances because he thought that, if their Lordships did not mean to adhere to the Resolution against reading public Bills a second time after a certain fixed period, it would be far better to abstain from passing it. If they intended to adhere to it in spirit and truth, he believed the Resolution would be a most important one, and was persuaded that, if they steadily refused to take up measures sent to them at a period when it would be impossible to consider them properly, the Government and the other House would find some means of bringing such Bills before them in due time.

EARL GRANVILLE said, that he remembered only one Bill—the Limited Liability Bill—which was urged upon their Lordships last year after the time named in the Resolution.

THE MARQUESS OF BATH: And the Sunday Trading Bill.

EARL GRANVILLE: The Sunday Trading Bill might be another. But I remembered only the Limited Liability Bill; and, with regard to it, I must remind the noble Earl that it was expressly stated in this House at the time that that measure would form the subject of legislation during the present Session.

LORD REDESDALE hoped that when the time came for proposing the Resolution an assurance would be given that it would be adhered to, otherwise it would be useless for him to press it.

Motion *agreed to.*

PIRACY IN THE EASTERN ARCHIPELAGO.

THE EARL OF ALBEMARLE presented a petition from merchants and other inhabitants of Singapore, praying for Protection from Piracy of the trade of the Port of Singapore. With regard to the value of this trade, he might state that in 1854-55 the imports to Singapore, Penang, and Malacca amounted to £5,000,000, and the exports to £4,250,000, while the tonnage inwards, being of the same amount with the tonnage outwards, was 440,000 tons. The trade affected by the piracy complained of—namely, that of China, Siam, Cochin-China, Cambodia, and the Malayan Peninsula—amounted to £1,500,000 of exports and the same amount of imports. But this was not all. The men-of-war sent to the Eastern Archipelago to protect our own trade had the same defects which marked those sent to the Baltic to destroy the trade of the enemy. They were utterly unfitted for the seas they sailed in, and for the office on which they were employed. They were generally frigates and sloops of war, with a deep draught of water, and were therefore unable to pursue a light pirate vessel that could run at once into shoal water, and be drawn up in the mud among the bamboos that lined the coast. It appeared, besides, that the instructions of the Lords Commissioners of the Admiralty, according to the construction put on them by the naval officers, at the various stations, prohibited them from either pursuing or detaining a vessel except when in the act of piracy, which was in effect an immunity from punishment. As to the East India Company, in whose government the protection of those settlements was placed, the petitioners stated that they had no vessels whatever in those seas. The most formidable piracies at the present time were those of the Chinese. These were unknown a very few years ago, and they had grown out of the rebellion in that country. The pirates having vessels better manned and better armed than the natives of the Archipelago, they became proportionably formidable to the European vessels of ordinary size, and large Chinese junks were in no danger from, but the smaller class of junks and the native craft generally fell an easy prey to, their attacks. Apart from the social and moral obligations which lay upon us to put down piracy, we were bound by a convention with the Government of the Netherlands, agreed to in 1824, to take measures for its suppression in those seas. The Dutch had performed their duties honestly and faithfully. They had a flotilla of steamers and other small vessels which were constantly employed in the pursuit of pirates; but how could we be said to perform our part of the bargain when we employed vessels wholly unfit for the purpose, and, moreover, shackled those we had with conditions which made it impossible for them to pursue a pirate unless caught in the act? He begged, therefore, to ask what answer had been given to the memorial from the merchants of Singapore addressed to the Lords of the Admiralty in June, 1855, on this subject?

Earl GRANVILLE said, the Lords of the Admiralty had in the course of last year received information to the effect that the pirates in those seas were doing great injury to trade by means of the small boats which they employed, and that the ships sent out from this country were not of a description to deal with them effectually. Orders were accordingly sent out that a class of smaller vessels should be employed for that purpose. It appeared that considerable difficulty had been experienced in finding the description of vessels required, in consequence of the great demand that existed for the export of cavalry regiments from the East Indies to Egypt; but at the last accounts the Admiral on the station had been able to detach one steamer for the pirate service, and arrangements were being made for the adoption of more rigorous measures.

Petition to lie on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 18, 1856.

MINUTES.] New Members Sworn.—For Edinburgh, Adam Black, esq.

Public Bills.—1° Delamere Forest.

2° Lands Improvement Company of Scotland; Court of Chancery (Ireland); Drainage Advances Acts Amendment; Turnpike Trusts Arrangements; Commons Inclosure.

THE ATTACK ON THE REDAN—QUESTION.

Mr. LAYARD said, he begged to ask the hon. Under Secretary for War, why the list of officers recommended by General Simpson for promotion for distinguished services in the attack on the Redan, on the 8th of September, alluded to in the *Gazette* of the 5th of October last, had not yet been published, and whether it was the intention of the Secretary of State for War to publish that document?

Mr. FREDERICK PEEL said, he had been unable to answer the question the other night because no previous notice was given of it; but he had since ascertained that when it became known in this country that the siege had terminated, and that Sebastopol was taken, Lord Hardinge wrote to General Simpson, requesting him to send home a list of officers whom he would recommend for brevet rank, as well of those who had distinguished themselves in the attack on the Redan, as of those who had, from the beginning of the siege to its close, been conspicuous for zeal and gallantry. It was in the expectation of receiving such a list that the note was appended to the dispatch to which the hon. Gentleman adverted the other night, but no such list had been received; for General Simpson had taken a different course, and had sent home the whole return which he received from the staff, from the heads of departments, from general officers commanding divisions, and from the commanding officers of regiments, of those persons under their respective commands the officers first named thought deserving of mention. General Simpson said that, in preference to making a selection from the lists himself, he sent them home for the guidance of Lord Hardinge, and preferred that Lord Hardinge should make out the list of officers most worthy of being rewarded. The result was the brevet of the 2nd of November. The Returns were not such as were usually published in the *Gazette*, not being Returns of officers named for brevet rank, but they were in the Office of Lord Hardinge, and could be referred to in case it should be to the advantage of any officer concerned to do so.

Mr. LAYARD said, he must again inquire whether it was not intended to publish the list of those officers who had distinguished themselves in the attack on the Redan?

Mr. FREDERICK PEEL replied that General Simpson had sent over no other list than that he had just described.

CIVIL SERVICE SUPERANNUATION BILL—QUESTION.

Sir STAFFORD NORTHCOTE said, he begged to ask the Chancellor of the Exchequer whether he intended to proceed with the Bill that evening?

The CHANCELLOR of the EXCHEQUER said, he should not. He had changed his mind as to the course he should pursue. Instead of moving that the Bill be referred to a Select Committee, he intended to move for the appointment of a Select Committee to inquire into the whole subject, and afterwards move that the Bill be referred to that Committee. He would probably make the Motion to-morrow.

COURT OF CHANCERY (IRELAND) BILL.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a Second Time."

Mr. SEYMOUR FITZGERALD, after presenting a petition against the Bill from the Incorporated Solicitors of Ireland, said, he begged to move that the Bill should be read a second time that day six months. He regretted that the opposition to this measure had not been undertaken by some one of greater legal standing than himself, who could speak with greater authority as to those parts of the Bill, which were especially of a technical character; but as the whole framework, and all the details of the measure were grounded on the proposal to abolish the Incumbered Estates Court, a proposal which he thought most objectionable, he felt bound to oppose its further progress. For a similar reason he could not support the measures of the hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside), on the same subject, and must, therefore, look for support to those Members on both sides of the House who had witnessed with pleasure the progress in material prosperity which Ireland had recently made, and who attributed much of that prosperity to the successful operation of the Court which it was now proposed to abolish. The position of the hon. and learned Solicitor General for Ireland was, in his opinion, a most extraordinary one. He had passed a studied but well-merited eulogium upon the manner in which the Incumbered Estates Court had worked, and concluded by asking the House summarily to extinguish that Court, and to transfer its jurisdiction to the Court of Chancery, which it appeared, upon the face of his own Bill, he acknowledged needed that its expenses should be diminished, its proceedings amended, and its jurisdiction and powers increased. If the hon. and learned Gentleman had taken an opposite course and had proposed to transfer to the Court which he had praised some portion of the jurisdiction of that which he said needed reform, his conduct would at least have been consistent; but when he praised one Court and immediately afterwards asked that it should be extinguished, when he said that another needed reform, and asked that business might be transferred to it, he asked that to which he (Mr. Fitzgerald) hoped the House would not assent. He was quite free to admit that great improvements had taken place in the procedure of the Court of Chancery; nevertheless its jurisdiction was still regarded with great jealousy and suspicion by the Irish public. Now the proposition which he was there that evening to support was, that it was neither consistent with policy nor justice to fling, without notice, the hopes and fortunes of hundreds of families into the vortex of the Court of Chancery, instead of allowing their interests to be adjudicated upon by a tribunal so certain and speedy in its operation as the Incumbered Estates Court. The Bill professed to be founded upon the Report of the Commission appointed to inquire into the working of the Incumbered Estates Court. Now, at the risk of calling up his hon. and learned Friend the Member for Belfast (Mr. Cairns), who was a member of the Commission, he should wish to make a few observations with reference to it. In the first place, it was much to be regretted that the Commission was composed exclusively of lawyers. That opinion was founded upon no want of respect for the learned profession of which he was a member, but simply upon a consideration of the duties which the Commission had to discharge. It was appointed to inquire into a Court the jurisdiction and proceedings of which were quite unusual and exceptional. The principle on which the Incumbered Estates Court proceeded was, that it was desirable to give the suitor at all times the readiest access to the Judge, who was engaged in the consideration of the matter in which he was interested, to dispense to the utmost with the costly attendance of counsel, and to enable all parties concerned to learn, even without any professional assistance, the exact state in which a cause might stand. It was therefore scarcely possible to imagine any system of legal administration more foreign to the ideas and associations, or more completely alien to the habits of lawyers who had been accustomed to practise in the old tribunals, than the particular system into which it was the duty of the Commissioners to inquire. For that reason, and for many others, it was much to be wished that the Commission had not been made to consist exclusively of lawyers, and of lawyers, too, accustomed to practise in the Court of Chancery. It would have been exceedingly desirable to have had in the Commission a few eminent civilians, as was the case when a Government inquiry was instituted some years since into the proceedings of the Court of Chancery in England. The Commission appointed on that occasion was originally composed of lawyers only, but in compliance with the prayer of an Address to the Crown from the House of Commons on the subject, there were added two distinguished civilians—the right hon. Baronet the Member for Carlisle (Sir J. Graham) and the right hon. Member for Oxfordshire (Mr. Henley); and it was well known that to those gentlemen the Commissioners were indebted, not only for most zealous co-operation in the prosecution of their labours, but also for some of the most valuable recommendations contained in their Report. With that excellent precedent before them, he could not help thinking that the public would have had greater confidence in the present Report if it, like that to which he had alluded, had emanated from a Commission not exclusively composed of lawyers. It was worthy of remark that, though one of the topics of inquiry assigned to the Commissioners was, whether the jurisdiction of the Incumbered Estates Court should be transferred to the Court of Chancery, or the former tribunal be continued for a limited period, no expression of opinion on that point was elicited from any of the persons to whom queries were addressed by the Commissioners. The Commissioners examined the several Masters in Chancery, the most distinguished counsel, and the members of the Incorporated Society, whose petition he had presented that evening, but they abstained altogether from inquiring whether it was desirable to transfer the jurisdiction of the Incumbered Estates Court to the Court of Chancery. One gentleman only, a Mr. Smith, gave an opinion at all inclining in that direction; but even that opinion, upon the whole, was directly opposed to the measure now before the House. The Master of the Rolls in Ireland, whose authority on such subjects must be admitted to be entitled to the highest consideration, had expressed opinions to the following effect: That it might be desirable that the powers now vested in the Commissioners of Incumbered Estates should be continued to them for a further limited period; that, if those powers were to be permanently vested in any tribunal, it would be better that they should be made to reside in the Commissioners than in the Court of Chancery; and that it was idle to suppose that the latter tribunal could transact the business as correctly and expeditiously as had been done by the Commissioners. He would now direct attention to the recommendations of the Commission. At present there were nine Judges connected with Equity matters in Ireland; of these, two—the Lord Chancellor and the Master of the Rolls—were to be continued. As to the remaining seven, four of these were Masters in Chancery, who, in fact, in great measure performed the duties of Vice Chancellors, the other three being the Commissioners of the Incumbered Estates Court. But for these seven Judges the Commission proposed to substitute two who were to be assisted by chief clerks. Now, here the Commission fell into a remarkable inconsistency; for, while complaining of the arrears of business in the Incumbered Estates Court, and stating that for the satisfactory discharge of business there it would be necessary to make a large addition, if not to the judicial, certainly to the Ministerial staff of the Court, they nevertheless proceeded to recommend the reduction of the judicial staff, that for the future would have to preside, not alone over matters coming within the cognisance of the Incumbered Estates Court, but also over those transactions which were regulated by the jurisdiction of the Court of Chancery. It was the opinion of the Commissioners themselves that, with three Judges and their present staff, it would take three years to clear off the arrears of the Incumbered Estates Court. Yet it was now proposed that the number of Commissioners should be reduced to two, who would have to deal not only with the arrears, but with a mass of additional business that would be created by the Bill now under consideration. In his evidence the Master of the Rolls distinctly stated that if the course proposed by this Bill were adopted, that, much as the public feeling had been excited by recent Chancery delays, under the new measure the complaints would be still louder, and speedy justice would be no longer possible of attainment. Moreover, while entirely acquitting the Irish Solicitor General of the least desire to perpetrate a job, he thought it right to say that there were in this Bill certain provisions with respect to officers, to which the attention of the House ought to be directed. They were aware there were too many instances in Ireland where men in the full vigour of their powers were removed from offices and had pensions assigned to them, that the duties heretofore discharged by them might be performed, under a different name, by other persons. It would be invidious in him to name individual instances of this kind; but certainly, whether they looked to the Post Office, the Board of Works, the Poor Law Board, or any other public department in Ireland, they would find the examples of what he had stated so numerous as to render it high time that the attention of that House should be directed to the subject. The hon. and learned Gentleman (Mr. J. D. Fitzgerald), in introducing this measure, said, that it would ultimately effect a considerable saving of expense to the country; yet he was obliged, at the same time, to admit that, in consequence of the burden of compensation which it would entail for persons who were to be pensioned in the full vigour and prime of life, there would be no present saving of expense whatever. Indeed the whole of the £15,000 saved on the one hand would have to be paid away in compensation to retiring officers. He was aware that the Commissioners in their Report expressed a hope that possibly some of the officers of the Incumbered Estates Court would be employed in the Court of Chancery under the new arrangements. On the other hand, it was quite certain they must pension off some of the Masters in Chancery in their full vigour and prime of life. And even with regard to the officers of the Incumbered Estates Court, he found a clause in the Bill singularly militating against the wish of the Commissioners, for it provided that no one should be appointed to act as a Vice Chancellor who had not been a practising barrister of fifteen years' standing—thus rendering it impossible for Mr. Hargreaves, who had performed his duties in the Incumbered Estates Court in the most able manner, to be nominated to that office. No doubt the hon. and learned Gentleman would place great reliance on that part of his measure which conferred on the Court of Chancery the power of giving an indefeasible Parliamentary title to every estate sold in that Court. Certainly, it might appear unfair that the advantage of such a title should be enjoyed by the owner of an incumbered estate forced into that Court, while it was denied to the unincumbered proprietor who went before that tribunal voluntarily; but it should be remembered that this was but a very small part of a very great question; and, inasmuch as the Commissioners appointed to inquire into the Registration of Titles in England and Ireland had not yet made their Report, it would be most unwise for the friends of a comprehensive reform on this subject to sanction the premature introduction into Ireland piecemeal of an exceptional system of legislation. The Master of the Rolls was adverse to this part of the hon. and learned Gentleman's scheme, and thought it ought to be postponed till the Report of the Commissioners above referred to had been presented. The Bill also proposed to establish a Court of Appeal; but that provision, however excellent in itself, was not sufficient he thought to induce the House to adopt a measure containing so many objectionable details. With regard to the present Incumbered Estates Court which it was proposed to abolish, no great social change demanded by an imperative political necessity could be carried out without incidentally working some personal hardships; but the operations of that tribunal had unquestionably, in the main, proved most beneficial to Ireland, and, if it were continued with an increased staff, and removed to a more convenient situation, it would, doubtless, be capable of conferring still further advantages on that country. Those who had hitherto opposed its constitution should remember that it had recently undergone great alteration. It was no longer a Court exclusively resorted to by creditors, but was now frequently had recourse to by landed proprietors wishing to avail themselves of its facilities. Those hon. Members, on the other hand, who had supported its original establishment as a step in the right direction, and one giving to the suitor readier and cheaper access to a Court of Justice, should be careful how they rashly disturbed an institution which had worked so well. If the House considered that the proceedings of that Court had hitherto been beneficial to Ireland, and were likely to be so in future, he asked them to support the Amendment he begged to move—that the Bill be read a second time that day six months.

Mr. POLLARD-URQUHART, in seconding the Amendment, said, it was his opinion that the establishment of the Incumbered Estates Court had effected a great improvement in the social condition of Ireland. He must admit that in the earlier working of the Act some hardship was inflicted upon a few individuals, whose estates were sold much under their value. That circumstance, however, could not be fairly attributed to the law. Formerly the great majority of the landed proprietors of that country were alienated from the mass of the people by religious and political differences, and many of them were involved in such hopeless embarrassments that they were unable to render their property beneficial to themselves, or to discharge their duties to those with whom the possession of such property brought them into connection. Those evils, which had been growing for many years, were brought to a climax by the famine in 1846; and he believed that, if the difficulty had not been solved by the establishment of the Incumbered Estates Court, many Irish proprietors, who were now in comparatively good circumstances, would have been weighed down by the calamities which visited the country. It was because he wished to avoid the recurrence of such a crisis that he urged the House not to interrupt the present arrangement, or to interfere in such a manner as to throw difficulties in the way of the free transfer of landed property.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. DEASY said, he must complain that the hon. Member who proposed the Amendment had confined himself to details instead of dealing with the principles of the Bill. He would admit that great and important results had arisen from the establishment of the Incumbered Estates Court. Because he wished to perpetuate those benefits to the people of Ireland, he would give his support to the second reading of the Bill, and would oppose the Amendment of the hon. Member for Horsham. The case which that hon. Member has espoused had not suffered by his advocacy, unprofessional though it was. But the hon. Member would excuse him for saying he thought that in the greater part of his speech he did not deal with the real question before them, but only with questions of detail and of the machinery of the measure. The House was now called upon to consider the principle of the Bill, and not the details, which would be much better left to the judgment of the Committee. He (Mr. Deasy) proposed to deal with the question of principle only. The Bill now before the House enunciated three important principles:—1. The perpetuation of the new and unusual powers of the Incumbered Estates Court; 2. The transfer of those powers to the Court of Chancery; and 3. The internal reform of the Court of Chancery by the abolition of the Masters' offices, and the substitution of new Judges, who should unite in themselves the functions of Judges and Masters. On the first of these points he believed there was no difference between himself and the hon. Members who had moved and seconded the Amendment. He believed that our experience of the Incumbered Estates Court proved the fact, that such high powers might be vested in the regular judicial tribunals of the country with advantage to the public, as well as to all parties concerned. The question for the House to decide was—in what manner and by what Court it was most for the interest of the public those powers should be perpetuated—in what tribunal and in what officers should those powers be vested? The Bill proposed to transfer those powers to Judges of the Court of Chancery, and to continue them in that

Court. The Commissioners of the Incumbered Estates Court were to form a part of the new tribunal. The Commissioners who recommended that course included amongst them the framer of the Incumbered Estates Bill, another Commissioner (Dr. Longfield) who had never evinced any favourable disposition towards the Court of Chancery, the late Attorney General for Ireland, the present Solicitor General for Ireland, and the hon. and learned Member for Belfast (Mr. Cairns). They were unanimously of opinion that the powers vested in the Incumbered Estate Commissioners should go to the Court of Chancery. The House was now asked to affirm that principle, and assent to the second reading of the Bill. The other alternative was, the prolongation of the duration of the Incumbered Estates Court. It was admitted that this was a most exceptional tribunal, established in order to meet a particular emergency. He would ask the hon. Member's attention to the particular constitution and working of this Commission. As an administrative tribunal, the Incumbered Estates Court was eminently successful; but he altogether denied that, constituted as it was, it was calculated to give satisfaction as a judicial tribunal. The Court possessed stringent powers with regard to the transfer of land, but with limited powers as to its jurisdiction, having no control over personal property, and a dispute in a title necessitated the adjudication on it to another tribunal on an action of ejectment; and when even it was necessary for a case to be stated for a Court of Law or an appeal to the Court of Chancery, the Incumbered Estates Court had to suspend its own adjudication until the result of the proceedings in either of the other Courts were first known. These were circumstances of common occurrence, and no less than three cases of that kind were pending in the Irish Courts of Common Law last term, all of which had to be decided before the case could come back before the Commissioners in the Incumbered Estates Court, and the parties could realise the fruits of their bickerings; he therefore appealed to hon. Members to say whether that was a satisfactory state of things, or a tribunal likely to be of advantage to the public, or its suitors. He had heard a great deal of reproach cast on the Irish Court of Chancery by the Commissioners who had investigated its practice and proceedings, that it did not decide on questions that arose in reference to property submitted to its jurisdiction, and that in order to remedy those evils a Bill had been recently passed in accordance with the recommendation of the Commissioners. Were they to be called on to perpetuate those evils, or to expand the jurisdiction of this Court to personal as well as real property, with a machinery to allow it to decide on all questions arising out of the rights of property within its jurisdiction that came before it? If that course be adopted, they would be creating a new Court of Chancery, sitting in a different place, known by a different name, and exercising co-ordinate and perhaps conflicting jurisdictions, and which would be opposed to every sound principle of jurisprudence and past legislation. In England the evils resulting from such a state of things had been abolished, and it was essentially necessary that in dealing with property there should be uniformity of administration, and the proceedings of the Court relative to it vested in one tribunal and under one head. He would appeal to a high authority on the subject, that of the hon. and learned Member for Enniskillen (Mr. Whiteside) as to whether or not he concurred in the statement that had been made that the Incumbered Estates Court, as a judicial tribunal, stood higher in the opinion of the people of Ireland than the Irish Court of Chancery; and for himself he asserted that the Court of Chancery enjoyed quite as much confidence in Ireland as did the Incumbered Estates Court. The Commission, in recommending the creation of the Incumbered Estates Court, assigned as reasons for its necessity, the power of giving Parliamentary titles to land, the supervision of the same Judge over the entire property brought into it, and facility of access to the Judge both by solicitors and suitors. The same thing was proposed by the present Bill, and why should not the same advantage result from it in the Court of Chancery as had resulted from it in the Incumbered Estates Court? Was there anything in the name or the locality that was objectionable? Some hon. Members, he confessed, appeared rather prejudiced against the name of Chancery. Or probably it arose from unfavourable recollections of, or experience derived in, the old organised Court of Chancery, but which, however, had now undergone such reformation that the old pleader and practitioner in that Court had had to unlearn the old system and acquire the new one, greatly to the inconvenience, but considerably to the advantage, of the suitors. It was, therefore, upon the grounds that this Bill proposed to transfer the business of the Incumbered Estates Court to the Court of Chancery, that he asked the House to consent to the second reading of the measure, leaving it to the period when they were in Committee to amend any defects that might exist in the details of the Bill, or make such modifications as they might deem necessary, and not, by peremptorily rejecting the Bill at that stage, deprive the people of Ireland of what he hoped would become an effectual, economical, and expeditious Court for them to have recourse to. It might be said that lawyers had a particular prejudice in favour of the tribunals to which they were most accustomed, and that that was the reason why he supported the present measure; but he would refer the House to the opinion of the hon. and learned Member for Belfast (Mr. Cairns) who represented a commercial constituency deeply interested in the question and who were in favour of it, to show them that it was considered by others a sound measure in principle. The machinery of the Bill—which he considered at present inefficient for the work proposed to be done—they were not called on then to decide, but when the proper time arrived for doing so, he should be ready to render his assistance towards making it perfect. Thus, for instance, if the arrears of the Incumbered Estates Court were to be transferred to the Court of Chancery, he thought that two Vice Chancellors, although assisted by four chief clerks, would be inadequate to discharge the multifarious duties which would be cast upon them. Neither did he think it would be desirable to make any of the existing Masters of the Court Vice Chancellors. A new system ought to be introduced by new men, and not by those who were wedded to the existing state of things. Those, however, were matters of detail, which he would not then stay to discuss. There was one portion of the Bill to which the hon. Gentleman who moved the Amendment did not advert, and that was the part which introduced into the Irish procedure the regulations with regard to the abolition of the office of Master and the appointment of chief clerks to the Judges, which had acted so beneficially in England. He thought that that portion of the Bill was entitled to the warmest commendation. Believing that the general scope of the measure was most beneficial, he should vote for the second reading, and he trusted that in Committee the House would arrange a Bill alike creditable to the Legislature and advantageous to the country.

MR. M'CANN said, he must entreat the House not to be led away by flattering descriptions of the improved state of the Court of Chancery, nor by them be induced to place the property of Ireland again under the control of that tribunal. Let the House give the owners of property in Ireland a little breathing time, and leave well enough alone a little longer. There had been no petitions against the Incumbered Estates Court, and a few consistent opponents of that tribunal in that House were the only non-legal persons he had ever heard speak against it. The Court was of course not in favour with the bar; but, speaking from great experience among mortgagees and creditors, and even owners of property, he could say it had given general satisfaction, and he hoped the House would be careful in adopting any measure intended to terminate the existence of that Court. If, as had been said, it was necessary to legislate upon the subject at once, let the Government propose a measure continuing the Incumbered Estates Court, and extending its powers by enabling it to deal with unincumbered estates also, and it would be heartily welcomed by all who desire the welfare of Ireland.

MR. ELLICE said, that having taken great pains at the period when the Incumbered Estates Court was first constituted in assisting the present Master of the Rolls, and having had accidentally some experience on the subject, he felt it to be his duty to warn his friends in that House to watch with great jealousy such a measure as that now before them. In saying that, he did not mean to imply that he had not sufficient confidence in Her Majesty's Irish law officers to induce him to assent to the second reading. The Bill was founded upon the Report of a Commission, and due deference should be paid to the recommendations of such learned persons, and to the endeavours of the law officers of the Crown to act upon that Report for the improvement of the law in Ireland. But the working of the Incumbered Estates Court had been highly beneficial to Ireland—almost universal testimony was borne to the excellent results which had followed its constitution, and having had some accidental experience of the administration of property in the Irish Court of Chancery, and also a great deal of experience of such matters in the English Court of Chancery, he thought the House should hesitate before removing the administration of landed property from a Court which had hitherto been so satisfactorily conducted back again to the Court of Chancery. They had heard of reforms about to be adopted in the Court of Chancery, and he should have been much more satisfied if he had also heard that those reforms had been carried into execution, which might have justified the confidence of the public in the transference of the duties of the Incumbered Estates Commissioners to that Court. The best course, in his opinion, would have been to see that those reforms had been effected, and then to have provided that under its new administration it should be required to discharge the additional business that was proposed to be thrown upon it. No complaint had been made in any quarter against the Incumbered Estates Court. It had disposed of an immense quantity of business in the most satisfactory manner. [*A cry of* "No!"] The hon. Gentleman said "No;" he (Mr. Ellice) believed that the hon. Member would be found in a small minority. So far as a judgment could be formed from the statements contained in the usual sources of information, they had every reason to believe that the people of Ireland had been as much satisfied, generally, with the proceedings of that Court as the public of England. He had not the least objection to the second reading of the Bill, but he hoped the House would watch the measure very vigilantly. Another matter in connection with this subject was, the expense attendant upon the transfer of duties from one Court to another, involving the extinction of the functions of one of such Courts. Pensions would have to be granted to those functionaries whose duties would cease, while new offices at considerable expense would be created. Without having any personal interest in the matter, he had thought it his duty as an independent Member of Parliament, after having paid great attention to the subject, to trouble the House with the few remarks he had made, in the hope that they would watch the progress of the Bill with that attention which its great importance required.

MR. WHITESIDE said, that the observations of the right hon. Gentleman who had just spoken were entitled on this question, as on every other concerning which he addressed the House, to every attention and respect; but it struck him (Mr. Whiteside) that the right hon. Gentleman's arguments furnished the best reason against the vote which he was about to give. He agreed with the right hon. Member that the Bill ought to be watched with the closest jealousy in reference to its financial bearing, and in reference to this more important question—what was for the good of Ireland? He (Mr. Whiteside) was in this predicament, that he conscientiously believed that the Bill in its peculiar operations would be impossible of execution. He believed it to be simply impracticable through the medium of the Court of Chancery unreformed, or as it was to be reformed by the proposed measure, to do the work which the Bill proposed to thrust upon it. Since he last had the honour of addressing the House on the subject he had been in Ireland; and he had had an opportunity of meeting a great many of the Members of the bar in that country, and of asking their opinion on the Bill. The hon. Member for Drogheda (Mr. McCann) was mistaken in thinking that the members of the bar always fought for that which they supposed would turn to their own advantage. It would be an advantage to the Irish bar to have all the business of the Incumbered Estates Court brought into the Court of Chancery, and to have the jurisdiction of the latter tribunal extended; and yet he had not found one of them to advocate the measure now before the House. He had asked many of them this question—"Do you think that the Court of Chancery could ever take up the arrears of the Incumbered Estates Court, and do satisfactorily the other business proposed by this Bill?" And every one of them had answered, "Impossible." Now, he wanted to know was he doing anything that was at all unfair or out of course if he hesitated to vote for a Bill which he and so many of his profession believed to be impossible of execution? And why was it impossible, for that went to the gist of the matter? While in Dublin he was told by an experienced solicitor that the number of estates now for sale in the Incumbered Estates Court was 1,600, involving property he should suppose to the amount of £16,000,000 or £17,000,000 sterling. He (Mr. Whiteside) further understood that there were at present £3,000,000 sterling to be distributed by the Court, and the right to which was as yet to be ascertained and fixed. The Incumbered Estates Court at present consisted of three Commissioners, who were admittedly very attentive to their duties; though what had been stated by the hon. and learned Member for Cork (Mr. Deasy) was quite accurate, namely, that while the Commissioners brought property to a sale with great facility, their decisions as to the rights of parties and other judicial questions had not given satisfaction. He (Mr. Whiteside) repeated that the universal opinion of the bar of Ireland was, that the Court of Chancery could not execute the task that was proposed to be imposed on it. That was also the opinion of the body of the solicitors, who said that they would not be able to get their business done if the business at present transacted by the Incumbered Estates Court was put into the Court of Chancery. It might be said that the opinion of the solicitors was an interested opinion; but it was, notwithstanding, a useful one. What they said was, "Transfer all this into the Court of Chancery, and then bring in a new estate for sale there, and it will not be sold for eight years." Mr. Macaulay, in his history, said that that House was an eminently practical assembly. Now the hon. and learned Member for Cork admitted that by the Bill as it then stood there was not machinery created to enable the Court of Chancery to transact the business sought to be cast on it. Would the House, then, vote for the second reading of an imperfect Bill of that kind, proposing, as it did, to deal with property to the amount of many millions? Well, in the Incumbered Estates Court were three industrious Commissioners and a staff of thirty very clever men—at least, they all said that in the evidence given by themselves—and yet very large arrears of business had accrued. However, by the present Bill it was proposed to send to the Court of Chancery all that business, and the immense heap of books and papers thereunto appertaining; while it was quite forgotten to make any preparation for those documents, or even to have officers to receive them. The result of this would be a suspension of business, and that they would have no work done for the next six months. He had had the curiosity to go into the Court of Chancery, and ask the officers what would become of the Court if this business was thrust upon it. The answer had been, "What would become of us? why this—nothing will be done." He would ask the hon. and learned Gentleman who had charge of the Bill what preparation had been made in the Court of Chancery for that enormous mass of unfinished business? But supposing it to have arrived there, what was to be done with it? He would beg the permission of the House to read a few sentences of a letter which had been addressed by the Master of the Rolls in Ireland to the Lord Chancellor of England, and a copy of which he (Mr. Whiteside) had been favoured with. The Master of the Rolls could have no motive save to state what was the truth; and he (Mr. Whiteside) might be permitted to make this observation as to the judicial bench in Ireland—namely, that when any great change which would affect the business in the Courts of Judges was to be made, those Judges ought to be consulted on the changes. The present Master of the Rolls in Ireland was appointed to that office by the late Sir Robert Peel, and of his fitness and competency for the office no one could have any doubt. He (the Master of the Rolls) had no arrears of business in his Court—he never permitted any to accrue. His Honour said that he was willing to go through as much work as he was physically capable of performing; but he said that it was unjust to put upon him what it was impossible to do. The following was an extract from the learned Master's letter:—

"Yet I should not obtrude my opinion unsought for on your Lordship or the Government were it not that the measure, as brought in, would in its present form affect my office of Master of the Rolls in Ireland in a manner I have much reason to complain of.

"It is of course clear, if the Judges of the Court of Chancery convey with a Parliamentary title estates encumbered or disencumbered, without reading very carefully the abstracts of title, that fraudulent sales will take place. In this country the solicitor is not considered responsible (as I believe he is in England) for the correctness of the abstract; and when cases of title are laid before counsel in Ireland, the abstract (which is often most inaccurately drawn) is always accompanied by copies of the deeds and documents therein referred to.

"I should be glad that your Lordship would inquire from Sir John Romilly, who signed the Report on which the Bill purports to be founded, during what period of the twenty-four hours he supposes I could read these abstracts and documents, after performing the other duties of my office. And I think I have much reason to complain that a duty should be sought to be cast on me by the Master of the Rolls in England which he himself neither would nor could perform. If your Lordship takes the trouble of inquiring, you will find that no Judge in either country has devoted himself more entirely to the duties of his

> office than I have, and I have succeeded in keeping down all arrear at the Rolls by working out of Court as well as in Court. If duties are sought to be cast on me which I cannot perform, and which would lead necessarily to a vast arrear in the Court, I shall take no further trouble in endeavouring to keep it down."

The business of the Court of Chancery, as amended by the proposed Bill, was to be transacted by the Lord Chancellor, the Master of the Rolls, and two Vice Chancellors. The fact was, without reckoning the Masters, Examiners, and other officers, there were now nine Judges now doing what it was proposed should be done by three. But more than that—the three Judges were, besides having the business of the nine to do, to commence with three or four years' arrears of business from the Incumbered Estates Court. The result of a measure of that kind would be that alluded to in the letter of the Master of the Rolls in Ireland—namely, to destroy the Court of Chancery in Ireland, and destroy all that was valuable in the Incumbered Estates Court. It had been stated that the objections to the Bill were on matters of detail; but he denied that. He contended that the objections went to the principle of the Bill itself. It had been also suggested that the Bill could be drawn into shape when it came before the House in Committee. Now it was impossible that that could be done in a Committee of the whole House. There were three or four important propositions which the House was called on to consider, but which the hon. and learned Solicitor General for Ireland had not touched upon in the preamble to the Bill. It was proposed that the stamps and fees payable in the Court of Chancery in Ireland should be abolished. Now he (Mr. Whiteside) had referred to the returns from the County Courts in England; and he found that the fees paid in those Courts amounted to £200,000 a year. He wanted to know was the House prepared to adopt in the fullest sense the principle of abolishing the stamps in fees in all Courts in the United Kingdom? [Mr. J. D. FITZGERALD : The words are "abolish or diminish."] He found that the words were "abolished or reduced." Now if the Chancellor of the Exchequer was prepared to accept that principle, he (Mr. Whiteside) would give his ready assent to it; but he certainly would not consent to have Ireland made an exception in that respect. And therefore, so sure as any English or Scotch Member introduced a Bill to abolish fees and stamps in either or both of those countries, he (Mr. Whiteside) would, if the principle were adopted in the present Bill, support such a proposal. He thought that hon. Members had better reflect on the consequences before they supported that portion of the Bill. Then the way in which it was intended to supply the money at present produced by the fees and stamps was, by the deduction of a percentage from the produce of all estates sold in the Court. Well, if that were a mode of relieving the owners of incumbered estates, he should say it was a very Irish mode of doing so —to make them pay for the sale of their incumbered property, and for the general expenses of the Court. He had another objection, also, to the Bill, and that was a grave one, though it might be said to be against that which some would suppose to be an Irish feature in the Bill. He objected to it as a job—as the biggest job that had been laid on the table of that House for a quarter of a century. He would now give his proofs that it was. The second part of the Bill created all the offices, and he asked the attention of hon. Members to how these offices were to be filled. There were to be two Vice Chancellors, and in those offices and that of the Master of the Rolls were two chief clerks and two junior clerks. The chief clerks were to receive a salary of £1,000 at first, and a power was given to raise that salary to £1,250 a year—a power which he need not say would be very speedily exercised. Then came the clause relating to the appointment; and what he wished to direct the particular attention of the House to was, the clause which recited how those officers were to be appointed; and he called on the hon. and learned Solicitor General of Ireland to explain his conduct with reference to that part of the Bill. The Commissioners had very properly and legally recommended that the Judges of the reformed Court should have the appointment of their own officers. He said "legally," because the common law Judges had the appointment of their own officers; and even under the English Acts the Master of the Rolls and the Vice Chancellors in England got the power to do the same thing. Indeed, in the Bill introduced last Session by the Solicitor General for Ireland himself, the hon. and learned Gentleman gave the Judges the appointment in pursuance of the recommendation of the Commissioners, and following the English precedent;

but, to his (Mr. Whiteside's) infinite surprise, in the present Bill—perhaps following out a policy which seemed to have been adopted by some parties in that House, that of casting reflection, no matter how undeserved, on the judicial bench in Ireland—the hon. and learned Gentleman altered that provision, and vested the appointments in the hands of the Lord Lieutenant of Ireland. And while it was proposed to create new offices, the present officers were to be cut off on a pension. That, of course, was for the purpose of putting in the hands of the Secretary to the Treasury some offices, with good salaries attached to them, which would be placed at the disposal of friends to the Administration. He would ask, was that a just measure, or was it courteous on the part of those who proposed the Bill to treat the Irish Judges in that way? The Master of the Rolls in Ireland objected to the provision, observing that if the Court were to commence operations without any arrears from the Incumbered Estates Court, he thought it could do the business that the Act would impose on it, if the Judges were allowed to choose their own clerks, and could appoint those whom they knew to be efficient, and over whom they would have control; "but," added the learned Master, "if a man be placed upon me, whose efficiency I cannot guarantee, and over whom I cannot exercise a proper control, I believe in my conscience that this law will fail." The hon. and learned Member for Cork (Mr. Deasy) had alluded to the Masters as being gentlemen advanced in years, but Master Brook was only fifty-two years of age, and that was not a very old man. If a man of fifty-two were past his labour, then we ought to cashier a number of our generals and admirals. He held in his hand a Return of the business transacted within the last few years by the gentlemen who were to to be pensioned off; and the amount of that business would surprise the House. That Return convinced him that the Court of Chancery, by effective reform, could be made to carry out all that was required of it. He was for reforming the Court of Chancery, but what he objected to do was, to throw into that Court arrears of business from another Court, which he knew the Court of Chancery could not get through and keep pace with the current business; for he knew that by such a course they would do a serious injury to the suitor, swamp the Court of Chancery, and nullify all that was useful in the principle of the Incumbered Estates Court. Another portion of the Bill to which he strongly objected, was that which proposed to constitute a new Court of Appeal of a very peculiar character indeed. The proposal was to have an Appeal Judge—an ex-Chancellor, if one could be found to accept the office, and if not a Lord Justice—at a salary of £4,000 a year. This Appeal Judge was to sit with the Chancellor, and when there was a difference between the two there could be no decision. So that the Court of Appeal was one which might not be able to come to a decision, and in that way there would virtually be no appeal. The hon. and learned Gentleman (Mr. J. D. Fitzgerald) had said that there was to be a Court with a new staff. Why, then, did he not pension off the Lord Chancellor on £4,000 or £5,000 a year, and see if his Lordship's equal could be found? It certainly was as necessary to have an appeal from the Lord Chancellor as from the Master of the Rolls in Ireland. Conscientiously, he (Mr. Whiteside) gave it as his opinion that it was more so. That he believed, too, to be the opinion of the Irish bar, and some of the ablest of that bar practised in the Master of the Rolls' Court. Not meaning the Lord Chancellor of Ireland the slightest disrespect, he (Mr. Whiteside) said, that not to have an appeal from his Lordship's judgment to a Court that could decide whether he was right or wrong, was a mistake. He had now stated such objections to the Bill as he thought went to the principle of the measure, and were not such as the House could satisfactorily deal with in Committee. It would not do to have a Committee of that House sitting night after night and debating about patronage and clerks. The object of introducing a new staff into the Court of Chancery was manifest. It was to oust the whole staff of the Court of Chancery, and to put in their place the staff of the Incumbered Estates Court. The staff of the Incumbered Estates Court had no claim to pensions for loss of office, while those of the former Court had. Why, then, should the Chancery clerks be selected for ejection? To show the House that a provision for the staff of the Incumbered Estates Court was the object, he would direct attention to Clause 19 of the Bill. He had been asked in Ireland, did he object to that clause? He replied that he did not, and it was then his attention was directed to the last line and a half of the clause, which was full of meaning as bearing out what he had first stated to be the object of providing for the appointment of a "new staff." The clause ran thus:—

> "No person shall be appointed chief clerk to the Lord Chancellor, Master of the Rolls, or any Vice Chancellor, unless he shall be a barrister, and shall have practised as such in Ireland for the period of six years at least, or shall have been admitted on the roll of solicitors or attorneys in one of the superior Courts at Dublin, and practised as such solicitor or attorney for the period of ten years at least immediately preceding his appointment, or have held the office of Master's examiner in the Court of Chancery in Ireland, or of secretary, registrar, or examiner in the said Court of Chancery, or in the Court of the Commissioners for Sale and Transfer of Incumbered Estates in Ireland."

Now, hon. Members might not be aware that there was a certain Gentleman who was neither a barrister nor an attorney, but who had for some time been in an office for which he was singularly unqualified, having previously come from a certain office which was in some way connected with a certain person; and these words had been introduced to enable that Gentleman to be appointed to one of the chief clerkships. That was, in fact, a specimen of the mode in which the whole Bill had been got up; and he for one would not consent to sanction a measure laid before the House in that way. There was a principle of the Bill still remaining on which he wished to make a few observations. The Court of Incumbered Estates in Ireland being in arrear, and it being proposed to transfer its jurisdiction, together with those arrears, to the Court of Chancery, it was also proposed to make the Court of Chancery a conveyancing engine or machine for all Ireland. At present a man who had his property incumbered could bring it into the Incumbered Estates Court, and sell it to pay off the incumbrances; but it was now proposed that a man owing no money at all might bring his estate into the Court of Chancery at the expense of the estate itself—fees being abolished — and sell it to *A. B.* Could any Court carry out a scheme of that kind? Could the Court of Chancery in Ireland carry out all the private conveyancing of that country, when, even under the Act limiting its operations to incumbered estates, the Incumbered Estates Court had got so much into arrears? With every possible respect for the hon. and learned Member for Belfast (Mr. Cairns) he (Mr. Whiteside) could not give his assent to that proposition. It was one that the whole profession in Ireland would join him in saying was impracticable. Acting on such a principle, he would ask, would they transact the private mercantile business of the country in their Courts? The question of the free transfer of land was a very important one. Her Majesty's Solicitor General was considering the subject; and he believed that a Bill on the subject was being prepared for England, while one was actually before the House for Ireland. He objected to that system of legislation. They had been told that owners of land in Ireland had created incumbrances. Now, he called on his hon. and learned Friend the Member for Belfast to read through the entire Report of the Commissioners; and he ventured to say that he would not find any single case of a man who, having had a perfectly unincumbered property, incumbered it for the pleasure of bringing it into the Incumbered Estates Court. He very much doubted that fact; but at all events he implored of the House not, where a new principle of such importance was to be introduced, to vote for a Bill framed for Ireland, and which did not include England. In every way the differences between the two countries were fast fading away; and as the Master of the Rolls in Ireland remarked in his letter, there should be no difference made between them in legislation of this kind. The question at issue was a most important one. It was a vast question. It was this—ought a tenant for life to be allowed to walk into the Court, make a bargain with any other party, and by a bit of parchment convey to him an estate which owed nothing, and was not really his to sell; and convey it in such a way as to make it the purchaser's for ever, without any one being ever able to question the contract? In the case of an incumbered estate there were creditors, hostile parties, and therefore there was contest and inquiry; but a party might easily make a fraudulent sale of an unincumbered estate, and the purchaser might be in the plot. The Bill was admittedly imperfect, and as it was necessary for a Committee to inquire into it, let it be sent before a tribunal where the great principles involved could be properly considered—where there would be power to summon witnesses, and go into the whole question. If the Government pressed the Bill, believing that the objections to it were not as to matters of detail, but to matters of principle, he would have no alternative but to vote against the second reading. It was his conscientious conviction that if passed in its present shape the Bill would plunge both tribunals into inextricable confusion, and that it would be utterly impossible to make it available for the practical object which they should all have in view.

SERJEANT O'BRIEN said, he thought that, though there were many objections to the details of the Bill, its principles were such as to entitle it to the support of the House. Many of its provisions, which his hon. Friend the Member for Horsham (Mr. S. Fitzgerald) objected to as applying to the principle of the Bill, in his (Mr. Serjeant O'Brien's) opinion, applied only to its details. It was certainly most expedient to consider the whole system of Parliamentary titles in Ireland. The experiments hitherto tried had been without success. If they continued the Incumbered Estates Court, they must continue to it its powers; and they could not continue those powers without extending them. The estates in the Incumbered Estates Court possessed facilities of transfer which the hon. Member for Horsham admitted that they ought to possess. Were they prepared to abolish the system, or would they continue it? And, if they continued it, were they prepared to continue the distinction between incumbered and unincumbered property? Were they aware of the mischief which they were doing to the landed gentry in Ireland, by drawing the distinctions under which the owners of unincumbered property stand in a worse position than the owners of incumbered property? It was obviously unjust to benefit the owner of the one to a greater extent than the owner of the other; or to establish the principle, that because a man was improvident he was to get an advantage denied to the man of more provident habits. At present, when two estates were put up for sale, one resting upon a private title, the other upon a title given by the Incumbered Estates Court, the latter would sell for two years' purchase more than the former. It might be a question whether the system of Parliamentary titles should be maintained or not; but, if maintained, it ought to be extended, otherwise great injustice would be done. He himself knew persons anxious to sell property, but unable to do it, because there was other property in the district to be sold under the Incumbered Estates Court. That extension, however, could not be carried out by giving more power to the Incumbered Estates Court. They would then only remedy existing evils by establishing two Courts of Chancery; by that means the Incumbered Estates Court would have the power to determine questions of title under the same jurisdiction as the Court of Chancery, and they would have two distinct Equity Courts established in Ireland, while the principle of legislation in England had long been to abolish divided Courts of Equity. He had not heard any suggestion for remedying the inconvenience without giving to the Court of Chancery the power, or taking it away from the Incumbered Estates Court. He was, however, doubtful, if the abolition of the Incumbered Estates Court ought to take place immediately. Out of 1,700 petitions which had been presented to that Court, there were 1,300 not yet adjudged upon, and then, without any other work, they would take two years to get through the arrears. He was, therefore, doubtful, whether it was for the benefit of the country that an immediate abolition of the Incumbered Estates Court should take place. That, however, was an objection of detail, and not of principle. One thing, however, was certain—the principle of granting Parliamentary titles, if continued, ought, as he had previously stated, to be extended. He agreed with his hon. Friend the Member for Westmeath (Mr. Urquhart), who seconded the Motion, as to the propriety of preserving to Ireland the benefit of Parliamentary titles. The objection to giving that power to the Court of Chancery was, that the Court of Chancery in Ireland had fallen into bad repute, and that no new powers ought to be granted to it; but were hon. Members prepared to abolish altogether the Court of Chancery in Ireland, and to shut their eyes to all measures of reform proposed for that Court by this Bill? Similar measures had been adopted in England, and had worked well there. It was a mere matter of detail, whether the present Masters of Chancery should be continued or not as Vice Chancellors or as Masters. The arrears might be disposed of by continuing the Incumbered Estates Court for two or three years longer, and with the two Vice Chancellors to be appointed there would be no longer the same pressure of business; but if all the business were at once thrown upon the two Vice Chancellors, it would be impossible for them to get through it. From the example of the Incumbered Estates

Court, he did not believe the pressure would continue; in the first year of the working of that Court there were 1,250 petitions presented, while in 1854 there were but 374. It now frequently happened that the same property was at once in the Court of Chancery and the Incumbered Estates Court; the preliminary proceedings were obliged to be taken in the first Court, and the subsequent proceedings in the second. The Incumbered Estates Court had no power of appointing receivers, and sometimes it became necessary to present a petition for sale to that Court, and petition for the appointment of receivers to the Court of Chancery. For such proceedings he could see no remedy, except by establishing a single Court and a single tribunal, with full power of deciding all the cases brought before it. It was proposed on the one hand to abolish Parliamentary titles altogether, but if that were not done, they could only carry out the principle by extending it. Then there was the Court of Appeal. The Bill proposed that there should be one Judge of Appeal, with the power of calling in a Common Law Judge. The hon. and learned Member for Enniskillen (Mr. Whiteside) in his Bill had two Judges of Appeal. For himself, he could not see any great difference in the two plans. A Court of Appeal, as an intermediate Court, would frequently save the expense of an appeal to the House of Lords. The question before the House was, the remedy of a defective state of legislation. The Commission issued to inquire into the subject comprised men of great ability and experience—two of whom were the present Master of the Rolls and Dr. Longfield, men fully competent to judge of the practical working of the measure, and not likely to adopt extravagant views. For that reason he should support the second reading of the Bill.

MR. GEORGE said, he quite agreed in the opinion which had already been expressed by hon. Members that the question before the House was not one of a party nature, and that it ought to be considered with a view to the best interests of Ireland, and to that alone. He also concurred in the opinion, that where parties approved of the general principle of a Bill, they should not refuse it the benefit of a second reading simply because they happened to object to some of its details. But whilst he assented to those general propositions, he wished to guard himself against being committed in any way to support the Bill upon the table. Now, that Bill, though it appeared to be a single Bill, was divided into many distinct parts, every one of which might well be considered as forming a separate and distinct enactment or Bill in itself. First of all, it provided for the appointment of two Vice Chancellors; next, the abolition of the Masters' Office; then, the establishment of a Court of Appeal, an alteration of the system of procedure and practice of the Court of Chancery, the partition and sale of real estates, the abolition of the Incumbered Estates Court, the abolition of fees and stamps, and, lastly, it contained certain general enactments. On the other hand he found on the paper for that evening no less than five Bills which had been brought forward by his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside), relating to the jurisdiction of the Court of Chancery in Ireland, the Amendment of procedure, the regulation of receiver masters, the formation of a Court of Appeal, and the sales of estates in Ireland. Now he (Mr. George) had done what he believed few others had done—he had carefully gone through every clause and section of the Bill before the House; he had also endeavoured to make himself master of the different enactments contained in the five Bills of his hon. and learned Friend (Mr. Whiteside); and he was bound to say that, in the five Bills of his hon. and learned Friend and the single Bill now under discussion, there was much that was common to both. One principle, for instance, that was common to both, was that which had received the universal, or almost universal, assent of the people of Ireland, as well as of both branches of "the profession"—namely, that an extraordinary jurisdiction which had been established in peculiar times and for special purposes, the jurisdiction of the Incumbered Estates Court, ought at some period or other to be brought to a final close, and be restored to the organised and regularly-constituted Court of Chancery in Ireland. But there was this wide difference between the proposition of the Bill of the hon. and learned Solicitor General for Ireland and those of his hon. and learned Friend (Mr. Whiteside), that, whereas the former proposed instantly to transfer to the Court of Chancery the entire accumulation of arrears in the Incumbered Estates Court; namely, 1600 new petitions not yet acted upon, 1600 titles to be investigated and examined, 1600 sets of different proceedings to be settled between the parties, while the latter with more judgment left that great arrear to be swept off by the Incumbered Estates Court itself, to whose hands the business was originally confided, and which in all probability could sweep it off in two or three years. As far as related to the Judges of the Incumbered Estates Court, there could be no hardship in that proposition, inasmuch as they were originally appointed for five years only, though their jurisdiction had been extended by Act of Parliament for three years longer, at the end of which time—that was to say, on the 28th of July next—their functions were to cease and determine. But the hon. and learned Solicitor General for Ireland proposed, by his Bill, to throw that accumulation of business upon the newly-constituted Court of Chancery in Ireland, to consist of the Lord Chancellor, the Master of the Rolls (already abundantly supplied with business), and two new Vice Chancellors; and that Court was to transact the entire arrears of the Incumbered Estates Court, and all the newly-created business of the Court of Chancery itself. He (Mr. George) had compared these two propositions, and he thought the proper course would be, to let the Incumbered Estates Court finish the business remaining before it, and to create a new Court of Chancery, with power to receive petitions for the sale of Incumbered estates from the 28th of July next, the day on which the powers of the Incumbered Estates Court cease, and to exercise the same jurisdiction as that which was now possessed by the Incumbered Estates Court. The Mover and Seconder of the Amendment opposed the Bill before the House, on the ground that they wished the jurisdiction of the Incumbered Estates Court to be perpetuated. In that he differed from them; and in so saying he believed that he echoed the opinion of nine-tenths of the people of Ireland. But the Bill not only intended to transfer the jurisdiction of the Incumbered Estates Court to the new Court of Chancery, but to create a large increase of that jurisdiction, and he did think that one of the most questionable enactments that could possibly take place would be that of enabling this newly-constituted tribunal to sell unincumbered estates. It appeared to him to be contrary to every principle on which the Courts of Judicature had been established in England to make them mere ministerial agencies for the investigation and sale of unincumbered, and, therefore, unlitigated estates; and he thought it would be much better to confine the jurisdiction of the new tribunal to what it had now, the sale of incumbered, not unincumbered, estates. When petitions were brought forward by adverse parties, there was due and proper examination; but the proposed plan would permit tenants for life to dispose of their estates, and there would be great danger of fraud in its working. No doubt there might be notices in the *Gazette*, but it was pretty certain nobody would read them. The opinion of one of the ablest Judges in Ireland, as acute a man as ever presided on the Irish bench—the present Master of the Rolls—had been expressed as unequivocally hostile to giving the power of sending unincumbered estates to such a tribunal. Further, the Bill proposed to abolish the existing staff of Masters in Chancery, all of whom were able to discharge the duties of their office, which, under the 15th section of the Chancery Bill, were analogous to those of Vice Chancellors. He could see no reason, however, why the jurisdiction should not be given, under the altered name of Vice Chancellors, to the Masters, who were already doing a large proportion of the work, instead of creating a new staff of officers. Indeed, it seemed to him most unjust to the public to deprive those Gentlemen of their offices, to give them their full salaries for life, and then to appoint other persons as Vice Chancellors who were not more competent or experienced than they were. With regard to the power which the Bill proposed to give the Lord Chancellor, to eject the examiners and clerks in the Masters' Offices, and import a number of raw hands who had served a few years in the Incumbered Estates Court, throwing the former upon the generosity of the Chancellor of the Exchequer or the Lords of the Treasury for compensation—he must say that he wanted words to express the feelings he entertained upon the subject. As to the formation of a Court of Appeal in Ireland, in his humble judgment a Court of Appeal ought unquestionably to be established there, in order to save the suitor the expense of a direct appeal to the House of Lords in this country in the first instance. But if such a Court were constituted in Ireland, it ought to be a Court of Appeal from every judicial officer in Chancery, as well from the decisions of the Lord Chancellor himself, as from the Master of the Rolls and the Vice Chancellors. And for the purpose of making it an effectual Court of Appeal, instead of confining it to the Lord Chancellor and one Judge, he would adopt the proposition of his hon. and learned Friend (Mr. Whiteside), and have it constituted of the Lord Chancellor and at least two Judges of Appeal. He believed, if such a Court of Appeal were established in Ireland, that, in nine cases out of ten, it would prevent the necessity of appealing from the Courts of Equity in Ireland to the House of Lords in England. Now the matters to which he had referred were not those of simple detail; on the contrary, he thought that several parts of the Bill of the hon. and learned Solicitor General for Ireland were matters of vital principle. There was, however, as he had previously mentioned, much that was common between the hon. and learned Gentleman and his hon. and learned Friend (Mr. Whiteside); and in his (Mr. George's) judgment the course that ought to be taken by the Government, or the Solicitor General for Ireland as the organ of their opinions, was to refer the measure under consideration, and the five Bills of his hon. and learned Friend, to a Committee up stairs. If the Solicitor General for Ireland resolved upon taking that course, he (Mr. George) would support the second reading; if not, then he should vote against it.

Colonel DUNNE said, he was one of those who originally opposed the institution of the Incumbered Estates Court, and experience convinced him that he was correct in his views. No one could deny but that frauds had been most frequent under it, and creditors had been injuriously affected by the sale of property in a glutted market, and consequently at a very great depreciation. He intended to vote against the present Bill, not because he wished for the continuance of the Incumbered Estates Court, but because he wished to put a stop to such legislation. It was not correct to say that it necessarily did away with incumbered estates, for the new purchasers might immediately incumber the property. He would not admit that expediency was any reason for proceeding with the present Bill. Expediency had got the country into a war; expediency had carried the country through it with disgrace, and expediency was now apparently leading the country to a disgraceful peace. It was absurd for the Government to talk of administrative reform when they now proposed to remove, with compensation, a number of men fully competent for the discharge of their duties, and put in their places others who, when the Incumbered Estates Court was first formed, were told that they had no right to compensation. A portion of the provisions of the present Bill would enable the Court of Chancery to sell settled estates, and there was no power to prevent injustice being done under it. These were his reasons for opposing the Bill; for, if it was not passed, the Incumbered Estates Court would die a natural death when the period for which it now existed by law terminated. He would cordially support any motion for the improvement of the proceedings of the Court of Chancery, for he did not desire that litigation should be either tedious or expensive; but the transference to the Court of Chancery of the powers of the Incumbered Estates Court would not, in his opinion, be any improvement, and in opposing the present Bill he acted in accordance with the wishes of many landowners in Ireland. The hon. Member for Manchester (Mr. Bright), on a former occasion, expressed satisfaction at the introduction of English capital into Ireland, but, he was happy to say, that there had not been that inundation of English capital which was hoped for by some. There were men in Ireland with large capital who had purchased several of the estates that were sold, and he, for one, wished that Irishmen should be the possessors of the property. He would ask whether the proceedings in respect to the sale of these estates had resulted beneficially for the tenants? What was the cause of the murders that had taken place —of Miss Hinds and others? The new proprietors, of course, wished to make the most of their money; and they exercised rather harshly their rights in expelling the tenants and clearing their estates.

Mr. BLAND said, he should support the second reading of the Bill. It was very generally admitted that the jurisdiction of the Incumbered Estates Court, which, under peculiar circumstances, had operated beneficially, should at some time be terminated, and he thought the time had arrived when the business of the Incumbered Estates Court might be judiciously transferred to a reformed Court of Chancery. The reason given by the hon. and learned Member for Wexford (Mr. George) for opposing the present Bill was one of detail, and in Committee he should concur, to a certain extent, with the hon. and learned Member, for he thought it would be impossible, if the arrears now existing in the Incumbered Estates Court were at once introduced into the newly-constituted Vice Chancellor's Courts, that it could be got through, together with the other current business, with the staff proposed. He therefore thought that the Incumbered Estates Court should be allowed to continue to wind up the business now before it. He also thought it essential that a reform, similar to that which had taken place in the English Court of Chancery, should be effected in the Irish Court. It had been said that the Vice Chancellors should be chosen from the Masters, and admitting that they were gentlemen of great ability and experience, still he thought that that was a matter which ought to be left to the responsibility of Government, and which it was not the office or duty of Parliament to determine. The Incumbered Estates Court was one which had been suggested by the emergency of the time; it had performed well the work which had been expected from it; but he apprehended that no lawyer would recommend that it was a tribunal that should be perpetuated. He approved of the principle of the Bill before the House, and he was ready to go into the details with the same spirit of impartial justice with which he was prepared to examine the competing measures proposed by the hon. and learned Member for Enniskillen.

MR. FRENCH said, the Incumbered Estates Court had been seven years in operation, and sold property to the extent of £1,000,000 a year. There had been £14,000,000 or £15,000,000 received; the debts due on the property sold were £23,000,000; and there had been a loss of £6,000,000 or £7,000,000 to the petty incumbrancers, which fell chiefly on widows and orphans. It was that which made the Court so unpopular. He was not disposed to oppose the Bill for the sake of keeping that tribunal in existence, but he thought the hon. Member for Horsham (Mr. S. Fitzgerald) had not made a case for getting rid of the Court.

MR. M'MAHON said, that some hon. Members who had taken part in the debate had spoken as if it was a great calamity that land was sold cheap in Ireland, whereas it was well known that wherever land was cheap labour was dear, and that wherever, on the contrary, land was dear labour was cheap. The Incumbered Estates Court had been described as a Court with unusual and unconstitutional powers; but that was an argument against the transference of those powers to the Court of Chancery, which was proposed by the Bill. If those powers were of that nature, it was far better that they should be exercised by a special and exceptional tribunal, than be made part of the business of the ordinary courts. It was, moreover, contrary to all the principles of political science and economy that because a man had a bad title and borrowed money upon it from a person who was aware of its defect, he should be enabled by Act of Parliament to go to the Court of Chancery and get a good title. The Bill, besides, was opposed to the whole spirit of political economy, as it proposed to grant to the Court of Chancery powers to give a settled title upon an uncertain title, and certainly nothing could be worse in principle than to give a mortgagee a better title than that upon which his money was lent. He (Mr. M'Mahon) also objected to making the Court of Chancery a great conveyancing establishment, as a course unusual and unconstitutional. The reason that Parliamentary titles were wanted in Ireland was, because they removed the difficulties which existed in the transfer of real estate in Ireland. There was a clear title to all land in Ireland not more than 150 years since, but the facilities for incumbering real estate had been so much increased, that a clear title, except from an Incumbered Estates Court, was a rarity. If the transfer of land was to be facilitated, registered judgments as charges on real estates should be abolished, and the land should be allowed to be sold under writ of execution, as it was so late as the time of Charles II. It was absolutely essential, also, to the facilitation of the transfer of land, that entails should be abolished; all the statutes for maintaining real estate in an exceptional position should be done away with, and the principles of the common law should be reverted to in respect to land in the same manner as in respect to personal property. Then there should be a county register, similar to the copyhold registers of manors in England, where all transfers and obligations on the estate could be registered, and the nature of the title ascertained at a glance. If these or analogous methods for facilitating the transfer of real estate were adopted, the greatest benefit would be conferred upon Ireland, and an unusual and unconstitutional Court would be unnecessary. As regarded the Bill before the House, he saw it proposed to create an

Appeal Court from the Court of Chancery, which he considered quite unnecessary. At present there were twelve Judges in Ireland, who sat as a Court of Appeal in the Exchequer Chamber; and as the Irish bar practised in law and in equity indiscriminately, to transfer the appeal to that Court would create no possible difficulty, while it would be a great saving of expense. He would support the measure of the hon. and learned Gentleman the Solicitor General for Ireland if he thought the transfer of real estate in that country would be facilitated by its means; but as he did not think it would have that effect, he should oppose the second reading of the Bill.

MR. MALINS said, there was a great portion of the Bill of which he approved—such as the creation of two Vice Chancellors, and the assimilation of the practice of the Chancery Courts in Ireland to that of England; the creation of the Court of Appeal, although he thought the Court of Appeal ought to consist of less than three Judges, not of one, as was the objectionable practice in England, when one Judge appealed from another; the alteration of the procedure in Chancery; and the discontinuance of the Incumbered Estates Court at no distant period. As regarded the Incumbered Estate Court, he thought that when there were 1,600 estates waiting to be sold, and a mass of claims waiting to be adjusted and administered, nothing was more calculated to break down the whole system than the transfer of their arrears, along with the whole business of that Court to the Court of Chancery, and to clog the wheels of the new machinery in that Court which the Bill proposed to create. The Government would be obliged to retain the Incumbered Estates Court for a time to get rid of the arrears. Within the last four years the Court of Chancery in England had been completely reconstructed, for such had been the alterations that while, in his opinion, the public would have been justified in sweeping it off the face of the earth if it had continued in its former condition, it had now approached as near to perfection as could possibly be expected. Causes which formerly took years for their adjudication were now terminated in a fewer number of months, and as the present Bill proposed to bring about the same state of things in Ireland, he had the greatest reluctance to vote against its second reading; but he had still to say that if the hon. and learned Solicitor General for Ireland persisted in pressing his Bill upon the House in its present state, he would be sure to be defeated. The hon. and learned Gentleman had, however, he thought, heard enough that night to point out to him the great difficulty he would find in dealing with the Bill in a Committee of the whole House; and he (Mr. Malins), therefore, earnestly urged upon the Government the propriety of adopting the suggestion of the hon. and learned Member for Wexford (Mr. George), and referring it to a Select Committee. The second reading of the Bill had now occupied the attention of the House for upwards of four hours, and was likely to detain them in discussion much longer. If such, then, was the case when they only touched upon the more prominent portions of the Bill, what chance, he would ask, had they of getting it through Parliament if they were to examine it clause by clause in a Committee of the whole House? It was not to be expected that the details of the Bill, some of which were of the most objectionable character, would be passed over in silence. For instance, he (Mr. Malins) could not comprehend upon what principle of right the Bill proposed to confer the patronage of the officers of the newly-created Courts upon the Lord Lieutenant of Ireland, except that political services, rather than peculiar fitness for the respective offices, were to be the qualification required from those appointed to fill them. In England the Judges had the selection of their own officers—not only the chief clerks, but the junior clerks; and a recent Bill proposed also gave them that of the additional clerks. The whole system would crumble in the dust if the Judges had not the selection of their own officers. This it was which made the system in England work so harmoniously. He could not, therefore, conceive why the hon. and learned Gentleman (Mr. J. D. Fitzgerald) had not only varied from the practice in England—to which he proposed to assimilate the practice in Ireland—but also from the recommendation of the Commission, and even from his own Bill of last Session. Neither could he (Mr. Malins) understand upon what principle the chief clerks in Ireland were required to be barristers—the contrary being the case in England—unless it was that the Irish barrister clung to patronage more than the English barrister; and that, therefore, it was retained for that purpose. Under those circumstances, if the hon. and learned Solicitor General for Ireland would consent to refer the Bill to a Select Committee, he (Mr. Malins would vote for the second reading. But if the hon. and learned Gentleman should not do so, he would vote against it.

Mr. H. HERBERT said, he had made up his mind to vote for the second reading of the Bill, and wished to explain why he had come to that conclusion. A great portion of the opposition to the Bill proceeded from hostility to the Incumbered Estates Court itself, but if there was any portion of his Parliamentary career on which he looked back with more satisfaction than another, it was the support which he gave the present Master of the Rolls in carrying the measure establishing that Court; if, then, he were to be asked why it was that he now sought to destroy what he had formerly so zealously helped to establish, he would answer that, looking to the Report on which the present Bill was said to founded, he saw subscribed to it the name of Romilly. If, then, the founder of the Court himself was of opinion that the time had now come to abolish it, he thought that he (Mr. Herbert), as an unprofessional man, was justified in taking the course he did. It was impossible to deny that the result of the working of the Court had been most beneficial to Ireland, and the only disadvantage which attended it was, that it gave facilities to the proprietors of the incumbered estates of parting with their property which were withheld from the owners of those unincumbered. Five years ago he presented in that House a petition which, both, with regard to the respectability, the influence, and the wealth of those who signed it, was one of the most remarkable petitions ever presented to a Legislative Assembly, and the prayer of that petition was that the owners of unincumbered, as well as of incumbered estates in Ireland, might have the privilege of applying to a tribunal, such as the Incumbered Estates Court, for a parliamentary title. The Bill now under consideration proposed to give them that privilege, and he should therefore heartily support it.

Mr. CAIRNS said, that being the only Member of the Incumbered Estates Court Commission in the House who was not connected with the introduction of any of the Bills, he wished to state the reasons which had led the Commissioners to adopt the conclusions at which they had arrived. He was sorry to hear several hon. Members say that this was simply a lawyer's question. He had not looked upon it in that view, and he believed that the reasons which actuated the Commissioners were such as could be made apparent to the mind of any hon. Gentleman in that House, however unversed in legal matters, and ought to receive the approbation of the House. The Commissioners, soon after their appointment, began to investigate the matters which were mentioned in the Commission, by endeavouring to procure from all the officers of the Incumbered Estates Court in Dublin, and from a number of members of the bar in Ireland, such information, statistical and otherwise, as was likely to enable them to form a sound judgment upon the questions submitted to their consideration. The Commissioners were aided in their labours by the presence and advice of gentlemen whose names ought to be a guarantee that nothing was intended inimical either to the principle or existence of the Incumbered Estates Court. Their meetings, in fact, were presided over by Sir John Romilly, the Master of the Rolls, to whom the Incumbered Estates Court, in a great measure, owed its existence. In every part of their deliberations Sir John Romilly took a most important part; and, he believed, that in every recommendation of the Commissioners he entirely concurred. Mr. Longfield, himself one of the Commissioners of the Court in question, also took part in their deliberations. The Members of the Commission had the benefit of his experience as to the amount of business which would have to be transacted if the powers of the Court were transferred to any other jurisdiction. They had also the assistance of Mr. Blackburn, the late Lord Chancellor of Ireland, who was, perhaps, more practically conversant with all matters appertaining to the welfare of Ireland than any other official in that country. And what was the opinion of these gentlemen with regard to the past working of the Incumbered Estates Court? Every one of them agreed that that Court had been of infinite service to Ireland—and that although, in the commencement of its operations, it had done disservice to some individual proprietors, yet that it had opened in Ireland a market for the sale of landed property superior to that which could be obtained in any other quarter whatever. That fact was established beyond contest; for it was wholly impossible for any owner of property in

Ireland to command so good a market or so good a price for his lands as he could obtain through the instrumentality of the Incumbered Estates Court. The Commissioners, therefore, came to the conclusion that it was perfectly idle, even if they had the disposition, which they had not, to propose to Her Majesty, or, through Her Majesty, to propose to that House to abolish, or to curtail in any way, the powers of the Incumbered Estates Court; on the contrary, they came to the conclusion that it was most expedient that the powers of that Court should not only be continued in Ireland, but even be extended to every part of Great Britain. The Commissioners considered whether it was advisable that the Court should go further than it had gone in times past. They found that cases were constantly occurring in the Incumbered Estates Court which were mixed up with other matters of litigation, and that full justice could not be done to the parties until they had been relegated to a Court of Common Law or Equity, whereby the expenses of a second proceeding were cast upon them. In the next place, the Commissioners found that, although dealing with the greatest part of the landed property in Ireland, the Court conducted its proceedings in an obscure street in Dublin, which were attended by only a small number of professional persons. There was a very great complaint, not on the part of the bar or of the solicitors, but of the public, that they could not command in that Court the services of those professional persons whose services they desired. Those complaints, in fact, reached that House; year after year promises had been made that that state of things should be remedied; but they had never been fulfilled. It was obvious, therefore, that it would be necessary to remove it to another situation; and, moreover, that if they did anything with the Court they would have to consider the necessity of adding to the staff, which was notoriously insufficient with regard to such persons as clerks and examiners. A still more important question, however, was whether, when they were going to make the powers of the Incumbered Estates Court permanent, they had any right to confine those powers only to estates that were incumbered. Complaints on that score came to them from various parts of the country. Proprietors whose estates had never been incumbered to the extent of a shilling wished, nevertheless, to sell them, and they asked, with some reason, he considered, why they should not be permitted to sell them in a Court where they would get from 20 to 30 per cent more than if they were sold in any other way. The hon. and learned Member for Enniskillen (Mr. Whiteside) challenged him to say that there had ever occurred a single case of fictitious incumbrance, in order to get an estate into that Court. Now, he certainly could not give the name in any particular case, but the Commissioners had it in evidence that fictitious incumbrance had been resorted to. Mr. Smith, a barrister in Dublin, stated that he had known cases where incumbrances were created by proprietors on unincumbered estates expressly for the purpose of thereby selling the estates with a Parliamentary title, and his testimony was borne out by others. But, apart from that, there was no reason or principle why the privilege which was granted to an incumbered should not be extended to an unincumbered estate. Even at present the Commissioners of that Court dealt, in one sense, with unincumbered interests, because suppose an estate worth £100,000 was incumbered to the extent of £50,000, when the £50,000 mortgage was paid off, the Court dealt with the remaining unincumbered £50,000. Why, then, should not they be empowered to deal, in the first instance, with unincumbered property? Carefully reviewing all the circumstances of the case, the Commissioners came to the conclusion that there was no valid reason why the privilege of conferring Parliamentary titles should not be extended to unincumbered estates. After they had made the Court permanent, extended its jurisdiction, enlarged its staff, and erected new buildings, what would have been the result? Manifestly this—that they would have had side by side the Court of Chancery, with all the powers of the Incumbered Estates Court, and the Incumbered Estates Court, with all the powers of the Court of Chancery—two tribunals of co-ordinate jurisdiction, with a double outlay for two sets of Judges and a double staff of officers. Such a proceeding being obviously undesirable, the Commissioners concluded that, provided it should be found possible to make the cost as moderate and the manner of proceeding as simple in one Court as in the other, there could be no better course than to bring the whole system within the compass and operation of one tribunal. Assuming it to be practicable—and he believed it to be quite so—to bring the practice in the Court of Chancery up to that in the Incumbered Estates Court, there could be no reason why the former tribunal should not answer the purposes of the latter, and confer equal benefits on the country. The condition of the transfer which the Report recommended was, that all the advantages which the Incumbered Estates Court now afforded in cheapness of proceeding, facility of access, and readiness of reference to record surveys and records, should be perpetuated to the public in the Court of Chancery. If that could not be done the whole project would fall to the ground; but if it could, the recommendations in the Report were wise and salutary. He intended to vote for the second reading of the Bill, and he should do so simply on this ground—because it proposed to carry out the recommendation of the Commissioners, and because he was persuaded that in adopting that course he should not be sacrificing one jot of the advantages which the Incumbered Estates Court had conferred upon the public in Ireland. Various objections had been made to the principle of the measure. It was said that they were making a transfer of those powers to the Court of Chancery. He would be no party to any such transfer, if the transfer were to be made to the Court of Chancery as it at present existed, but he believed that it was quite possible to make that Court answer all the ends which, by the agency of the Incumbered Estates Court, had been accomplished. The next objection was with respect to the sales of unincumbered estates; but that by way of anticipation he had already answered. The hon. Member for Horsham (Mr. S. Fitzgerald) had deprecated the idea of legislating for Ireland on principles different from those which were applied to England. He (Mr. Cairns) said, that it was now too late to take that objection. They had no Incumbered Estates Court for England, but they had one, for good or for evil, in Ireland—he thought for good—and it would be in vain to think of abolishing it, or curtailing its powers. The only thing which they could do was to perpetuate the Court and increase its power. There was on the table the Bill of his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside), and he (Mr. Cairns) must say that, if the present measure were exceptional, as one applying to Ireland and not to England, his hon. and learned Friend's Bill was equally exceptional, for it proposed to give to the Court of Chancery in Ireland the power of conferring a Parliamentary title. He (Mr. Cairns) did not think that that was the time to go into the details of the Bill. There were some of them, certainly, of which he did not approve. There were some of them at variance with the Report of the Commissioners. That was a point which he wished on the proper occasion to urge upon the attention of the House. Next, there was the question of the amount of arrears in the Incumbered Estates Court. That, he willingly confessed, was a most difficult matter. They had at present the Commissioners of the Incumbered Estates Court, with regard to whom he might observe there had been but one opinion in Ireland and England as to the manner in which they had discharged their duties. He conceived that it would be most beneficial to secure the services of these Commissioners, or, at all events, the services of some of them. But if they continued the Court to work out its arrears, they would not be able to obtain the assistance of those learned personages. The next objection which had been raised was, with respect to the transfer of the staff of the Incumbered Estates Court. The hon. and learned Member for Enniskillen (Mr. Whiteside) had said, that a job was intended. He (Mr. Cairns) did not know that. He could only say, that the Commissioners had kept clear of any suggestion of a job, and had left to the decision of the Executive Government the duty of taking care that the transfer of the staff (if any took place) should be made in the most judicious way that it could be accomplished. He did not think that they would give the measure a fair trial, unless they intimated to the persons who had worked with such success in the Incumbered Estates Court that they would be secured in their offices. The next point of detail related to the Court of Appeal. The hon. and learned Member for Enniskillen objected to the appellate jurisdiction given by the Bill, because the appeal would only be from one Judge to two; so that, if the two Judges differed in opinion, there would be no reversal, but the judgment of the Court below would stand. That, however, did not at all vary with what happened in England, where there was an appeal from a Vice Chancellor either to the Lord Chancellor sitting alone, or to the Lords Justices, of whom only two generally sat. So that in the latter case, if a difference of opinion occurred between the two, the result was precisely what would arise in the Court of Appeal proposed by the Bill now before the House. [Mr. MALINS: The Lords Justices' Court consists of three.] No doubt that was the theory; but practically it oftener sat with only two. The next question of detail was as to the appointment of the chief clerks of the Judges, not by the Judges themselves, but by the Lord Lieutenant. That provision, if adopted, would be fatal to the whole measure. He took it to be of the essence of all the alterations that every Judge should have the appointment of the officers who were to assist him, and that men should not be forced upon him to do work so responsible as the chief clerks would have to do. The Bill in that respect was in direct and flagrant opposition to the recommendations of the Commissioners, who recommended that the Master of the Rolls and the Vice Chancellors should each be assisted by a chief clerk and two junior clerks, the selection of whom should rest with those Judges themselves, who would be held responsible for the due performance of the duties of their subordinates. It was to be hoped, therefore, that the Government would modify that part of the Bill. The hon. Member for Horsham (Mr. S. Fitzgerald) said, that another provision of the Bill would have the effect of excluding Mr. Hargreaves the junior Commissioner, from the proposed Court. That result was one which would certainly be much to be regretted, for no member of the Incumbered Estates Court had more successfully or satisfactorily discharged his duties than that gentleman; and the Executive would, therefore, do well to secure a continuance of his services, and they should alter the Bill with that view if such a course was really necessary. That was not a proper time for entering further into an examination of the details of the measure. Indeed, the course of the debate of that night showed that it would be highly inconvenient to discuss points of detail in a Committee of the whole House. He should, therefore, be very glad that the whole of the Bills should be referred, after their second reading, to a Select Committee. Such a Committee could give a more extended consideration to the question than the Commissioners, who had not had any Bill before them. He hoped, therefore, that the House would agree to the second reading of the Bill, and then refer it, and the other Bills upon the same subject, to a Select Committee.

MR. G. BUTT said, he fully concurred with the hon. and learned Member for Belfast who had last addressed them, and generally with the recommendations of the Commissioners, and so far as the present Bill was framed in accordance with the recommendations of the Commissioners it should have his support. It was not, however, in many respects so framed. Though the Bill would require great consideration and great attention in many of its details, still, agreeing in the principle of it, he did not feel justified in voting for the Amendment of the hon. Member for Horsham (Mr. S. Fitzgerald). He wished to suggest to the hon. and learned Gentleman who had charge of the Bill that he should accede to the proposal of the hon. and learned Member for Belfast, that the Bill should be read a second time on the understanding that it be referred to a Select Committee along with the Bills of the hon. and learned Member for Enniskillen (Mr. Whiteside), which Bills contained many provisions that it might be desirable wholly or in part to incorporate with the measure now under consideration. He understood that one objection to sending the Bill to a Committee up stairs had reference to the time which it would occupy in being considered by such a Committee. Considering the valid objections which had been offered to the Bill, he thought the House would be of opinion that more time would be occupied if those objections were discussed in a Committee of the whole House than if they were discussed in a Select Committee. After the able and instructive speech of the hon. and learned Member for Belfast, he could not conceive that any objection would be made to a Motion which he should make to refer the Bill, along with the Bills of the hon. and learned Member for Enniskillen, to a Select Committee. In one most important particular the recommendation of the Commissioners had not been adopted in the Bill. In Bills like the present, embracing a great legal reform, the creation of officers and matters of compensation were especially important, and required great consideration. The Commissioners had recommended that the chief clerks and other officers should be appointed by the Judges; but the Bill proposed that those appointments should be made by the Lord Lieutenant. Now, he must appeal to the hon. and learned Solicitor General for England to say whether he thought any system of law reform would work well if the Judges had not the appointment of the officers of the Court, on whose knowledge, zeal, and integrity they knew they could rely. He agreed with hon. and learned Gentlemen that it was desirable to extend the jurisdiction of the Incumbered Estates Court to estates that were not incumbered. It was because he admitted that principle that he did not oppose the second reading, though in carrying it out he thought it was most desirable that every security should be taken. He knew that the hon. and learned Gentleman opposite (the Solicitor General) had had under his consideration several measures of this kind, and he trusted that, with his assistance, they would obtain, if not a clear—valuable mode of registering titles, yet a mode of getting a Parliamentary title—a result which would confer great benefit on the people of Ireland and of England also. He did not think that the present measure contained the machinery for effecting that desirable object. It would not be convenient in a Committee of the House to consider the details necessary for the accomplishment of that object, and that was another reason why he wished the Bill to be referred to a Select Committee.

Sir ERSKINE PERRY said, that the Bill now before the House involved a question which had long received his attentive consideration—namely, the formation of a judicial establishment for dispensing justice in a cheap and summary manner. He must, however, confess that, from what he had heard of the object of the Bill, he had come down to the House with strong prepossessions against it; but after hearing the able speech of the hon. and learned Member for Belfast (Mr. Cairns), he was satisfied that the principle which it aimed at establishing was altogether sound. The object of all law reforms was to destroy the vicious system of procedure which had long marked English law, and to render justice accessible to the poor as well as to the rich upon the cheapest and simplest terms; and, if the object of the Bill was simply to transfer the jurisdiction of the Incumbered Estates Court to the Court of Chancery, he regarded it as an admirable measure, and one which ought to receive the support of all stanch law reformers. Attention had been called to those details of the Bill which referred to the judicial patronage to be created. He had himself been called upon to dispense such patronage, he had for twenty years witnessed its dispensation in this country and in India, and he believed there was no greater blot upon our judicial system than the manner in which such patronage was exercised by members of the bench. The Judges of the United Kingdom were celebrated for the high position which they held and for their immaculate dispensation of justice, but, if any fault was to be attributed to them, it certainly was in connection with their mischievous distribution of the patronage placed in their hands. Offices were created to which the Judges were allowed to appoint; then fees were levied for the payment of the officers; and the greatest evils connected with the administration of justice would be found to have arisen from this mischievous imposition of fees and the unwillingness of Judges to interfere with the recipients. He believed that nearly all the quarrels and difficulties that arose with respect to the courts of law in India might be clearly traced to the improper exercise of patronage, and he thought one of the most valuable points in the present measure was the proposition to transfer the patronage from the Judges to the Executive Government. Of course, the Executive were just as likely as a Judge to make a bad appointment, but the advantage of the transfer would be that while, from the high position held by the Judges in this country, no man—however desirous of exposing a job—would venture to attack them, if the Executive Government—the Home Secretary or the Lord Lieutenant of Ireland—made improper appointments, half a dozen Members on both sides the House would at once spring up and impugn their conduct. He thought two broad principles had been clearly established by law reformers during the last twenty years, as those upon which the administration of the law courts should be based—first, that fixed salaries should be paid to the officers of the courts; and, secondly, that the subordinate appointments should be vested in the Executive Government, which would consequently be responsible for their disposition.

Mr. KENNEDY said, he was in favour of referring the several Bills relating to the subject to a Select Committee. The grievances complained of were mere matters of detail, and admitted of easy remedy. The profession had great reason to complain of the inconvenient locality in which the Incumbered Estates Court was placed. It was at least three-quarters of a mile from all their other practice, and they were thus expected, as it were, to be in two places at once. The consequence was—and that was the real grievance—that some half a dozen gentlemen monopolised the whole practice of the Court, but it certainly was a strange remedy to propose for this to throw the business of the Court into the Court of Chancery, which had already as much of its own as it could well get through. He had no objection to allow the Court of Chancery to deal with unincumbered property; but the incumbered estates, for the present, at least, ought to be left to the tribunal which had hitherto dealt with them in a manner satisfactory to all parties. He did not despair, however, of seeing the whole business united at some future time, when the circumstances of the country were changed, and the present arrears cleared off under one tribunal. Unless the Government would consent to refer the Bills to a Select Committee, he should support the Amendment of the hon. Member for Horsham.

Mr. P. O'BRIEN said, he understood that the principle of the present Bill and that of the Bills of the hon. and learned Member for Enniskillen (Mr. Whiteside), so far as regarded a Parliamentary title, were the same. If the principle of giving a Parliamentary title to a purchaser was admitted, he did not see the use of sending the Bill to a Select Committee, for when the Bill came out of the Committee they would have the same strife and debate as they would now have if they were to go into a Committee of the whole House on the Bill. He thought that it would be advisable as a matter of public utility that the persons connected with the Incumbered Estates Court should be employed under the new measure. He saw no reason against the House now going into Committee to consider all the details of the measure. Opposed, therefore, as he was to sending the Bill to a Select Committee, he should support the second reading.

Mr. J. D. FITZGERALD said, that, the objectors to his Bill, he must confess, were very numerous. But the objections were in many cases so diametrically opposed, that they fairly neutralised each other. For instance, if there were any weight in the arguments of the hon. Member for Horsham (Mr. S. Fitzgerald), and the hon. and learned Member for Enniskillen (Mr. Whiteside), they were so directly opposed that the one was a perfect set-off to the other, and required no comment. The same remark would apply to the arguments of the hon. Member for Drogheda (Mr. M'Cann) and the hon. and gallant Member for Portarlington (Colonel Dunne), and also to those of the two hon. and learned Members for Wexford (Mr. M'Mahon and Mr. George). The House, however, with one solitary exception, was agreed that the principle of the Bill was good, and that there should be a continuance of the system of the sale of lands with Parliamentary title. There was a distinction between the system and the tribunal, and while anxious to preserve and improve the system, he would show in what way he considered the present tribunal susceptible of beneficial alteration. The exception to which he had alluded was the hon. and gallant Member for Portarlington, who had been consistent on this question throughout. The hon. and gallant Member would have them believe that all the murders that were committed in Ireland were traceable to the Incumbered Estates Court Commissioners.

Colonel DUNNE: No, no. I pointed out that murders had been committed in consequence of expulsion of tenants.

Mr. J. D. FITZGERALD: At all events the hon. and gallant Member seemed to think that the proper way of terminating the Commission would be to hang the three Commissioners. Now, he wished to impress upon the House that he (Mr. Fitzgerald) was one of the strongest advocates for the continuance of the present system, and would not be a party to prejudice that which he firmly believed had proved most beneficial to that country. He would beg, however, to remind the House that there was a great deal of difference between the system and the tribunal which was to carry it out. The general, indeed he might say the popular, objection was, against the Court of Chancery. One of the objects of the present Bill was, to transfer the powers of the Incumbered Estates Court to the Court of Chancery. He, for one, contended that such a transfer would be a good one, and the only proper course to be pursued, as would appear on an attentive consideration of the subject. When the Incumbered

Estates Bill was first brought forward, the hon. and learned Gentleman who then filled the office of Solicitor General put it before the House as a measure of emergency, and an Act that was only to operate as long as the necessity existed. It was originally intended that it should remain in operation three years, and having been introduced in 1849, it would, in the ordinary course of things, have terminated in 1852. In 1852 a new Government was in office, and a question arose in the House of Lords, about a month after Lord Derby's accession to power, upon that point. The noble Lord was asked, on the 26th of March, 1852, what he intended to do with the Incumbered Estates Court, and made the following statement—

> "As the Act stood, the powers of the Commission expired in the present Session, and it was thought, if allowed to expire, the accumulation of petitions in the course of the year would be exceedingly inconvenient. Her Majesty's Government considered it advisable, in the first place, to introduce a Bill for the purpose of continuing the operation of the Incumbered Estates Act, and for receiving petitions for another year; and in the meantime the Lord Chancellor of Ireland was directing his attention to the practicability, if he thought the object practicable, of simplifying the proceedings of the Court of Chancery in Ireland in such a manner, by adopting several of the proceedings now carried on in the Incumbered Estates Court, as to enable the business done through that department to be transferred to the Court of Chancery after the expiration of the period for which extension was now sought, without diminishing the facilities of carrying on the ordinary and legitimate business of that tribunal. If it should be found that he was disappointed in the expectations entertained of being enabled to introduce such improvements and ameliorations into the Court of Chancery in Ireland as were necessary for the purpose, he should not feel himself precluded, in the exercise of his discretion, from proposing to Parliament a further continuance of the present system." [3 *Hansard*, cxx. 172.]

And when the same question was put in that House to the right hon. and learned Gentleman opposite (Mr. Napier), he had stated that in his view the remedy was to reform the Court of Chancery, and transfer to it the jurisdiction of the Incumbered Estates Court; and year after year, when discussions arose in that House as to whether the Act was to be continued or not, there was upon all occasions a general expression of opinion that the tribunal in question was not the one in which the system should be permanent. In this state of things a Commission issued in 1854 to examine the subject, and, as had been explained so well by the hon. and learned Member for Belfast (Mr. Cairns), the recommendations of that Commission perfectly justified him in asking the House to agree to the second reading of the Bill. One of the principal objects sought to be obtained by the Bill was to increase the simplicity of the proceedings of the Court of Chancery, and this was considered essential before conferring the enlarged jurisdiction. At the time the Act of 1849 was proposed, the Irish Court of Chancery stood entirely unreformed. They had the old system of Bill and answer; everybody who had the slightest interest in the subject of litigation was made a party; and, in fact, all that long tissue of proceedings existed of sending a matter to the Master, who in his turn would send it back again to the Court, and which, coupled with the deaths of parties and the constant introduction of new suitors, rendered a suit in Chancery so protracted that scarcely any one could predicate its termination. At that period the Court of Chancery could not effectually enforce the sale of an Incumbered estate, and when proceedings arrived at that point which was called the final decree, the unfortunate suitors were in reality only just at the commencement of litigation. A notable instance of this was to be found in a case decided by Lord Redesdale in 1802, in which the property affected was not sold until fifty years after the final decree in the Chancery suit was pronounced. Since, however, the Incumbered Estates Court had been established, it had disposed of 800 or 900 causes. In 1850 a Bill was introduced to reform the procedure of the Court of Chancery, and passed into law. It had worked well, and substituted a simple procedure by petition for the old system of "Bill and Answer." Now what had been the effect of that Act? In the interval between 1850 and 1855 the Lord Chancellor of Ireland had heard and disposed of 680 causes under that Act, and 176 causes under the old system. In order to test the operation of the new and old systems, he (Mr. FitzGerald) had taken from the causes heard at a particular sitting the first thirty under the Act of 1850, and the past twelve under the old practice. Of the thirty, ten were commenced and ended under three months, fifteen were terminated under five, and of the whole thirty, twenty-four had been determined within twelve months. The twelve cases under the old system took seven years and a half each on an average, and many of them thirteen and fourteen years; so that the system now in force under the Act of 1850 substituted three and five months for seven and fourteen years. By the present system a simple petition was filed wholly divested of technicalities. The defence of the opponent was put in, specially and in an equally simple form; and if there was any delay in the procedure, it was the delay of the parties, and not the delay of the Court. By the Bill which he proposed to read a second time that evening, it was intended still further to relieve the Court of Chancery, still further to simplify its proceedings, and to make it an efficacious, cheap, and speedy tribunal. With that view it was considered expedient to abolish the office of Master and substitute Vice Chancellors; and it would be made imperative upon a Judge who had a case in hand to conduct it from the beginning to the end, and if he called in his chief clerk to assist him, still that the case should be under his own immediate direction, and under his own eye. It was also contemplated to simplify still further the procedure to put an end to references and reports, charges and discharges, and all the delay and expense which arose from the absence or deaths of parties. He did not mean to say that the Bill was faultless, but he was willing to receive every suggestion from either side of the House, and then, should it become law, it would have the effect of relieving Chancery from the reputation which made it a bugbear, and constitute it one of the best and most expeditious tribunals of the land. As an illustration of the working of the new system, he might state that about ten days ago he received a letter from the Lord Chancellor of Ireland in reference to the present state of business in his Court. His Lordship stated that he had then disposed of all the causes that were set down before Hilary term, with the exception of one or two that stood over by the special desire of the parties, and that he was then trying the causes of the term, all of which he hoped to clear off before he rose. It, therefore, at the present moment offered the singular spectacle of a Court of Chancery without any arrear. The hon. and gallant Member for Portarlington (Colonel Dunne) was an advocate for the old system, but was it not a fact that the success of the new system had been fully realised? He would now proceed to consider some of the objections to the principle of the Bill. It had been said that Incumbered proprietors had an opportunity of obtaining a Parliamentary title on the sale of their estates, and that unincumbered proprietors should have the same privilege. For his own part, he saw no objection to that principle, in support of which many strong authorities might be cited. The Incumbered Estates Court had not been very long in existence when a petition was presented to both Houses of Parliament, signed by thirty Peers of Ireland, including amongst them some of the largest landed proprietors, thirty baronets, 150 deputy lieutenants, and a host of other people, praying, that the principle of the Court should be extended, so that any unincumbered proprietor wishing to sell his estate might have his title investigated by the Court. The prayer of the petition was not that the Incumbered Estates Court should be made perpetual, but that the system should be extended, and the unincumbered proprietor should have the same facilities as the incumbered. Then again, in June, 1853, a discussion took place, in the House of Lords, on the subject, in the course of which Lord Monteagle said he was glad to hear that a large measure of Chancery reform was about to be introduced for Ireland, and that he trusted the principle would be applied to all estates whether incumbered or not. The opinion of Lord Monteagle was entitled to great weight, not only because of his general knowledge of Irish affairs, but because, in 1848, when the first Incumbered Estates Act was proposed in another place, he pointed out the very system which, in the following year, was carried into law, and proved to be so eminently successful. The three great principles of the Bill at present under review were—First. The continuance of the system now existing with respect to the mode of dealing with incumbered estates; secondly,—its enlargement and extension; and thirdly,—the transfer of its jurisdiction to the Court of Chancery. With respect to the last point, the true question to consider was, not whether the Incumbered Estates Court should be made perpetual, nor whether its functions should be transferred to the Court of Chancery, but whether two Courts of Chancery could exist at the same time, because it was absolutely essential that, whatever Court possessed the extended power and jurisdiction proposed to be conferred, must also possess all the powers, the jurisdiction, and the machinery of the Court of Chancery. Every second suit in Chancery in Ireland involved a sale of land, and, if the powers of the Incumbered Estates Court were extended, the absurdity would arise, that there would be two separate and distinct tribunals to sell lands with Parliamentary titles, and in every suit instituted in the Court of Chancery so much of the suit as related to the sale of land must be transferred to the Incumbered Estates Court. Then, when the money arising from the sale of the land came to be distributed, all the equities attaching to the land also attaching to its produce, the Court which had to distribute the funds must possess all the powers of the Court of Chancery. The principles of the Bills introduced by the hon. and learned Member for Enniskillen (Mr. Whiteside) were not in some respects opposed to that of the Bill which had been introduced by Her Majesty's Government; and those hon. Members who were disposed to give their support to the former measures would be bound in consistency to support the Bill now being proceeded with. But the hon. and learned Gentleman (Mr. Whiteside) had made other objections to the measure; and had designated one to be a job, and the other a gross job; his words were that one was the biggest job that ever existed, and that the other was a still greater job. That charge arose out of the 17th Clause of the Bill, which empowered the Lord Lieutenant to appoint the chief clerks to be attached to the Master of the Rolls and to the Vice Chancellors. The hon. and learned Gentleman was right in stating that that was contrary both to the recommendation of the Commission and to the Bill of last year. But he would explain how the case stood. By the passing of the proposed measure two classes of subordinate officers would be thrown out of employment; first, the examiners of the four Masters; and, secondly, the staff of the Incumbered Estates Court. It was recommended by the Commission to appoint the best officers of the Incumbered Estates Court, such as were considered fit for the new duties, it being considered of public advantage that their services should be secured. Thus there were two classes of unemployed officers; and, considering that if those appointments were left to the Judges they would be without any check, it was thought wiser to vest the appointments in the Executive, and, whoever might be the Chief Secretary for Ireland, the appointments would be made under the pressure of Parliamentary responsibility. That being the greatest job in the Bill, the hon. and learned Gentleman then called attention to what he described as being a still greater job, which the hon. and learned Gentleman said was contained in Clause 19. That clause provided for the qualification of chief clerk to the Lord Chancellor, Master of the Rolls, or Vice Chancellor; and enacted that he must either be a barrister of six years' standing, or a solicitor or attorney of ten years' standing, or have held the office of Master's examiner in the Court of Chancery, or of secretary, registrar, or examiner in the Court of Chancery, or in the Court of Commissioners for the Sale and Transfer of Incumbered Estates in Ireland. Now he must confess that he alone was responsible for the framing of that clause; and his object was to make the officers of the Incumbered Estates Court, whose efficiency had been proved, eligible to appointment to those offices. But he did not thereby intend to prescribe to the Executive that such persons should be so appointed. He had also another object—namely, economy; for if the Executive selected any of those discharged officers the public would be relieved from making them compensation for the offices of which they had been deprived. The hon. and learned Gentleman had said that there was an object in the clause, and that it was intended to make provision for some particular individual. Now, no one was more answerable for the clause than himself, and he (Mr. FitzGerald) could assure the hon. and learned Gentleman that he had not the most remote idea who the Gentleman was to whom allusion was made. He only knew one of the officers of the Incumbered Estates Court, and he had been an officer from the commencement of that tribunal. The hon. and learned Gentleman's impression, therefore, was entirely without foundation. The hon. and learned Gentleman had also objected to the Bill, on the ground that in its very frame and scope it was impossible to be carried out; or, to use his own words, that it was impracticable, and that the new Court would be clogged up with business. The hon. and learned Gentleman said that there were three Commissioners in the Incumbered Estates Courts, and that it was proposed to transfer the duties they now discharged to a Court consisting of only two Judges. It was true there were three Commissioners, but the chief of them was Baron Richards, the Chief Commissioner, although he sat in the appellate tribunal, was not, in the first instance, expected to do any of the detailed business of the Court. It was only recently that he had done so, as he regularly performed his duty as Baron of the Court of Exchequer. So that, although it was literally true that there were three Commissioners, yet substantially the Court had only a portion of the time of the Chief Commissioner. He could not predict who might be the two new Vice Chancellors, but he did not think it too much to say that they would be as able to transact the business they would have to do as the two working Commissioners of the Incumbered Estates Court. Under the present Bill the Vice Chancellors would be provided with an ample staff of two chief and two junior clerks; and, as they would commence their duties without any arrears of Chancery business, there was no reason to suppose that they would not be able to deal with the business that might come before them in a satisfactory manner. Indeed, the term arrears, as applied to the Incumbered Estates Court, was not a strictly correct term, for what were called arrears had not arisen from any inefficiency on the part of the Court, but from the delays of parties bringing business before it. As to what had been alleged with regard to the impossibility of the measure, that part of the question hinged entirely upon matters of detail; and the suggestion of the Master of the Rolls did not appear to him at all inapplicable—namely, to continue the services of the Masters for a further period, so as to enable them to work off the arrears in the Incumbered Estates Court. It had been said that it was his duty to have consulted the Master of the Rolls in Ireland with regard to this Bill, but the fact was that he had done so in the only way which was open to him. He had introduced the Bill in July last, stating at the time that his object in doing so was that it might be printed, in order that he might receive suggestions with regard to it, and the first person to whom a copy had been sent was the Master of the Rolls in Ireland; but from that time to the present he never had received a single suggestion from that learned person, and, although a copy of the letter to which allusion had been made had been sent to the hon. and learned Member for Enniskillen and other Members, it had never been sent to him. As far as this Bill went, it had been termed his (Mr. FitzGerald's) Bill, and he admitted that he was responsible for its provisions; but he would remind the House that, with two exceptions in matters of detail, it entirely carried out the recommendations of the Commission which had the approval of Sir John Romilly, the Lord Chancellor of Ireland, the ex-Chancellor Blackburn, Mr. Commissioner Longfield, and other Commissioners. There were many other minor points, which he might notice were it necessary, but he would content himself by repeating that his sole object in this measure was to create such a tribunal as would be most beneficial to the public. Grave objections had been made to the details of the Bill, and it was suggested that it should be referred to a Select Committee. Now, it was to him a matter of perfect indifference whether they referred it to a Committee of the whole House, or to a Select Committee. Indeed, he wished that it should be sent to a Select Committee, with a view to its being deliberately considered; and, if any improvements or additions could be suggested to its advantage, he would be most willing to adopt them. But it was a very different thing to send this Bill, as the hon. and learned Member for Enniskillen had proposed, with five others to a Select Committee, for they might just as well place the whole six among the petitions in the black bag which was every day carried out of the House by the messenger. He had no difficulty in saying that, if the Bill was sent along with the five others to a Select Committee, it would never emerge from it again. He had no objection, however, to refer the Bill to any fair Select Committee of which the hon. and learned Member for Enniskillen was a member. The hon. and learned Member for Enniskillen had on a former occasion stated that the Incumbered Estates Court was in a state of inextricable confusion. Now, he had received letters from officers in that Court, denying entirely the truth of such imputation. With those observations he would leave the Bill in the hands of the House; he believed it to be a measure calculated for the public benefit, and if it were rejected, upon the House, and not upon him, would be the responsibility.

Mr. NAPIER said, that if the hon. and learned Solicitor General for Ireland refused to consent to the five Bills of the hon. and learned Member for Enniskillen being referred to the Select Committee with his Bill, he could not consent to its second reading. The whole question was whether his Bill would carry out the object they all appeared to have in view, that of facilitating the transfer of landed property, and give a valid title. He thought not. The gist of his Bill consisted in its details, and the hon. and learned Gentleman, finding that to be the feeling of the House, assented to its being referred to a Select Committee. Sending the Bill to a Select Committee was a very easy mode of shifting the responsibility from its promoters, but he thought the more manly and correct course for the hon. and learned Gentleman to have pursued would have been to have said he was ready to stand or fall by the mode of procedure. The Bill proposed to take all the arrears of cases in the Incumbered Estates Court, and hand them over to a Court already sufficiently employed, but he appealed to the common sense of any man whether those arrears could be dispatched under that arrangement with the same facility as if they were left to be dealt with by the Incumbered Estates Court. If anything could prove the necessity of a department of public justice it would be furnished by the proceedings of that night. He (Mr. Napier) had consulted all classes of practitioners in Ireland, and they all had informed him that if the House passed the Bill as it stood that in six months the Court of Chancery would come to a dead lock, so that instead of having two Courts that worked well, by combining the two they would destroy the usefulness of both. He would suggest that the Incumbered Estates Court should be continued, to work up its arrears, and if they chose to reform the Court of Chancery, to do so, and then let it take up the new business of the Incumbered Estates Court, and by the time the latter Court had got rid of its arrears the House and the country would be able to judge if the Court of Chancery was competent to deal with that class of business.

Mr. BENTINCK said, he should not have troubled the House with any observations but for a remark of the hon. and learned Solicitor General for Ireland, that the hon. and gallant Member for Portarlington (Colonel Dunne) was the only dissentient to the merits of the Incumbered Estates Court Act. He (Mr. Bentinck) concurred with the hon. and gallant Member that the Act was a flagitious Act. But if the Irish Court of Chancery bore any resemblance to the English Court of Chancery, he thought that if anything could add to the demerits of the Incumbered Estates Court it would be to transfer it to the Irish Chancery Court.

Mr. DISRAELI said, he was at a loss to understand why the House should divide on the question, the hon. and learned Solicitor General for Ireland having assented to the Bill being referred to a Select Committee. He could not understand the motive of that hon. and learned Gentleman in refusing to allow the Bills of the hon. and learned Member for Enniskillen (Mr. Whiteside) being referred to that Committee also, and he considered that his refusal was rather uncourteous and unnecessary, because if that hon. and learned Gentleman formed one of that Committee, as in all probability he would, it would be competent to him to propose every clause of his Bills as amendments on this Bill when in Committee. He (Mr. Disraeli) thought the best course would be for the House to read the Bill a second time, and refer it to a Select Committee, and also to send the Bills of the hon. and learned Member for Enniskillen to the same tribunal.

Mr. SEYMOUR FITZGERALD said, it would appear from the statement of the right hon. Member for Buckinghamshire (Mr. Disraeli) that the question before the House was between the Bills of the hon. and learned Member for Enniskillen and that of the hon. and learned Solicitor General for Ireland; but that was not the case. His object in moving the Amendment to the second reading was, that the Incumbered Estates Court for Ireland should be continued in operation for a limited period longer. He wished to ask, if the whole or either of these Bills were referred to a Select Committee, whether it was competent to move such alterations in one of the clauses as would attain that object?

Mr. J. D. FITZGERALD said, he had assented to the Bill going before a Select Committee by itself, and beyond that he could not go.

Mr. SPEAKER said, it would be competent for any Member of the Committee when the Bill came before them for consideration, to move such alterations as he might think necessary, and if an Amendment was proposed and carried postponing the time when the power of the Incumbered Estates Court should cease, beyond the time named in the Bill, that would have the effect of continuing that Court in operation for the limited time named.

Amendment, by leave, *withdrawn.*

Main Question put and *agreed to.*

Bill read 2°, and *committed* to a Select Committee.

JURIES (IRELAND) BILL.

Order for Second Reading read.

Mr. J. D. FITZGERALD said, he would now beg to move that the second reading of the Bill be referred for a fortnight, in consequence of the absence of his hon. and learned Friend the Attorney

General for Ireland, who had charge of the measure, when it would be referred to a Select Committee.

Mr. WHITESIDE said, he had introduced a Bill for the reform of the jury system in Ireland, which was opposed by the present Government, but he found that they had copied several clauses of his Bill *verbatim* into the present measure. They had not, however, taken the best portion of his Bill; for, instead of amending the jury system in the manner he had proposed, they had perpetuated the worst abuses of that system. Although the hon. and learned Attorney General for Ireland had admitted the soundness of the principle that sheriffs ought to be bound to take jurymen as their names stood in the books, he found, to his infinite surprise, that those clauses of his Bill which carried out that principle, had been struck out, and the sheriff or the sub-sheriff, or the sub-sheriff's clerk was allowed to retain the power, in effect of trying all cases, civil and criminal, in Ireland. He hoped the Bill would be discussed in the House, and not sent to a Select Committee.

Mr. J. D. FITZGERALD said, the present Bill was one of great importance to the country. He was compelled to give the statement of the hon. and learned Member for Enniskillen, that any of the clauses of the Bill were taken from his Bill, an unqualified contradiction. The present Bill was a consolidation of the Irish grand jury laws, from which many of the clauses were taken, and from which the hon. and learned Member had absolutely taken his Bill, and using the same language. There were, however, two important differences between the two Bills. The hon. and learned Member proposed by his Bill that the principle of selection of grand juries in Ireland should in every cose be by the sheriff of the barony by ballot. If that could have been carried out, he (Mr. J. D. FitzGerald) would have approved of it, but, being of a contrary opinion, he must support the principle of this Bill, which, whilst it gave the selection of the juries to the sheriffs, it took away from the Crown the right of setting aside the jurors at the pleasure of the Crown; and it put the Crown in the same position as the subject, in challenging the juries both in civil and criminal cases.

Mr. NAPIER said, he was surprised at the statement of the hon. and learned Gentleman, that this Bill had not been borrowed from his hon. and learned Friend (Mr. Whiteside), because the Bill of his hon. and learned Friend contained one or two misprints, which were not in the original Acts of Parliament, but which appeared in the present Bill. He hoped, however, that the House would not allow the measure to go to a Select Committee, as he saw no valid reason why the jury law in Ireland should not be the same as it was in England.

Second Reading *deferred* till *Monday* 3rd March.

DRAINAGE ADVANCE ACT AMENDMENT BILL.

Order for Second Reading read.

Colonel DUNNE said, that on a former occasion the hon. Gentleman the Secretary to the Treasury, in answer to a question put to him, stated that this Bill did not apply to Ireland. On reading the Bill, however, he found that it did, and he therefore asked for an explanation.

Mr. WILSON said, the object of the Bill was twofold; but purely for the purpose of convenience in conducting the business of the present Commission. By the existing law, if £20,000 were required for effecting an improvement, but the advance was wanted only in small instalments, it was necessary to have a separate authority for each from the Treasury. It was now proposed that one authority should be sufficient. Another object of the Bill was to cause the interest of the advance to accrue from the time when the cheque was received by the party, and not from the time when the money was drawn from the Bank of England.

Bill read 2°.

SUPERANNUATIONS AND PENSIONS.

On bringing up the Report of the Committee of Supply,

Mr. W. WILLIAMS said, he begged to call the attention of the Secretary of the Treasury to the omission from the Estimates of the superannuations and pensions in certain departments, amounting to £494,000. In a Bill passed two years ago, it was provided that those items should be included in the Estimates, so that the entire expense should be brought out together, but in the passage of the Bill through the Lords that provision was struck out. It was of importance that in future Estimates the superannuation and pensions should be included.

Mr. WILSON said, that it was certainly right that those items should be included in the Estimates. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had, in the Bill introduced two years ago, provided for their appearance in the Estimates, but, as the hon. Gentleman had said, in the progress of the Bill through the House of Lords the provision to that effect was struck out, and consequently the accounts now presented were not accounts either of the net or gross proceeds, and were more incomplete than ever. He trusted that on an early occasion an enactment would be introduced enabling the Government to charge the whole of these superannuations in the annual Estimates.

Resolutions *reported.*

CHARITABLE USES BILL.

Order for Committee read; House in Committee.

Clause 1 *agreed to.*

Clause 2.

MR. WALPOLE said, that this Bill repealed the Act of George II., with regard to property parted with without valuable consideration; where there was valuable consideration, there was no doubt about the matter; but without full and valuable consideration, property might be unduly acquired, and the only remedy would be by an expensive process at law. It seemed to him that the Bill cast away the old protections without providing new ones.

MR. ATHERTON said, that in the conveyance of the property some of the requirements of the old law were preserved. It was necessary, in particular, that the deeds should be executed at least one month before the death of the granter or donor.

Clause *agreed to,* as were the remaining Clauses.

House resumed.

ECCLESIASTICAL COMMISSION.

SIR GEORGE GREY said, he rose to move the appointment of a Select Committee to inquire into the present constitution of the Ecclesiastical Commission for England; and into the operation of certain Acts of Parliament in connection with it. He wished to state that by the 13 & 14 *Vict.* chap. 94 (1850), passed after an inquiry by a Select Committee of that House in 1848, and founded upon its recommendations, an important change was made in the constitution of the Ecclesiastical Commission for England. Provision was made for the appointment of three persons, styled "Church Estates Commissioners," two to be appointed by the Crown and one by the Archbishop of Canterbury, one only of the Commissioners appointed by the Crown, together with the one appointed by the archbishop, receiving salaries, paid out of ecclesiastical funds. It was provided that no business should be transacted at any meeting of the Ecclesiastical Commissioners unless two at least of the Church Estates Commissioners should be present. It was further provided that the Church Estates Commissioners should, together with two other members of the Commission (one of whom must be a layman), constitute a Committee of the corporation, called the "Estates Committee." That Committee (the presence of two at least of the Church Estates Commissioners being required) had extensive powers committed to them with respect to the management of property vested in the Commissioners, and no act was to be done by the Ecclesiastical Commissioners in respect of such property otherwise than by the Estates Committee, nor by such Committee unless with the concurrence of two at least of the Church Estates Commissioners. In respect, therefore, of the sale, purchase, exchange, letting, or management of property, the effect of the Act was to transfer the power of action from the general body of Ecclesiastical Commissioners to the smaller body of Church Estates Commissioners. There was a further power given to the Ecclesiastical Commissioners—to refer any other matters to the Estates Committee, and to authorise the Committee or the Church Estates Commissioners to do any other act within the power of the Ecclesiastical Commissioners, in addition to those exclusively reserved to them by law, with the exception of affixing their seal to any scheme. There were other important provisions of that Act as to the audit of accounts, the union of the episcopal and common funds, and providing fixed incomes for the bishops, to which it was unnecessary further to refer. By the 14 & 15 *Vict.* chap. 104 (1851), an Act to facilitate the management and improvement of episcopal and capitular estates, other and important duties were intrusted to the Church Estates Commissioners. The object of that Act was to facilitate the enfranchisement of property held under the Church. It authorised ecclesiastical corporations, with the approval of the

Church Estates Commissioners, who were to pay due regard to the just and reasonable claims of lessees, to sell, enfranchise, or exchange Church lands, or to purchase the interests of the lessees. That Act was limited to three years, which expired in 1854, when it was renewed for two years. It would consequently expire in the present year, unless renewed. Very extensive results have followed from the operation of those Acts. From August, 1851, to the present time, about 800 agreements have been effected by the Ecclesiastical Commission, relating to property of more value in fee than £4,000,000. The funds at the disposal of the Commission for Augmentations had been materially increased, and that had been done with general satisfaction on the part of the lessees. It will be a subject of inquiry whether additional duties may not be intrusted to the Church Estates Commission, and if so, whether any, and what alterations are desirable in the constitution of the Commission. The noble Lord the Member for Woodstock (the Marquess of Blandford) had a Bill before the House for the management of capitular and episcopal property, under which he proposed to constitute a new Commission. Without anticipating the discussion upon that Bill, he (Sir G. Grey) might say that he thought the House ought to be cautious not unduly to multiply Commissions, and that it was desirable to inquire whether these duties might not, if that Commission were strengthened, be discharged by the Church Estates Commission, which had hitherto worked to the satisfaction both of the Church and the lessees. Another subject of inquiry would be whether the Church Building Commission might not with advantage be consolidated with the Church Estates Commission. The Church Building Commission was first established in 1818. The Commission comprises sixteen archbishops and bishops, several high officers of State, and other persons. Their duties were to aid by contribution the erection of churches, to assign to such churches ecclesiastical districts, to sanction scales of pew rents and fees adopted in churches built with their aid, and to accept and hold land for sites of churches, parsonages, and burial-grounds. The duty was also imposed on that Commission of carrying into effect the provisions of the Act of last Session, the 18 & 19 *Vict.* chap. 127, for the union of contiguous benefices. In the earlier years of the Commission large funds granted by Parliament were placed at its disposal. Nearly 600 churches have been completed with its aid, providing sittings for about 600,000 persons, of which about two-thirds were free. At present, however, the amount of funds remaining in its hands was very limited, while the cost of the Commission was about £4,000 a year. His own opinion was, that that Commission might be usefully consolidated with the Ecclesiastical Commission, acting through the Church Estates Commission and Committee. Those were the principal objects of the inquiry. If the Committee were appointed, ample information would be laid before it as to the working of the Act of 1850; and he believed that the more that subject was inquired into the more general and deeper would be the conviction of the utility of the change made by that Act, and of the advantage of continuing the limited body appointed under it for transacting the greater part of the business of the Commission.

THE MARQUESS OF BLANDFORD said, he begged to express his gratification at the course which the Government proposed to pursue, feeling satisfied that it must result in a great deal of good. The Act of 1840, establishing the Ecclesiastical Commission, and that of 1850, which modified it, introduced a new principle into the Church polity of this country; and it was the duty of the Government to take charge of the vessel while the new principle was being worked out. He believed that the inquiry would be attended with inestimable benefit to the Church; and he should be happy to refer his own Bill upon the subject to the consideration of the proposed Committee.

MR. WALPOLE said, that as a Member of the Ecclesiastical Commission, he desired to express his hearty and entire concurrence in the proposal for that inquiry. He thought it was desirable that they should as soon as possible bring under the operation of one Board functions which were at present divided among a variety of authorities. He was glad to find that his noble Friend (the Marquess of Blandford) was prepared to refer to the consideration of the Committee the question of the proper management of that property which he proposed to regulate by his Bill. His hon. Friend the Member for North Warwickshire (Mr. Spooner) had occasionally found fault with the mode in which the interests of the lessees had been dealt with by the Commissioners, but he (Mr. Walpole) believed that the case of the hon. Gentleman himself had recently been settled to his own satisfaction; and the Commissioners had come to satisfactory arrangements with a number of other gentlemen similarly circumstanced.

Mr. HADFIELD said, he thought that there were so many of these Acts and Commissions that they stood in each other's way. It was time that the country should understand what these Acts were, and how the law really stood.

Mr. MOWBRAY said, he must also express his satisfaction at the course which the Government intended to pursue. He thanked the right hon. Gentleman (Sir G. Grey) for thus redeeming the promise which he made in the last Session of Parliament.

Motion *agreed to.*

Select Committee *appointed*—

"to inquire into the present constitution of the Ecclesiastical Commission for England; into the operation of the Act 13 & 14 *Vict.* c. 94, intituled, An Act to amend the Acts relating to that Commission, and of the Act 14 & 15 *Vict.* c. 104, intituled, An Act to facilitate the management and improvement of Episcopal and Capitular Estates in England; and into the expediency of further continuing the last Act, and of consolidating the Church Building Commission with the Ecclesiastical Commision."

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, February 19, 1856.

Minutes.] Public Bills.—3ª Vice-President of Committee of Council on Education; House of Commons Offices; Metropolitan Police.

COMMITTEE FOR PRIVILEGES—THE WENSLEYDALE PEERAGE.

Committee for Privileges on the Copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life.

Henry Stone Smith, Esquire, having been sworn, was examined as follows:—

Do you produce Appendix V. to the Fifth Report on the Dignity of a Peer, containing an Entry in the Rolls of Parliament of the Eleventh of Henry the Sixth, relating to Humphrey Duke of Gloucester?

I do (producing the same).

The same was delivered in.

Do you produce also the Journal of this House for 1692, with certain Entries therein showing the proceedings of the House in the Case of the Earl of Lincoln's Writ and Patent?

I do (producing the same).

The same were delivered in.

These Documents ordered to be *printed,* and *referred* to the said Committee.

THE SUNKEN SHIPS AT SEBASTOPOL.

The Earl of HARDWICKE rose to call the attention of their Lordships, and of the Government, to a subject of considerable interest, although only in a very remote degree under their control. At the commencement of the war with Russia, the Russian authorities in the port of Sebastopol, for the defence of that port, thought proper to sink seven, eight, or nine—he did not know how many—large ships of war. The state in which they were sunk was not known; whether with stores on board or not; nor whether they were built of oak or not, though it was most likely that they were, from the abundance of that kind of timber in that country. He was sure that the Government would agree with him, that if, after the close of the war, there should be a resurrection of these ships, very great pain and irritation would be felt by the people of this country, who firmly believed that the naval power of Russia in the Black Sea had been utterly and completely destroyed. He, therefore, ventured to call the attention of the Government and of their Lordships to the state of things which thus existed; believing, as he did, that though he had heard it stated that as the ships were sunk under the fire of the northern forts it would be impossible to carry on any operations for their destruction, the science of this country could devise means for destroying them while under water. He felt, that as Sir Edmund Lyons was about to proceed to resume command of our naval forces in the Black Sea, the attention of the Government should be directed to the subject. The scientific men of this country could, it was evident, place before them a scheme for effectually destroying the sunken ships, without exposure to the fire from the northern forts at all. It was known that operations could be carried on under water with as much safety, if not as great facility, as on land; and as the Allies were in possession of one side of the harbour, operations could be carried on under water for the destruction of these ships, although they were sunk under the northern forts. He had taken the liberty of noticing the subject in that House, because he felt confident that the people of England—who believed that their successes had led to the destruction of the Russian flag in the Black Sea—would feel the deepest mortification and disappointment if it were discovered that these ships were to rise again from the deep.

LORD PANMURE said, the noble Earl had assumed that which was not entirely the case with respect to our possession of the harbour of Sebastopol. Operations of the kind suggested by the noble Earl could not be undertaken in the daytime without the certainty of exposing our men to the fire of the Russian guns in the northern forts. With respect to the general question to which the noble Earl had called attention, he (Lord Panmure) could assure him that not only now, but ever since the south side of Sebastopol had fallen into the hands of the Allies, they had lost no opportunity of destroying, as far as lay in their power, everything that could be applied at any future time to the reconstruction of the naval and military establishments at Sebastopol. It was only yesterday that a dispatch was received from Sir W. Codrington, announcing the final destruction by our Allies of Fort St. Nicholas. He felt assured the country could rely upon the zeal and energy of Sir Edmund Lyons, and would be satisfied that, as far as it might lie in his power to prevent any resurrection of the Russian Black Sea fleet, no opportunity would be lost in accomplishing all that science and gallantry could effect for the destruction of those ships, whether under the water or above it.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 19, 1856.

MINUTES.] PUBLIC BILLS.—1° Ministers' Money (Ireland); Commissioners of Supply (Scotland); Reformatory Schools (Scotland).
2° Civil Service Superannuation.

THE NAWAB OF SURAT—QUESTION.

SIR ERSKINE PERRY said, he had given notice of his intention to present a petition from the son-in-law of the late Nawab of Surat, but he had first to ask a question as to the practice of the House. He had been informed that it was not competent for any Member to move that a petition be printed with the Votes, unless the Printing Committee had declined to print it. What he wished to know was whether in a case of urgency, when the subject-matter of the petition was about to come before the House, he might not give notice of Motion that the petition be printed. The Motion of the hon. and learned Member for East Suffolk (Sir F. Kelly) on the subject was fixed for Thursday next, and if the petition was referred to the Committee, it could not be in the hands of Members by that day.

MR. SPEAKER said, that by the rule of the House for the last two years, no Member was entitled to move that a petition be printed unless the Committee on public petitions had refused to print it.

Petition to lie on the table.

BANK CHARTER ACT—QUESTION.

MR. H. BAILLIE said, he begged to ask the right. hon. Gentleman the Chancellor of the Exchequer whether, in the event of the Government deciding to renew the Bank Charter Act for another term of years, he would be prepared to introduce a clause to continue in force the arrangement by which the Bank of England agreed to pay to those private banks which consented to withdraw their paper circulation 1 per cent per annum upon the average issue of those banks in the three previous years, and to continue the same so long as the other private banks were permitted to issue their paper?

THE CHANCELLOR OF THE EXCHEQUER said, that the present Bank Charter Act did not require renewal. There was a power inserted in it to put an end to the exclusive privileges of the Bank on certain notice being given; but until that notice was given the Bank Charter Act remained in force. With respect to the provision to which the hon. Gentleman referred, that was expressly limited to the month of August in the present year. Therefore it would expire, unless it were previously renewed by the Legislature. In the event of no objection being made by the Bank of England, he should be prepared in the course of the present Session to bring in a Bill to continue that provision.

THE CRIMEAN REPORT—QUESTION.

LORD WILLIAM GRAHAM said, he begged to ask the hon. Under Secretary for War whether Sir John M'Neill's Report was communicated to the authorities at the Horse Guards on its arrival in this country, and, if not, what were the reasons which induced the Government to withhold it.

Mr. FREDERICK PEEL said, that the noble Lord, in putting his question, had overlooked the fact that the Commissioners had made two Reports; and the Report which principally concerned the Horse Guards was dated London, and therefore could not have arrived in this country, for it was made in England. The first Report was sent by the Commissioners to the War Department in June last, not in the form in which it now appeared with the tables inserted, or with any evidence of Returns attached to the Report, but in a less complete form, being merely for the information of Lord Panmure. That Report was not, he understood, communicated to Lord Hardinge, inasmuch as it concerned a branch of the military administration which was entirely under the control of the War Department—namely, the Commissariat. The second Report, along with the evidence and appendices, was prepared and printed by the Commissioners; and it was completed in January in the present year. It was submitted to Lord Panmure in the latter end of that month; and that noble Lord immediately gave directions that its publication should be proceeded with, and it was distributed without loss of time. The interval between its being seen by Lord Panmure and Lord Hardinge must have been very short indeed; in fact, it could not be said that there was anything like an endeavour to withhold it from the Horse Guards.

Colonel NORTH: I should like to know from the hon. Under Secretary whether the document on the table contains the whole Report of these Commissioners, and, if not, whether there is any intention on the part of the Government of laying the whole Report before the House?

Mr. FREDERICK PEEL: There is no intention of submitting the Report in any other form than that in which it is at present before the House.

Mr. ROEBUCK: I must point out to the hon. Gentleman that that is no answer to the question put to him.

Colonel NORTH said, he should renew the question to-morrow in the hope of then getting an answer.

NAVAL ADMINISTRATION—QUESTION.

Sir CHARLES NAPIER said, he wished to know from the right hon. Gentleman the First Lord of the Admiralty whether he had any objection to lay before the House the evidence taken before a Committee as to the management of the Board of Admiralty?

Sir CHARLES WOOD: I must really beg the hon. and gallant Admiral's pardon, but he has given me no notice of his question, nor do I quite understand to what Committee he exactly refers. Undoubtedly some little time back a Committee sat at the Admiralty, composed of the Lords and the Secretary, to inquire into some details of management connected with the department. But I take it the results of such an inquiry as that ought not to be laid upon the table of the House of Commons.

Sir CHARLES NAPIER: Has not there been a Report given in as to the management of the Board of Admiralty?

Sir CHARLES WOOD: Certainly: but it was a Report in reference to the private business of the department.

Sir CHARLES NAPIER: That is exactly what I want to see.

MASTERS AND OPERATIVES.

Mr. MACKINNON said, he rose to move for the appointment of a Select Committee to consider the inconvenience now felt in the country from the want of equitable tribunals by means of which any difference between masters and operatives might be satisfactorily adjusted; and also, to ascertain whether the *Conseils des Prud'hommes* in France had answered the purpose for which they were established. The *Conseils des Prud'hommes* were councils composed partly of masters and partly of operatives, with a president and vice president appointed by the Government, to whom were referred all questions which arose between masters and men, and great dissatisfaction existed at the present moment among the operatives of this country in consequence of the want of some such tribunal to which they could appeal. In all the manufacturing towns the chief manufacturers were generally justices of the peace, and, let their judgments in disputes between masters and men be ever so just and equitable, the workmen viewed them with prejudice, as judgments given by persons who were connected by the ties either of friendship or of common interest with their employers, and, in fact, it was only natural for the workmen to suppose that the magistrates would favour their own class. In the course of the last week he had had an interview with a numerous body of persons belonging to the Association of the United Trades of London. That association represented 40,000 operatives in London, and he had been informed by it that the workmen were dissatisfied with the present state of the law on the subject. They considered that there was no fair tribunal for the settlement of their disputes with their masters; and further urged that even if the decision of a magistrate were fair, the obtaining of it was not unattended by expense. He did not ask for the establishment of tribunals precisely similar to those which existed in France; all he sought was to obtain a Committee, to be composed chiefly of master manufacturers and gentlemen who had turned their attention to this subject, which should inquire into the matter and decide whether or not such equitable tribunals would or would not be beneficial to this country. He had seen a list of the grievances of printers, tailors, joiners, compositors, and workmen in other trades, all of whom were anxious that the law on the subject should be amended. If the committee were appointed, persons engaged in those trades might be examined, their complaints would be heard, and the Committee might then determine what would be the best course to pursue, and leave it to Her Majesty's Government, or some other persons to carry out their recommendations. It was of the greatest importance to avoid, if possible, the recurrence of strikes. Being connected with Lancashire as a coal-owner, he could speak to the great loss which had been occasioned by the strikes of the miners near Wigan. The owner had lost his royalty, the man who worked the mine his capital, the workman his wages, who consequently became destitute, and the result had been no benefit to any one, but an immense loss to all. In all probability we should, before this year was ended, have "piping times of peace," and it was in such times, rather than in those of war, that persons were likely to find fault with the Government and the institutions of the country. Let the House, therefore, be cautious how it gave the working classes any just cause of complaint. When peace was concluded many grievances would be pressed upon the attention of Parliament, and there would be many applications for the amendment of the law. A large number of individuals of education and ability would, as a matter of course, be thrown out of employment, whose poverty would tell them that they had nothing to lose, whose vanity that they had all to gain, and who would give not a little trouble to any Government which might be at that period in power. Was it not the duty, therefore, of the House to guard against such a result, and would not one of the best securities against it be to satisfy the lower classes by giving them equitable tribunals to decide between themselves and their employers? Now in what manner did a strike arise? The operatives met, agreed that they were ill used, and determined that they must have an increase of wages, say of 2*s.* or 3*s.* a week. The masters, getting excited, also met, and determined that they would not grant the request. Every one knew that if two individuals became excited or exasperated they were often not very fair to each other. If that applied to individuals, it applied with tenfold force to large bodies of men. The operatives, an uneducated body of men, became exasperated against their masters, and, having determined not to work, suffered the greatest hardships. The masters, although better educated, followed precisely the same course, and refused in the slightest degree to give way to the men. The result was a feud which was equally injurious to both. Suppose, however, that there was established in this country an equitable tribunal composed of an equal number of masters and workmen, with a master or a person appointed by the Executive Government as its chairman. Now, in that case, the operatives might appear by representatives as their counsel, who might explain to the tribunal how they were situated; that provisions were dear, that their work was very hard, and that they were obliged to ask for an increase of wages. The masters would then talk quietly with the representatives of the men; probably a moderate concession would be made by each side, and perfect good feeling would be restored. But as the law now stood, it was impossible to obtain such a result. He (Mr. Mackinnon) was not anxious for any particular form of tribunal, nor did he seek to give it power to fix maximum or minimum rates of wages; all he sought was the establishment of an equitable tribunal, which should be able to reconcile masters and workmen, and to prevent the recurrence of so tremendous a misfortune to all parties concerned, as a strike. He thought he was not asking too much in proposing the appointment of a Committee to consider whether something could not be done to effect that object. All he wished was, that fifteen Gentlemen should examine the subject to see what they could do with it. He could not conceive that there would be any objection to the appointment of such a Committee. It could damage no one except his hon. and learned Friend the Attorney General and others of the same profession, whose business might be diminished by the estaishment of such a tribunal as he sought for.

Lord ROBERT GROSVENOR seconded the Motion.

Sir GEORGE GREY said, that, when the hon. Gentleman on a former occasion moved for a Committee to inquire into the functions of the *Conseils des Prud'hommes*, he (Sir G. Grey) objected to its appointment, because he thought that such information could be obtained without the intervention of a Committee, and he then undertook to obtain full information as to the functions of those tribunals. With the assistance of the Board of Trade he obtained that information, and it was laid upon the table of the House. His hon. Friend then gave notice of a Motion, which he had very judiciously altered, as to the appointment of tribunals for the settlement of differences between masters and their workmen. He (Sir G. Grey) thought that it would not be advisable to attempt by means of a Committee to obtain information as to the operation of a foreign law on the inhabitants of a foreign country; and the Motion for such a Committee had been withdrawn by the hon. Gentleman, who now simply moved for the appointment of a Select Committee to inquire into the expediency of establishing tribunals analogous to those *Conseils des Prud'hommes*, with the view of settling the differences between masters and workmen. He (Sir G. Grey) was not aware that there was any objection to such an inquiry, provided it were undertaken with a full knowledge of what those *Conseils des Prud'hommes* really were. He was afraid, from the speech of the hon. Gentleman, that he had not profited so much as he might by the information which had been laid upon the table, and that he seemed to contemplate that those tribunals would have power to settle disputes between masters and workmen as to the rate of wages. Having attentively perused the papers upon the table, he (Sir G. Grey) would state what were the functions of the *Conseils des Prud'hommes*. They are of two kinds, administrative and judicial. The judicial functions were confined to the decision of questions relating to subjects which were already matters of contract between masters and workmen, and had nothing to do with the rate of wages that ought to be paid by masters to workmen. The only questions on which those tribunals had power to decide were such as arose upon pre-existing contracts. It certainly might be desirable to establish in this country tribunals empowered to deal with questions analogous to those which commonly engaged the attention of the *Conseils des Prud'hommes* in France; but he would warn the hon. Member against the delusion of supposing that it was possible, through the intervention of any tribunal, or at all otherwise than by agreement between the parties, to regulate the amount of wages to be paid by masters to their operatives. If the hon. Member was of opinion that any practical good was likely to result from the Motion the Government would not oppose it.

Mr. MACKINNON said, he must beg to explain that it was not intended that the tribunals should fix a maximum of wages. Their great duty would be to promote kind feelings and amicable relations between the employers and the employed.

Mr. WILKINSON said, he thought that it would conduce to the interests of all parties that there should be tribunals which, though not empowered to pronounce authoritative decisions, might yet be qualified to give advice, pronounce opinions, and generally to act such a mediatorial part as might tend to mitigate the bitter antagonism of classes.

Motion *agreed to.*

Select Committee *appointed*—

"to inquire into the expediency of establishing Equitable Tribunals for the amicable adjustment of differences between Masters and Operatives."

STATUTES AT LARGE.

Mr. LOCKE KING said, that on previous occasions and in various forms, he had endeavoured to call the attention of the House to the important subject of which he had given notice, and he was happy to say that, dry as the question was, it was now becoming to a certain degree popular. It had awakened the interest of many thinking men, who perceived how desirable it was that the living law should be presented in an accessible form, and extricated from the vast mass of dead matter with which it was incumbered. When, on a former occasion, he submitted a proposal to that House having simply for its object the compilation of such an edition of the Statutes as would make the law more accessible and more intelligible to the country he was strenuously and at the same time he must say most unexpectedly opposed by the Government; and, in consequence of the great activity displayed by the hon. Gentleman the Secretary of the Treasury, in enticing into the House at a late hour of night a number of Members some of whom knew little or nothing of the Resolution under discussion, he was defeated by a majority of nine. Feeling, however, that the judgment which the House had pronounced was a vote against a great truth and a great fact, he subsequently introduced another Resolution, for which, remembering that it embodied the very words used on the subject by the Lord Chancellor in 1853, he anticipated a more favourable reception on the part of the Government. That Resolution was opposed by the Government who were defeated as they deserved. The question had attracted the attention of the Statute Law Commissioners before the close of the Session; and during the recess it was taken up in a very zealous spirit by the Society for the Amendment of the Law. That society appointed for the consideration of the subject a special Committee, of which he was proud to say that he was Chairman. It comprised the names of many able and energetic lawyers, and among others that of Mr. Pitt Taylor, an enthusiast in the cause of law reform. From the Report of that Committee he would read one or two passages, which seemed especially worthy of attentive consideration—

> "In any systematic attempt to consolidate the statute law, the very first step which obviously ought to be taken is to ascertain, with as much precision as possible, how much of that law is still in force.

In another place the Report went on to say that such an edition, as he advocated—

> "Would vastly facilitate any measures which might afterwards be taken for the consolidation of the statute law. Nor would the advantages derivable from this work be confined to the legistor, for the judge who has to administer the law, the counsel or attorney who has to advise upon the law, and the subject who has to obey the law, would at least be equally benefited, and this in two ways—first, the labour of ascertaining what the written law enacts upon any particular subject would be lightened, not only in proportion to the diminished bulk of the Statute-book—which would probably be reduced by the process from forty quarto tomes to ten or twelve octavo volumes—but also in proportion to the number of marginal references."

The learned men who composed the Committee saw no such great difficulty in the execution of this task. They even contrived among themselves a plan for the expurgation of the Statute-book, which proceeded on the principle of taking one reign at a time and working backwards; they would have persevered in the work, were it not that they feared that if the Government should not sanction the project their labour would be in vain. Their scheme was, in effect, that proposed by Lord Bacon, who desired first to clear away from the Statute-book all repealed statutes, and then to remove all obsolete ones. The Law Amendment Society also agreed unanimously to a Resolution couched in these words—

> "That the publication of a revised and authorised edition of the public general Acts now in force should be the first step taken towards the consolidation of the statute law."

The progress of time did but aggravate the evils of the present system. During the twenty-two years of the reign of James I. there were passed only 134 public and 168 private Acts. Now, our legislation proceeded at the rate of some 400 or 500 statutes a year. Lord Bacon complained, 200 years ago, that "the living died in the arms of the dead;" and that the laws were so complicated and incumbered that "neither common people could practise them, nor lawyers sufficiently understand them." Sir E. Coke, who lived about the same time, expressed a similar opinion, declaring that it was most desirable—

> "To omit all those (laws) that be repealed, that none by them be deceived . . . . To make one plain and perspicuous law, divided into articles, so that every subject may know what Acts be in force and what repealed, either by particular or general words, in part or in the whole; or what branches and parts abridged, what enlarged, what expounded, so as each man may clearly know what and how much of them is in force, and how to obey them. It were a necessary work, and worthy of singular recommendation."

Lord Hardwicke, speaking more recently—100 years ago—uttered these remarkable sentiments—

> "Our Statute-books have of late increased to such an enormous size that no lawyer, not even one of the largest and most extensive practice, can pretend to be master of all the statutes that relate to any one case that comes before him; and this evil goes on increasing so much every year that it is high time for this House to begin to put a stop to it."

At that time there were only six quarto volumes of Statutes; now there were forty. Since Lord Hardwicke complained of the accumulation of our laws there had been added in the reign of George III. 6,953 statutes; in that of George IV. 1,066; in that of William IV. 678; and during the first sixteen years of that of Queen Victoria, 1,864; making in all 10,561 statutes since the time of Lord Hardwicke. Were lawyers and legislators in modern days so much superior to those of bygone ages that they could overcome this enormous additional mass of Statutes in addition to that which such men as Bacon, Coke, and Hardwicke could not? He differed from what was said, the other evening, by his right hon. Friend the Chancellor of the Duchy of Lancaster (Mr. Baines) as to the plan proposed by the Lord Chancellor being similar to that presented to the House by the hon. and learned Member for East Suffolk (Sir F. Kelly). The Lord Chancellor's plan was to expurgate first. The hon. Member for East Suffolk was to consolidate first. The following were the Lord Chancellor's words in February, 1855:—

> "The first process will be to ascertain precisely the text of the statute law as it now exists by determining what statutes have been repealed (expressly or virtually), what have expired, and what have become obsolete or unnecessary in the present state of society."

The Lord Chancellor, complaining of the form of the statutes on the 14th of February, 1853, said:—

> "They are all in the most repulsive form; there is no classification, but they are huddled together in the most complex fashion. The Judges are supposed to be acquainted with all law; but no human mind could master them. . . . Knowledge of them is impossible, and, therefore, ignorance has ceased to be a disgrace."

Again, the Attorney General only the other night said that—and he now claimed his support.

> "In his judgment the best plan would be to sweep away all the statutes or parts of statutes which had been repealed, and then proceed to consolidate what remained."

And here he would, perhaps, be allowed to quote an extract from the leading journal, which met this case exactly. In a recent article *The Times* said—

> "The indispensable requisite, then, to a consolidation of the statutes is that we should devise some exhaustive principle of division by which our labours may be economised and directed; but, in order to do this, we cannot but think it would be necessary clearly to ascertain and carefully to discriminate the subject-matter with which we have to deal. The Statute-book contains, as we showed on a former occasion, an enormous mass of private, local and personal, obsolete, expired, repealed, and partially repealed Acts, which obscure our view and impede the justice of our conclusions."

The words that immediately followed ought to be particularly attended to:—

> "We must clear away the rubbish before we can ascertain the ground plan and elevation of the edifice. In order that we may divide we must distinguish, and in order that we may distinguish we must fully and completely comprehend. For these reasons, without at all pretending to deny the force of anything that was said in the late debate, we take the liberty of adding to it our suggestion of the absolute necessity that, as before we begin to codify we should consolidate, before we begin to consolidate we should divide, so before we divide we should carefully clear away and expurgate."

He regretted to have to weary the House with these extracts, but he would only read one more, which appeared in a pamphlet written two years ago by an eminent Queen's counsel, Mr. Graham Wilmore, and which gave an excellent insight into what the Statute-book really consisted of. The pamphlet, which bore the appropriate title of *Confusion worse Confounded*, in describing our statute law, said—

> "It resembles some gigantic, deep, roomy, patched, wormeaten, old fashioned chest, perforated with drawers, pigeon-holes, corners, and other places of repository and concealment, stuffed full of a heterogeneous medley of every kind of matters concealed and confused with mould, cobwebs, dust, and rubbish, where whoever wishes to procure anything in haste has to go frantically about, opening, shutting, diving, groping, rummaging into every place, often failing in his search, and, even if he succeeds, always doubting whether he has found all that he wants. In sober fact, the printed statutes—public statutes alone—up to the end of the Session in 1851 inclusive consist of thirty-eight quarto volumes, amounting to 221½ lbs. avoirdupois weight, and containing 32,903 pages.

Since that was written two volumes of new statutes, extending over 2,000 pages, had been added. The example of what had been done with the written law in France had been frequently referred to. Suffice it, therefore, to say that the French code was compressed within the compass of a single pocket volume, was published at the price of 7*d.*; or if a much handsomer edition was preferred, it could be had for 11*s.* Now that contrasted very strongly with the published price of our Statutes, which amounted to more than £100. It would be said, however, that France, being a despotic country, offered no analogy to England on such a question. The case of the New York code might therefore be more in point.

On that part of the subject Lord Lyndhurst had observed :—

> "In some instances the acts of our Transatlantic brethren would seem to justify the belief that men, like plants, acquire fresh vigour from being transplanted. In the State of New York all our Statutes, up to the time of the declaration of independence, were in force. From that period there had been an immense accumulation of Statutes, arising out of their new position. The inhabitants of New York were in the same unfortunate position as ourselves in this respect, but they resolved to get rid of the evil, and in 1835 competent persons were appointed to revise and consolidate the Statutes. In two years from that time the object was accomplished, and in a manner quite satisfactory, not only to the legal profession, but to the general public of that State."

What was there, he would ask, therefore, to hinder us from doing what had been accomplished under greater difficulties than we should have to encounter in the State of New York. The Government, however, despaired of being able to do the work, the Statute Law Commission also failed to do it, Mr. Bellenden Ker, the paid Commsioner, actually argued against and rejected the instructions of the Lord Chancellor, his chief. In this state of things, he (Mr. L. King) therefore proposed that an edition of the Statutes should be prepared, which, although it would not at first be authentic, would soon practically become so, after it had been subjected to correction by practice. He would recommend that the work should be done by the Clerk of the Parliaments, who was known to be a gentleman of indefatigable industry and who delighted in being usefully employed. The task assigned to that officer would not be a very difficult one, because in the library of the House of Lords there already existed an index to the Statutes from 1801 down to 1852, together with a list of repealed Statutes. Availing himself of those facilities, as well as of the labours of Messrs. Anstey and Rogers, the whole body of the living statute law might be speedily reduced by that officer within the compass of ten moderate-sized volumes. The execution of the great work of law reform would add to the popularity of any Government, and serve to render illustrious in after times the reign of Her present Majesty. The great Napoleon, after subjugating to his Imperial sway the larger portion of the civilised globe, looked upon his military conquests as insignificant in comparison with the fame to be won by the accomplishment of a peaceful improvement such as that to which the present Motion referred, and gave utterance to his noble sentiments on this subject in the memorable words—"I shall go down to posterity with this code in my hand." Whatever victories this country might be destined to achieve, no victory could be greater than that which should make justice triumphant over injustice.

Mr. W. EWART, in seconding the Motion, said, he doubted whether the Clerk of Parliament could undertake the duties proposed; but, with that exception, he fully concurred in the Motion of his hon. Friend, and the House was indebted to him for his perseverance, and, as a Member of the legal profession, he thanked him for it. If we were to have codification, it would be necessary to begin with the codification of the statute law. The first thing to be done was such a codification that the people might know what the law was. Even the most barbarous nations promulgated the law so that it should be understood. What his hon. Friend proposed was, as far as possible, to simplify the expression of the statute law, and to get rid of many vain and useless repetitions. He agreed with the Law Amendment Society, that they should begin with an expurgation of the Statute-book. He would now call attention to the Commissions which had been appointed for the purpose of consolidating the statute law. Mr. Bellenden Ker's Commission had been guilty of great inconsistency. It adopted a course of proceeding quite opposed to the instructions which the Lord Chancellor had laid down. What was the present Commission, of whom was it composed? It consisted of many distinguished names. There were the names of the Lord Chancellor, of the Secretary of State for the Home Department, of the Attorney and Solicitor Generals, and of other learned personages, but it was obvious that they could not devote their time to the consideration of this subject. He (Mr. Ewart) said that they ought to get rid of *ex-officio* Commissions altogether. They ought to appoint paid Commissioners. He would propose that they should appoint three chief Commissioners, who, with a staff of subordinate officers, should devote their whole time to the duty of consolidating the statute law. So simple was the codification of the French law that a knowledge of it did not require the *viginta annorum lucubrationes* mentioned by Lord Coke, but could be mastered by a person of reasonable ability within the space of three years. He believed that nothing satisfactory would be done until a Minister of Justice were appointed to guide and direct the proceedings of the Commissioners. Such an officer would supply the real motive power which would give an impulse to the subordinate machinery. For those reasons he should give his most cordial support to the Resolution of his hon. Friend.

Motion made and Question proposed—

> "That there be prepared, under the direction of the Clerk of the Parliaments, an edition of the Statutes at large, for the use of this House, including all Public General Statutes and parts of Statutes in force, and omitting all such Statutes and parts of Statutes as are expired or have been expressly repealed; and that, in the place of the Statutes or parts of Statutes repealed, there be inserted the titles of the Statutes repealed, the respective numbers and abstracts of the clauses repealed, with a reference in the margin to the Statutes by which they are repealed."

The ATTORNEY GENERAL said, he did not propose to follow the hon. Member for Dumfries (Mr. W. Ewart) in his observations with reference to the appointment of a Minister of Justice and the general question of the consolidation of the Statutes, for those subjects were entirely foreign to the Resolution under consideration. He must say that he hoped the hon. Member for East Surrey (Mr. L. King), in many of whose opinions he fully concurred, would not think it necessary to press his Motion to a division. The hon. Gentleman must be aware that the work contemplated by his Resolution was one of a very important and gigantic character. It was not only a work of very great time and labour, but it was one that could not be performed mechanically. It did not involve the mere excision from the Statute-book of those statutes which had been partially or entirely repealed, but it was a work that could only be performed by a person who possessed great legal knowledge, and who was thoroughly acquainted with the subject. Could it be assumed that a gentleman whose time was already so fully occupied as that of the Clerk of the Parliaments would be competent to undertake a duty of this important and extensive nature? There was, however, another ground of objection to the Motion, which called upon the House to resolve that an edition of the Statutes should be prepared by the Clerk of the Parliaments for the use of that House. Now, the Clerk of the Parliaments was not an officer of that House, but the only person properly designated by such a title was an officer of the House of Lords, and he did not think the House of Commons could direct an officer of the other House to prepare an edition of the Statutes for the use of hon. Members. Now, that alone appeared to him an insuperable objection to the Motion; but, however they might agree in the expediency and in the necessity of an expurgation of the Statutes, he thought such expurgation—which must precede the consolidation of the Statutes—and the consolidation of the law itself should be placed in the same hands. The two things were parts of one great and entire work, and the sooner it was achieved the better. If the present machinery was inadequate for the purpose, let other machinery be devised; but he thought it quite clear that the expurgation of the Statutes and their consolidation should be placed under the superintendence of the same persons. He thought, therefore, the hon. Member for East Surrey would see that the means by which he proposed to accomplish that important object were not adequate for its attainment. He did not wish to disparage in the slightest degree the labours and exertions of that hon. Gentleman with reference to the consolidation of the Statutes and the improvement of the law; but when the hon. Gentleman complained that his proposition did not receive the concurrence of the Government, but on some occasions met with their opposition, he should remember that he did not always bring forward those propositions in such a form that the Government could assent to them. In the present case, certainly, the hon. Gentleman must feel that it would be useless for that House to adopt a Resolution, calling upon an officer of the House of Lords, without the consent of that House, to perform certain duties for the House of Commons.

Sir FITZROY KELLY said, he entirely concurred in many of the observations that had fallen from the hon. and learned Attorney General; but his objection to the Motion was, that the two objects which it proposed were impracticable. In the first place, it provided that the Clerk of the Parliaments should ascertain what Statutes or parts of Statutes had expired or were repealed, and, next, that a revised edition of the Statutes—with the repealed enactments struck out—should be published for the use of that House. Now, the Clerk of the Parliaments, independently of his not being an officer of that House, was no more qualified for that task, and had no greater means at his disposal for its accomplishment, than any individual who might by chance have been named. Then, with regard to the publication of a revised edition of the Statutes, the Motion referred only to statutes and parts of statutes which had expired or had been expressly repealed; but there were many statutes which had become obsolete and nugatory, and, some months after the publication of the edition of the Statutes contemplated by the Resolution, it might be found that a new and revised edition was required omitting the obsolete statutes. He was surprised to hear the hon. Member for East Surrey (Mr. L. King) refer to what had been done in the State of New York, as if it bore any similarity to what was called for in this country. In New York they had to deal only with the general public Acts that related to their own State; but here we had to deal with all the public Acts relating not only to England but to Ireland, Scotland, the East Indies, and the Colonies, besides the innumerable local Acts and the financial and revenue measures that from time to time had been passed by Parliament. To undertake the consolidation of our Statutes would therefore be a work of much greater magnitude in this country than in New York. In the minds of some Gentlemen codification and consolidation appeared to be regarded as much the same thing; but no impression could be more mistaken. The truth was that codification would be found utterly impracticable till it was based on the foundation of a good and effective consolidation of our statute law. He believed that if the hon. Gentleman and his friends would only act with forbearance towards the Commission which had been appointed to consider the subject, and leave them to do their best without fettering them with unnecessary instructions, they would be able, before any great length of time elapsed, to achieve more for the consolidation of the statute law than had been accomplished since the days of Lord Bacon.

Mr. STUART WORTLEY said, he was at a loss to discover in the present Motion anything like a step towards law reform, or a simplification of the laws. The proposition of the hon. Member for East Surrey appeared to have for its object the getting a convenient pocket edition of the Statutes at the public expense. Now, he must deprecate the idea of that House deputing to the Clerk of the Parliaments, an officer of the House of Lords—even if they could do so, or any other officer, such a work as that contemplated by this Motion; for there was nothing more difficult than for the Judges to decide whether one statute, or part of a statute, repealed another, and it had occurred that a wrong decision had been given in consequence of a misconception of the powers of an enactment. If they were to consent to such a revision of the Statute-book as that proposed, it would have no more authority in the courts of law than any of the editions of the Statutes now published by members of the legal profession, and besides which, it would be a useless expenditure of the public money. With regard to the codification of the laws, he had not yet heard in that House a practical suggestion for its accomplishment. It was all very well to talk of the codifications of Justinian and Napoleon, but they had neither of them a House of Commons to deal with, and it would be impossible for England to obtain a codification of her laws without its being discussed phrase by phrase in that House, and he need hardly ask hon. Members how long it would take to discuss, and what sort of a thing they would make of such questions as related to religion, education, the game laws, &c. If the House consented to name a Commission for that purpose, with absolute power to form a code, they would soon have it; or if they empowered Her Majesty in Council to draw up a code, they might have it in a few months, or a year; but so long as there was a House of Commons to be consulted on every phrase and on every branch, it appeared to him codification was impossible. Consolidation would eventually lead to a simplification of the laws of the country.

Mr. WATSON said, he considered the Motion now under consideration as one great step towards law reform. It was, however, perfectly idle to talk of the consolidation of the Statutes before their expurgation; and he thought that if the hon. and learned Member for East Suffolk (Sir F. Kelly) effected it within eighteen years, instead of within eighteen months, as he had stated he could do, a statue should be raised to his honour on the highest spot in London. The present condition of the statute law was an utter disgrace to the country. It was contained in the forty-five volumes before them, through which the law student and the practitioner had to wander in search of information, and when they had so wandered, it was questionable if they had not passed over the very statute that they had been in search of. Indeed, it was known that oftentimes, notwithstanding all the care both of the bar and of the Court, the particular statute applicable to a case on trial was overlooked, and when the mistake was discovered, the suit had to commence anew. The portions of the Statutes which were repealed should be expurged from the Statute-book, and when that was done they should have a statute on every subject, so that when they wished for a change in the law they would have but that one statute to alter. As an instance of the present state of the law let them look to the law of landlord and tenant upon the subject of distress, or the right of the landlord to distrain the goods of the tenant. On that one subject they had seventeen or eighteen separate enactments, so that if a country gentleman wished to ascertain his rights in the matter he would have to wade through that quantity of legislation. He would certainly suggest that that portion of the Motion which said that the consolidation should be performed by the Clerk of the Parliaments should be struck out. For himself, provided it was done, he did not care by whom it was done; but if a tree was to be judged by its fruit, he was bound to say that, seeing that the Commission of which the hon. and learned Member for East Suffolk was a Member had effected nothing during three years, he did not think that the hon. and learned Gentleman himself would be able to carry out his promise and complete the consolidation within the space of eighteen months. If they would look to the earliest statutes on the books, they would find that they were in themselves codes, short, precise and accurate. Such was the character of Magna Charta itself. The laws of the reign of Edward I. were just the same, being short, simple, and to the point. It was not until the time of Henry II. that they began to envelop their laws in a quantity of words. The evil then commenced had gone on from time to time until it was now longer to be endured—whether it was that such a course had been deemed necessary, or that, like law proceedings, it became profitable to write out a quantity of what was called rigmarole. He should like to see all that changed, and a Commission appointed to carry out the codification of our laws, so that each man might know what the law was on any particular point, how he should act in relation to it, and where to go for his remedy, if required. Now, he must say that he considered it right that that House should take the first step towards so desirable a result, and he thought that the consolidation proposed by the hon. Member for East Surrey (Mr. L. King) would be of benefit not to the House only, as had been stated by an hon. Member opposite, but to the country at large, and it behoved them to put their shoulders to the wheel and carry it out.

Mr. G. BUTT said, he thought that though the hon. and learned Member for Hull (Mr. Watson) had discussed matters in which the Members of that House generally agreed, he had not addressed himself to the Motion then before them. There was no doubt that it was desirable to have a consolidation of the Statutes; and it was no doubt desirable that when they had such a consolidation, they should have such an edition of the consolidated Statutes as would give lawyers and every other portion of the community the easiest and best mode of acquiring a knowledge of the law. However, the Motion of the hon. Member for East Surrey would not accomplish that object, nor enable a person to see at once what statutes existed, and what had been repealed. Should they, therefore, take up the time of the House discussing the general proposition, on which there was no difference of opinion, when it was clear that the Motion could not effect what all agreed was wanted. Under these circumstances he put it to the good sense of the hon. Member to withdraw the Motion.

Mr. ROBERT PHILLIMORE said, he would move an Amendment on the original Motion, to leave out the words "under the direction of the Clerk of Parliaments," and, also, "for the use of this House."

Amendment proposed, to leave out from the word "prepared," to the end of the Question, in order to add the words—

"An edition of the Statutes at large, including all Public General Statutes and parts of Statutes in force, and omitting all such Statutes and parts of Statutes as are expired or have been expressly repealed; and that, in the place of the Statutes or parts of Statutes repealed, there be inserted the titles of the Statutes repealed, the respective numbers and abstracts of the clauses repealed, with a reference in the margin to the Statutes by which they are repealed," instead thereof.

Mr. MONTAGU CHAMBERS said, he must deny that the term "obsolete" could be applied to any statute as long as it continued on the Statute-book. The first thing to be done was to strike out repealed and expired statutes and repealed clauses of statutes; when that was accomplished the Statute-book would be reduced to a small number of volumes.

Mr. LOCKE KING said, he was willing to agree to the Amendment of the hon. and learned Member for Tavistock (Mr. R. Phillimore), but could not adopt the suggestion of the hon. and learned Attorney General and withdraw the Motion, because he was in earnest on the subject, and would persevere until he had accomplished his purpose.

The ATTORNEY GENERAL said, that even in its amended form the Motion was very objectionable, for it set forth that there should be a revision of the Statutes, without stating in what manner, or by whom, such revision was to be effected.

Question, "That the words proposed to be left out stand part of the Question, put, and *negatived.*"

Words *added.*

Main Question, as amended, put—

> "That there be prepared an edition of the Statutes at large, including all Public General Statutes and parts of Statutes in force, and omitting all such Statutes and parts of Statutes as are expired or have been expressly repealed; and that, in the place of the Statutes or parts of Statutes repealed, there be inserted the titles of the Statutes repealed, the respective numbers and abstracts of the clauses repealed, with a reference in the margin to the Statutes by which they are repealed."

The House *divided:*—Ayes 63; Noes 164; Majority, 101.

MINISTERS' MONEY (IRELAND).

Mr. FAGAN said, he rose to move that the House would resolve itself into a Committee to take into consideration the tax known as "Ministers' Money," in order that the said tax might be wholly abolished. He had so often brought the subject under the attention of the House that he would not then occupy much of its time, but it would be only right upon his part to state clearly in what position the question had been placed by the Bill of Sir John Young passed in 1854. That measure was not, as had been alleged, a compromise between the Government and that party with which he had the honour of acting upon this question, nor did he believe that it was a compromise between Members of the Government who differed in opinion upon the subject. On former occasions, when he brought the question before the House, he had based his opposition to this tax on the objection that it was vexatious and irritating; that it was a test of religious ascendancy in the minority, and of religious inferiority in the majority. He also objected to the tax because it was partial as an impost. It was confined to eight towns in Ireland—and those, too, Roman Catholic towns—while other rich towns, like Belfast, where the Protestants were more numerous, were exempt from the collection. Now, Sir John Young's Act was an aggravation of both those grievances, and for that reason, because, not content with the impost as it stood before, it required the town councils to be the collectors of it—the tithe proctors of the Ecclesiastical Commissioners. But the result of its effect was, that those town councils, with one accord, had resolved not to collect it; and, for the last year, they had collected none of it. Dublin, indeed, in that respect, was an exception, for there it had been collected; but there the town council were not required to be the collectors. However, the Lord Mayor of Dublin, a gentleman of Conservative tendencies, and strongly attached to the Church, had attended a meeting convened to protest against the tax, and, at that meeting, he had taken the lead in opposition to the tax. He might say that he had never known a greater agitation in Ireland—not excepting the famous tithe agitation, if he might compare great things with small—than that which existed during the last year in those eight towns against the tax in question. That argument which used to meet him about the existence of the tax for 200 years, and that the abolition of it would be a spoliation of the Church in favour of the owners of houses, into whose pockets the money would go, could not now be raised, seeing it had been removed by the Act of 1854. Moreover, injury to the incumbents, which he for one never desired, and always had provided against, was no longer to be feared from the abolition of the tax, for they had been paid during the last year out of the fund of the Ecclesiastical Commissioners. The Protestants themselves were now strongly in favour of the repeal of this impost. He, therefore, maintained that such a payment out of the fund of the Ecclesiastical Commissioners was quite consistent with the Church Temporalities Act—indeed, that it was intended to have been included in it; for certain he was, if excluded, that then the £12,000 or £15,000 which was omitted from its provisions was more vexatious to those eight towns than the £70,000 which was provided for by the Act in question. The income of the Ecclesiastical Commissioners was very considerable, amounting, he believed, to very nearly £100,000 a year, and was every year increasing. He would admit that within the last two years their expenditure had also increased, for last year they had a surplus income of £12,000, in addition to a very large sum in hand, and he saw no reason why the House of Commons should not ask them to pay the incumbents, and thus relieve the Roman Catholic inhabitants of those towns from this highly objectionable tax. If the Government could adopt some plan for facilitating the sale of perpetuities, the funds of the Commissioners might be largely augmented. The estimated value of perpetuities yet unsold amounted to £600,000, which alone, if well administered, would be ample for the purposes to which the existing tax was applied. He did not know what course the Government intended to take that night, but for himself he would say that he would persevere year after year until he succeeded in repealing the tax; but he must confess he should almost despair if the Government, under existing circumstances, refused to allow him to bring in the Bill. He could not believe that the noble Lord at the head of the Government, after he had given the hon. Baronet the Member for the Tower Hamlets (Sir W. Clay) permission to introduce his Church Rates Bill, which would interfere with the large sum of £600,000, would object to his bringing forward this Bill, which involved a question of only £12,500, especially as the noble Viscount was bound by the pledge which was given by the noble Lord (Lord J. Russell) at a time when he was one of the Members of that noble Lord's Government. On that occasion, the present Chief Secretary for Ireland supported his Motion. All the law officers in Ireland also tendered it their support, and he believed that, if he now went to a division, he should receive the votes of a very large majority of the Irish Members.

Mr. DUNLOP seconded the Motion.

Motion made, and Question proposed—

"That this House will immediately resolve itself into a Committee, to consider the Act 17 & 18 *Vict.* c. 11, with the view of amending the same, so far as respects the Tax thereby enacted to be levied in eight Corporate Towns in Ireland, in lieu and substitution of 'Ministers' Money,' in order that the said Tax may be wholly abolished."

Mr. HORSMAN said, he must admit that his hon. Friend (Mr. Fagan) was fully entitled to the character he had claimed for himself of having always been an honest and straightforward agitator on this question, and that his agitation had been accompanied by a considerable degree of moderation and good sense that had commanded a success which agitation did not always carry with it in that House. With regard to his consistency, also, he readily admitted that the hon. Member had been perfectly consistent in having taken no part in that which he termed a compromise—namely, the Act known as Sir John Young's, and which he now asked the House to amend. He (Mr. Horsman) thought, however, that it would be inconvenient to follow his hon. Friend through all his criticisms on the present law, his remarks on the Ecclesiastical Commissioners, and the remedy he proposed for altering a law which he stated was not satisfactory. Thus far he would say, that, as regarded the operation of the existing law, it was not satisfactory. He quite agreed with him that in some respects the Act required amendment; but he did not think it was necessary that he should go further, and state in what respect it required amendment, or whether he could concur in the views expounded by his hon. Friend with regard to the manner in which he would have it amended, or as to the ultimate object he had in view—the total repeal of the tax. His hon. Friend had stated distinctly that in his opinion the tax should no longer be levied in the present manner, but that it should be provided for out of the funds of the Ecclesiastical Commissioners. That was evidently a subject upon which they could not now enter. The discussion upon the proposal would come more properly on the second reading of the Bill, if the House chose to permit its introduction, and agreeing, therefore, on the part of the Government, to allow his hon. Friend to introduce a measure with a view to amend the Act of the 17 & 18 *Vict.* he would reserve any observations which he might have to make in regard to the ultimate proposal until the second reading, when the whole question might be fully and satisfactorily considered and discussed.

Mr. NAPIER said, he must confess

that the course adopted by the right hon. Gentleman the Chief Secretary for Ireland had taken him altogether by surprise, because when the Government were asked the other night if they had any measure in contemplation with regard to the Act respecting Ministers' Money, the answer was shortly and emphatically "None." [Mr. HORSMAN said, he had never given any such answer.] He did not say the right hon. Gentleman gave that answer; but when the Government were asked the other night if they had any measure in contemplation with regard to the Act respecting ministers' money, the answer was very emphatically—"None." Whatever were the inconveniences of working that Act, of course the Government must be aware of them; and if, seeing an evil to exist, they had themselves no remedy to propose, but allowed a private Member to bring forward a measure, the discussion upon which they reserved until the second reading, when, in all probability, it would be got rid of for another year, he put it to the good sense of the right hon. Gentleman and the noble Lord at the head of the Government, whether there was any more effectual way, especially with respect to a question which affected ecclesiastical property, of keeping open a running sore, and of perpetuating discord and animosity. He contended that it was an unworthy and unmanly course of proceeding, and that whatever the Government thought to be fair and right, they should have come forward in a manly way and proposed it, and then have left the House to discuss it fairly and say "aye" or "no" to the proposition. Let the House observe how the matter stood. The measure was introduced in 1854; and who introduced it? Sir John Young and the present Attorney General for Ireland, then Solicitor General for Ireland. Subsequently, however, the names were changed, and that of the noble Lord (Viscount Palmerston), at the time Secretary of State for the Home Department, was placed on the back of the Bill, in lieu of that of the Solicitor General for Ireland; but the hon. and learned Gentleman gave his support to the Bill throughout. Here, then, was a Bill passed two years ago, when the noble Lord was Home Secretary, to settle the question upon certain terms, which were at the time thought proper and convenient terms: and now in the beginning of the year 1856, the noble Lord was prepared to allow a Bill to be introduced by a private Member for unsettling the whole of that arrangement. What he wished to observe was this, that the course taken by the Government was an inconvenient and unmanly course; and that he said without meaning the slightest disrespect towards them, but only to speak his mind in plain, but not uncourteous language. If any inconvenience had arisen in the working of the Act, the proper party to bring forward an amended measure was the Government itself. He granted that the arrangement with regard to the town councils might not, perhaps, have been well considered; but an alteration on that point was not the real object of the Mover of the Resolution. Suppose they changed the hands that received the money, did they believe that that would settle the question? [*Cries of* "No, no!"] But if that was to be the settlement of the question, surely the Government ought to have proposed it. He did not accuse the right hon. Gentleman (Mr. Horsman) of inconsistency, for he was not in office at the time Sir John Young's Bill passed; but the noble Lord at the head of the Government, who was Home Secretary at the time, seconded the Motion for the second reading, and his name was on the back of the Bill. He remembered the noble Lord on the occasion putting the argument in this way:—This tax, said he, was a charge upon property; the large proportion of the owners in fee of the houses which were assessed to the tax were Protestants, and he thought it would be hardly fair to relieve those wealthy Protestants from the charge. If the Bill were allowed to be brought in, it would lead to great disappointment, and again he repeated that the course taken by the Government was not one that was either creditable or manly.

MR. MEAGHER said, he agreed with the right hon. and learned Gentleman (Mr. Napier) that it would have been more creditable to the Government if they had themselves brought in a Bill to amend the Act of 1854, supposing it required amendment, than to have endeavoured to avail themselves of a measure introduced by a private Member to effect that object. The question of Ministers' Money was one of great annoyance to the inhabitants of the eight corporate towns where the tax was levied, and what the Government ought to have done was to introduce a measure for its total abolition at once.

LORD NAAS said, he must, in common with his right hon. and learned Friend the Member for the University of Dublin, express his astonishment at the course the Government had announced its intention to pursue, and thought, that if the Government sanctioned the introduction of a Bill the object of which was to upset what was regarded as the settlement of an important question two years ago, they should now be prepared to say fairly and frankly how they proposed to deal with that question. The right hon. Gentleman the Chief Secretary for Ireland had stated that Sir John Young's Act did not work satisfactorily; and surely the right hon. Gentleman ought to be able to inform the House in what respect he conceived that to be the case, and to show in what way he would amend it. But the Resolution of the hon. Member for Cork (Mr. Fagan) went a great deal further than the Chief Secretary seemed disposed to go, for the last line of that Resolution stated that the object was to accomplish the entire abolition of the tax, and the hon. Mover and Seconder had both frankly declared that they would be disinclined to support any measure that had not that object. He thought, therefore, the House was entitled to hear from the noble Lord (Viscount Palmerston), who was a party to the settlement of 1854, whether it was the intention of the Government to support the entire repeal of the tax, or whether it was merely intended to propose a Bill which should have for its object an alteration in the mode of levying the tax. He (Lord Naas) regretted exceedingly that the question had been reopened. He believed that it had been settled in a satisfactory manner, and seeing that such a number of grievances complained of by the hon. Member for Cork had been removed by that settlement, he could not help saying that it was rather premature, at the end of two years only, to come down and propose to reopen the question in this way. At all events, the Government should be prepared to state clearly what course they intended to take respecting it.

VISCOUNT PALMERSTON: Sir, with regard to the unmanliness of not opposing a Bill upon its first introduction, and reserving one's views upon it for the second reading, the right hon. and learned Gentleman (Mr. Napier) may entertain peculiar opinions; it is sufficient for me to say that I do not entirely agree with him. As to the zeal with which he and his friends have prepared to resist the Bill, I may appeal to the benches opposite. [The noble Lord alluded to the small number of Members present upon the Opposition side of the House.] They afford a striking proof of the real sincerity and earnestness with which the friends of the right hon. and learned Gentleman have prepared to support the Government in the course which they say it is unmanly not to take, namely, opposition to the introduction of the Bill. Certainly, if we had intended to resist the Motion, it is quite clear that we should have received the extreme and cordial support of the numerous gentlemen now sitting upon those benches. Then the right hon. and learned Gentleman says, "Oh, you ought to have refused permission to bring in the Bill on the simple ground that this question ought to be settled once for all." This is not the first time we have heard language of that kind. I am old enough to remember many occasions upon which this House has been urged for similar reasons to refuse to permit the introduction of measures for the relief of the Roman Catholics. But does the right hon. and learned Gentleman imagine that it matters much upon what stage of a measure the House arrives at a decision with regard to it? Does he imagine that there is any particular virtue in a refusal to permit a Bill to be brought in, which does not attach to a refusal to allow it to be read a second time? The right hon. and learned Gentleman will have just the same means of enforcing his opinions by argument upon the second reading as upon the introduction of the Bill. We think it more respectful to those whose feelings are interested in this question to allow the measure to be brought in, than to reject it at once; but we reserve to ourselves full and entire liberty to take upon the second reading whatever course we think it best and most expedient to adopt.

ADMIRAL JONES said, the noble Lord at the head of the Government had stated, that it was a matter of no consequence whether the decision of the House was pronounced on the introduction of the Bill, or on the second reading. Now the object of the Resolution was, the total and entire abolition of the tax, and he did not understand from the Chief Secretary for Ireland that he was prepared to support a measure of that kind. He merely said, that he was disposed to admit that the working of the Act had not been satisfactory, and that the measure might be amended. By that, he (Admiral Jones) presumed the right hon. Gentleman meant to say that, possibly, the money which had to be collected under the Act, might be collected in some other way than at present, and not that the tax should be entirely abolished. But the Resolution of the hon. Member for Cork (Mr. Fagan) went to its entire abolition, and if he consented to the Resolution, he considered that as an honest man he should be bound to vote for the Bill.

Lord JOHN RUSSELL: Sir, I think, with regard to the form of this Motion, that it is generally inconvenient to pass Resolutions, from which it may appear that the House had made up its mind as to the questions to which they relate. In dealing with certain questions, we are forced to take that course in order to introduce a Bill, but in this case no necessity of the kind exists, and such a course would naturally give rise to misapprehension and induce many persons out of doors to think that the House had come to a resolution to abolish this tax. I would, therefore, suggest to the hon. Gentleman (Mr. Fagan), without at all disapproving the view taken by the Government, that leave ought to be given to bring in a Bill with regard to Ministers' Money in Ireland, that it would be more convenient for him simply to move for leave to bring in a Bill in order to abolish that tax. No doubt, upon the second reading we shall hear from the right hon. Gentleman the Secretary for Ireland what his views are with respect to the substance of the question. I had hoped that the measure prepared by Sir John Young would have been satisfactory, but I am sorry to hear both from the hon. Gentleman who brought forward the Motion, and from the right hon. Gentleman below me (Mr. Horsman), that it has not. If that be the case, it would then be the duty of Government to propose some Bill to amend the defects in the present law. Upon the second reading of the measure, we shall no doubt hear their views on the subject, but I hope the hon. Gentleman (Mr. Fagan) will now adopt the course I have suggested.

Mr. MAGUIRE said, that Sir John Young's Act, so far from being satisfactory, was protested against by every corporation in Ireland affected by it. Numerous petitions were presented against it, and he and his friends remained in the House night after night for the purpose of defeating it. Sir John Young, in proposing it, was actuated by the mischievous spirit of wishing to carry out his own proposals in spite of every remonstrance. He (Mr. Maguire) wished to express his extreme dissatisfaction at the statement of the right hon. Secretary for Ireland. The Government were expected to take some decisive step, and it was not manly or straightforward on their part to refuse to deal with the question, and to leave it in the hands of a private Member. If the right hon. Gentleman attempted to cobble up the miserable abortion of Sir John Young, he would signally fail, for the people of Ireland would spurn and resist it. They would not be satisfied with the amendment of the present law, they desired its total abolition.

Mr. SULLIVAN said, he must confess that the statement made by the Secretary for Ireland had disappointed him, for he had not expected that the right hon. Gentleman would have been insensible to the deep feeling which this tax had produced, not only in the particular towns where it was imposed, but generally throughout Ireland. On the day when the deputation waited on the right hon. Gentleman, several hon. Members of that House, unconnected with corporate towns in Ireland, voluntarily attended, in order to impress on the mind of the right hon. Gentleman the necessity of settling this question. He had heard with deep pain the speech made by the right hon. and learned Member for the University of Dublin (Mr. Napier) that evening, and he was sure that, if that right hon. and learned Gentleman were acquainted with the oppression which the tax caused in the city he (Mr. Sullivan) had the honour to represent, the right hon. and learned Gentleman would be the last to advocate it. In the last valuation, the clergyman in one of the parishes of that city, anticipating what might occur by reason of the passing of a Bill on the subject, took care to value property which had never before been brought under the imposition of the tax, and raised his income 40 or 50 per cent. Was that the species of justice which the right hon. and learned Gentleman advocated, and was that the sort of tax which he claimed as property for the Established Church? He would tell the Government that the Catholic population of the taxed cities were determined by every legal and constitutional means in their power to resist the imposition. He could only characterise the Bill introduced by Sir J. Young on this subject last Session as abominable, and declared that it produced universal dissatisfaction. The people of Ireland, particularly the Catholic portion, expected that the noble Lord at the head of the Government, who owed his position in that House to no particular party, but to the universal assent of the people of England and Ireland, would have on this occasion shown some sympathy with the people oppressed by this tax, and would have, to a certain degree, made his Government memorable by announcing in an honest and manly way the total repeal of the abominable imposition.

MR. FAGAN said, that, in consequence of what he had heard in the course of the debate, he should withdraw his Motion for a Committee, and move at once for leave to bring in a Bill for the total abolition of Ministers' Money in Ireland.

MR. BLACK said, he wished to observe, when he heard hon. Members denouncing this odious tax, which was imposed on eight cities in Ireland, that a similar odious tax was imposed on two cities in Scotland, one of which he had the honour to represent, and it was called the Annuity Tax. He trusted, therefore, that if the Ministers' Money were repealed in Ireland, there would also be a repeal of the Annuity Tax in Scotland, for what was good for one country would be good for the other.

Motion by leave *withdrawn.*

Bill to amend the Act 17 & 18 *Vict.* c. 11, with a view to the abolition of the Tax thereby imposed in lieu of Ministers' Money in Ireland, *ordered* to be brought in by Mr. FAGAN and Mr. BEAMISH.

Bill read 1°.

TENANT RIGHT (IRELAND).

Mr. G. MOORE said, he was given to understand that neither of the two great parties in the House intended to oppose his Motion for leave to bring in a Bill to provide for compensation to tenants for improvement of land in Ireland. However, instead of expressing his satisfaction at there being no opposition to the introduction of his Bill, he ought rather to express his surprise that they should leave to a Member sitting below the gangway the honour of introducing a measure with regard to the necessity of which both parties were agreed. Two Bills on tenant right were introduced in the Sessions of 1852 and 1853, by two successive Ministers; the one under the auspices of the Government of Lord Derby, and endorsed with the responsible names of the then Attorney General, the Solicitor General, and the Secretary for Ireland; the other, under the sanction of the Government of which the present Premier was a distinguished Member, and the care of which was confided to the Irish Secretary. The preambles of the two Bills concurred in reciting that it would tend to the improvement and better cultivation of land if provision were made by law for securing to tenants in Ireland compensation for improvements made in land in their lawful possession, and likewise would be expedient to provide compensation for improvements made by outgoing tenants. It followed, or ought to follow, that both parties were of opinion compensation should be made for improvements to Irish tenants. How was it that no such Bill had been introduced by the Government? The noble Lord (Viscount Palmerston) said he had received no encouragement to do so. He (Mr. G. Moore) candidly confessed that he must admit the truth of the reply. The noble Lord had received no encouragement to protect the rights of the tenantry of Ireland, just as the noble Lord the Member for the city of London received no encouragement in 1847 to protect their lives. The noble Lord had not received that wholesome encouragement which alone induced Ministers to move—that encouragement which, subsequently to 1847, was extended to the noble Lord the Member for London at the time of the Ecclesiastical Titles Bill, and was so exceedingly efficacious, *pour encourager les autres.* In many successive Sessions Mr. Sharman Crawford endeavoured in vain to induce Parliament to consider this question. At the general election in 1852, however, the Irish people, admonished by previous errors, sent to those benches, not the scanty remnant which lingered there, but half a hundred representatives, pledged to carry a measure for securing Irish tenant right. Yielding to that most formidable encouragement, the Attorney General, under Lord Derby's Government, discovered that his whole life had been passed in the elucidation of the question, and that he had just succeeded in arriving at its solution—that Mr. Sharman Crawford was only a young beginner, and that he was the real Simon Pure. He would do the right hon. and learned Gentleman (Mr. Napier) the justice to say he did introduce a measure which, under proper encouragement, might have been ultimately moulded into a great boon for the tenant farmers of Ireland. Unfortunately that result was prevented, and the measure and the Government perished together. On the accession of the next Ministry, the motive power, encouragement, was divided nearly half and half, and the consequences were half and half measures on the part of the Government and the Opposition. Both Bills were sent to a Committee, and the Committee reported to the House. He hesitated to pursue the question further because he hesitated to speak with disrespect of either side of the House of Commons, but he thought no hon. Member would venture to assert that the proceedings which ensued were creditable to either party. The right hon. and learned Member for the University of Dublin and the hon. and learned Member for Enniskillen (Mr. Whiteside) taunted the right hon. and learned Member for Athlone (Mr. Keogh) and the hon. and learned Member for Ennis (Mr. J. D. Fitzgerald). The hon. and learned Members for Athlone and Ennis retorted upon the hon. and learned Members for the University and Enniskillen, the hon. and learned Serjeant the Member for Kilkenny (Mr. Serjeant Shee) plaintively upbraiding both sides in succession, and both sides in succession laughing at the learned Serjeant. Those matters were written in *Hansard*, and he had no wish to revive disagreeable and ridiculous reminiscences. But, although in the present state of Irish encouragement, he believed that neither party in the House would undertake the conduct of this disturbed and perplexed question, at the same time he was glad to say, neither party was so lost to a sense of what was due to their own character for consistency, as, by refusing leave, virtually to admit that two successive Executives had made two successive bids in a dishonest auction for Irish votes. He felt satisfied that such men as the right hon. and learned Member for the University of Dublin on the one hand, and the hon. and learned Solicitor General for England on the other—men fairly representing the legal authority of both parties, men responsible not only to party and ephemeral reputation, but to their own name and fame as jurists and statesmen, meant what they said when they declared it was just and wise and expedient, to provide compensation for improving tenants in Ireland. He would not, therefore, at the present stage of proceedings, be guilty of such impertinent waste of time and words as to endeavour to confirm by any authority such as his principles which rested on such high authority as theirs, or to argue that which they had admitted and maintained, namely, the claim of Irish tenants for compensation for improvements of land, in whose behalf he now asked leave to introduce his Bill. He would simply conclude by moving for leave to introduce a Bill—

"To provide for the better securing of and regulating the custom of Tenant Right as practised in the province of Ulster, and to secure Compensation to improving Tenants who may not make claim under the said custom, and to limit the power of Eviction in certain cases."

Leave given.

Bill *ordered* to be brought in by Mr. Moore and Mr. Maguire.

CIVIL SERVICE SUPERANNUATION BILL.

Order for Second Reading read.

The CHANCELLOR of the EXCHEQUER, in moving the second reading of this Bill, said, that since he had originally stated his intention to refer it to a Select Committee, it had been represented to him by the right hon. Gentleman the Member for Portsmouth (Sir F. Baring) that it would be more convenient to appoint a Select Committee to consider the whole subject of civil service superannuations, to which Committee this Bill might be referred. That was therefore the course which he should propose to pursue, as it would give greater facilities for an investigation into the entire subject. The Committee would not be confined to the examination of evidence strictly within the four limits of the Bill, and all persons affected would have the opportunity of stating their case before it.

Bill read 2°, and *committed* to the Select Committee on Civil Service Superannuation.

The House adjourned at a quarter before nine o'clock.

HOUSE OF COMMONS,

Wednesday, February 20, 1856.

Minutes.] Public Bills. — 1° Tenant Right (Ireland).

2° Episcopal and Capitular Estates; Medical Profession.

MEDICAL PROFESSION BILL.

Order for Second Reading read.

Mr. HEADLAM said, he begged to move that the Bill be now read a second time, with a view to its being referred to a Select Committee.

MR. SPOONER said, there were many objections to the measure, and he must therefore express a hope that the Bill might be committed at some distant day, as there was considerable difference of opinion in the country as to the merits of the Bill.

LORD ROBERT GROSVENOR said, that by this Bill no medical man would be able to recover costs of medical attendance unless his name was on the register, and the Bill also provided that no person could hold an office in any public capacity, or in any hospital or infirmary, unless his name was upon the register. Every medical man must belong to some college, which college had power to strike his name off the register. The Bill thus gave a monopoly to the members of those colleges. It was all very well in the law to say that none but barristers and solicitors should practise, because law was an exact science compared with medicine. A recent case occurred in Edinburgh, where an examining body refused a diploma to a gentleman, otherwise qualified, because he refused to promise not to practise homœopathy. Now, the House ought to be aware that at the present moment several hundred educated medical practitioners were practising homœopathy in this country who were as honest, as scientific, and more successful than the others, but would hereafter be liable to have their names struck out of the register at the *dictum* of those bodies. Certainly the state of medical science in the country would not justify the House, in his opinion, in giving them such large powers. One of the greatest writers on medicine, Dr. Forbes, said that the present state of medicine in this country required complete and entire revision. Yet by the Bill now under consideration it was proposed to give the medical bodies a complete and entire monopoly of practice. Dr. Chambers, a distinguished physician, speaking of Dr. Williams to an astonished auditory, said that Dr. Williams "had no confidence in medicine." It was said of another distinguished physician, Dr. Davies, that, at the close of his life, he used to declare he could not tell whether he had done more harm or good by his prescriptions. During the cholera season a Commission was appointed to examine the progress and treatment of cholera in the metropolis. One of the Commissioners thought it his duty to examine the Homœopathic Hospital in Golden Square. No one was more strongly prejudiced against homœopathy than that gentleman. He saw the treatment; he said that all the cases were cases of real cholera, and he declared that the treatment was the most successful of any that he saw, and that if he had the disease, it was to the treatment of that hospital that he should recur. Before the House consented to give such powers as the Bill conferred, it ought carefully to consider whether great injustice might not be done to duly-educated practitioners, and whether some modification of the clauses would not be necessary.

SIR GEORGE GREY said, he agreed with his noble Friend that some clauses of the Bill would require careful reconsideration, but he thought that it was admitted that some security ought to be taken with respect to examination and the registration of those duly qualified. There might be a difference of opinion with regard to the constitution of the council. The proposed power to strike a man off the register without appeal he also thought a fair subject for consideration. But there was nothing in the Bill to prevent a man from practising homœopathy, and he doubted whether they could interfere if a particular course of treatment was found to be attended with beneficial results. Repeated applications had been made to the Government to deal with the subject now before them, but all attempts had failed in consequence of the jealousies existing between the various branches of the profession. Some years ago he had hoped that those differences would have been got over, but they had broken out afresh. The hon. and learned Member (Mr. Headlam) had proposed a similar Bill last year, and he (Sir G. Grey) had recommended it being printed for circulation. Copies of that Bill had been sent to the two great Universities, and other bodies in the kingdom; and he believed, that although the differences in the profession with regard to the Bill were not altogether reconciled, there was now a greater approach to agreement of opinion than had heretofore prevailed. The Bill had been before the country, and before all branches of the profession, for the last six or seven months, and he trusted that the House would now accord it a second reading.

MR. HENLEY said, that, remembering the improvements that had taken place in medical treatment, and the manner in which the older branches of the profession had set their faces against modern improvements, he thought it a dangerous power to enable the medical colleges to strike off a man's name for anything so indefinite as "misconduct," which might be immoral conduct or mere medical treatment. He had no sympathy with homœopathy unless upon the principle that the less of a bad thing you took the better, but he hoped care would be taken that there should be no interference with that freedom of practice which had hitherto been permitted in this country. At the same time it was right that persons should not be let loose to practise without a certicate that they had been properly educated for the medical profession.

Mr. NAPIER said, that the Bill extended to Ireland, and would require some alteration. In the first place, the University of Dublin was entirely omitted from the Bill, and the measure was an illustration of the old story of a Bill—half for Ireland, and half for England.

Mr. HEADLAM said, he was bound to point out that the right hon. and learned Gentleman was mistaken in his observations. He would propose to put the Bill down for Committee in the first week after Easter. It might be here mentioned that no restrictions were proposed beyond what were already in force, and with regard to a non-registered practitioner being unable to sue for fees, that was the case at the present time with practitioners who had not been admitted of some college. On the other hand, there would be great advantage in persons who were registered being permitted to practise anywhere, instead of being limited to certain districts.

Bill read 2°.

DRAINAGE ADVANCES ACTS AMENDMENT BILL.

Order for Committee read: House in Committee.

Mr. W. WILLIAMS said, he must complain that no proper explanation had been given of the provisions of the Bill. He did not understand whether power was to be taken by it to advance still more money for the drainage of land. The House had already voted £3,000,000 to the landowners of Great Britain and Ireland for the drainage of land, and the country had lost by those loans, as the interest charged was no greater than that borne by Exchequer bills.

Mr. WILSON said, the hon. Member was mistaken in supposing that the interest charged on those loans was at the rate of that of the Exchequer bills of the day. The Act provided that the rates of interest charged upon all loans should be 5 per cent; but power was given to the Treasury to reduce it from time to time to a rate not lower than that borne by the Exchequer bills of the day. For the last three years, however, the Treasury had acted upon the principle of granting no loans at a lower rate than 5 per cent. The object of the bill was twofold. At the present moment, supposing that the Drainage Commissioners obtained authority from the Treasury to grant a loan of £20,000 to a landowner, they were obliged to come to the Treasury for fresh authority for each instalment of it which they issued, and it was proposed by the Bill that, authority having been once obtained for the whole loan, the Commissioners might issue each instalment without further application. Under the present law, too, a landowner who obtained a loan only paid interest upon each instalment as he drew it from the bank, not when he received the cheque, while the Drainage Commissioners, on the other hand, having once signed the cheque, were obliged to consider the money as appropriated, and could make no further use of it. The Bill provided that interest should accrue from the time when the cheque was drawn.

Mr. HENLEY said, he thought that the Bill, instead of being a boon to the landed interest, rather put the screw upon them. No doubt it was a great convenience to landowners to have those loans, but, at the same time, they had always paid a larger rate of interest upon them than the Government paid upon Exchequer bills. With regard to the second object of the Bill, he quite agreed that the Commissioners ought to receive interest on the instalments from the moment they issued them.

Mr. W. WILLIAMS said, the hon. Secretary would find that the Act of Parliament had imposed an interest of 6½ per cent on those loans.

Mr. WILSON said, he must acknowledge that he was mistaken in his former statement, and that the rate of interest mentioned in the Act was not 5 but 6½ per cent.

The Bill then passed through Committee.

House resumed.

The House adjourned at a quarter after One o'Clock.

HOUSE OF LORDS,

Thursday, February 21, 1856.

MINUTES.] *Sat First in Parliament.*—The Earl of Lichfield, after the Death of his Father.

REPORT OF THE CRIMEAN COMMISSION —BOARD OF INQUIRY.

LORD PANMURE: My Lords, before we proceed to the other business of the evening, I think it my duty to inform you that Her Majesty, by the advice of Her Ministers, has appointed a Board of General Officers to inquire into the matters adverted to in the Report of the Commissioners who were sent to the Crimea to make certain inquiries. This Board is to receive explanations on the subject of complaints made by officers who have been adverted to in that Report, and to inquire into all the circumstances connected therewith.

THE EARL OF HARDWICKE: I think the step now taken by Her Majesty's Government is one which ought to have been taken long ago. In my opinion, the moment that Report was in the hands of the Commander in Chief the natural and proper course for him to have pursued was to order a court of inquiry into the conduct of the officers who have been alluded to. I think the situation in which those officers have been placed is one of great pain and difficulty. They have been obliged to bear the obloquy of public opinion, and to redress their own grievances with their own hands in the public prints—a course which I think is derogatory to the government of the army, and dangerous to the discipline of the public service. I think the course which should always be pursued in military matters is, that those who enter the military service and place themselves under martial law should receive in return that protection and support to which they were entitled on having yielded themselves to the public service and its severe discipline. These officers are entitled to call for a searching investigation into their conduct, and if that is not granted they should be released by the acts of the public officers from a position so painful. I express no opinion as to the conduct of those officers, or as to matters which occurred in the Crimea, but I have stated the course which generally is and should be pursued in the military service.

LORD PANMURE: I think it would have been as well if the noble Earl had made himself acquainted with the facts of the case before saying that the Government ought to have taken this step long ago. The Government was not in a position to take this step long ago, because they were not in possession of the information to enable them to do so until the 20th of last month. It is very true that the first Report of the Commissioners arrived in this country about the latter end of June last; but it was a bald, naked Report, relating entirely to the Commissariat Department, with one sentence only referring to any military officer, and was unaccompanied by any evidence, and therefore not at all in a condition for the Government to act upon. The second and main portion of the Report, together with the evidence, was only placed in my hands in print on the 20th of January. The Commission was appointed under very peculiar circumstances by the Government, in order to collect information as to the state of the army and the supplies of food and forage. The House of Commons and your Lordships were informed at the time that the Government relied very much on the information received by those Commissioners to counteract the state of things then existing; and, altogether, the manner in which the Commission was appointed, and the manner in which it was announced, led the public justly to expect that the Report of the Commissioners, as well as the evidence, would be laid in full before them. I have laid that Report and the evidence in its integrity before the public; and now, if certain officers find themselves aggrieved by the Report of the Commissioners, it is no fault of mine if some of those officers who find their conduct impugned should think their position would be most improved by publishing their defences immediately. I do not think they have done either harm or good by so doing; but a board of general officers, totally unconnected with affairs in the Crimea, has been appointed to inquire into the allegations of the Commissioners' Report, and to hear the defences, or, I should rather say, the explanations, of those officers who conceive themselves aggrieved by that Report. I shall carefully abstain from giving any opinion as to those allegations, but the Government consider they have taken a proper course in instituting the inquiry which I have announced as about to take place.

THE EARL OF ELLENBOROUGH: Are these general officers to examine witnesses?

LORD PANMURE: Yes.

THE EARL OF ELLENBOROUGH: Some of the witnesses examined by the first Commission may be still in the Crimea. The Report will be very unsatisfactory if it is not accompanied by the evidence of the same witnesses in the former Report.

LORD PANMURE: These general officers will have the same power of taking evidence, and satisfying themselves upon the matters adverted to, as the Commissioners in the Crimea had.

EARL GREY: I cannot help thinking this is a subject of great importance, and that it is very unfortunate that it has been brought before the House in this incidental manner. I am extremely sorry to hear the statement which has just been made, because I cannot help fearing that it will be a very irregular proceeding, and may lead to very serious consequences. A Commission of Inquiry is about to be appointed. Now, I hope the objects of that Commission will be clearly defined. I understand a Committee of Inquiry where there are specific and distinct charges against officers for having acted improperly, as was alleged at the Convention of Cintra; but, as far as I am aware, there is no charge against officers serving in the Crimea, except that they have failed in evincing the energy and judgment in the performance of their duty which they ought to have exhibited. I believe no one has imputed to these officers any intentional fault. Surely it will be a very vague and difficult inquiry whether more or less skill, more or less judgment, or more or less energy has been displayed. For my part, I think the proceeding is altogether unprecedented, and liable to lead to dangerous results. It seems to me this difficulty has arisen from a very unfortunate mistake. My noble Friend has stated that the complete Report of the Commissioners did not reach his hands till the 20th of January. Then, I say, it is to be regretted that it was laid so soon before Parliament. As far as I have had any experience of the mode in which the Government deals with Reports of important Commissions, the course has invariably been this:—When the Report is received Her Majesty's Government carefully consider whether the inquiry is complete and satisfactory, or whether further inquiry is necessary; and, if it be complete and satisfactory, what steps ought to be taken upon it. In laying the Report of a Commission before Parliament, it is usual to declare what judgment Her Majesty's Government have formed on that Report, and what course they propose to adopt in consequence. But, my Lords, we are now placed in a very embarrassing position. This Report has been immediately published although my noble Friend admits that it appears to bear hardly on certain officers.

LORD PANMURE: I did not say that.

EARL GREY: My noble Friend says he did not say that. There is some reason for further inquiry. Either the Report bears hardly upon certain officers, or they have not had sufficient opportunity of explanation. Well, then, I say, in justice to those officers, if there be anything in this Report reflecting on them, upon which they ought to be heard, the opportunity of explanation should have been given before the Report was produced, and before an *ex-parte* statement, as it must be taken to be, was laid before Parliament. I say, also, it is a reflection upon the Commissioners, after their Report has been made public, to make it the subject of further inquiry. The appointment of a new Court of Inquiry implies that Her Majesty's Government, who selected these Commissioners, are not satisfied with the manner in which they have performed their duties. I am not able to express an opinion whether further inquiry is necessary. I have read the Report, but not the evidence which accompanied it. I should, therefore, be sorry to express an opinion; but I do say, if further investigation is necessary, the Report should have been withheld until that further investigation was completed.

EARL GRANVILLE: I think the points raised by the noble Earl are three. He objects to the course taken by the Government, first, because it is without precedent; secondly, because it is hard upon the officers to institute inquiry without specific charges being alleged; and, thirdly, because the Government were bound either to make their opinion known, or to withhold the Report until further investigation had taken place. With regard to the first point, the want of precedent, I believe the course adopted is in strict conformity with the inquiry which was instituted after the Convention of Cintra. With regard to the hardship of calling upon officers to answer charges, not specific, that might be properly urged against proceedings by court-martial; but the chief object of this Court of Inquiry is to enable certain officers to relieve themselves of imputations which they consider are cast upon them without proof. With regard to the Government withholding the Report, the public would have felt aggrieved if such information as the Report contained had been longer withheld; and, in fact, the Government has acted upon the Report, as far as remedying certain evils connected with the Commissariat. The Government has not only acted consistently with precedent, but with fairness to the officers themselves, in instituting this course of inquiry, before which they will have the opportunity of making those explanations which they may think due to their own characters.

LORD BROUGHAM: I see great difficulty in this proceeding, and wish to call the particular attention of your Lordships to what has been stated by the noble Earl near me (the Earl of Ellenborough). Here is a proceeding in the nature of an appeal from the Report of Commissioners upon certain facts into which they have inquired by the examination of evidence, chiefly, if not entirely, obtained upon the spot. There is dissatisfaction expressed by some parties or others with the result of the inquiry as contained in that Report, and this dissatisfaction gives rise to the appointment of a Board of General Officers, who are to review the proceedings before the Commissioners, to take into consideration their Report and the evidence on which it is founded, and to pronounce their opinion by a second Report upon the same subject, either confirming, differing from, or altering the judgment of the two Commissioners. But, unfortunately, as my noble Friend states, the Board of General Officers must rely on totally different evidence, because they are not, I suppose, to go out to the East, for the purpose of examining witnesses there, as was done by the original Commissioners. They are to examine witnesses here. My noble Friend the President of the Council reminds us of proceedings after the Convention of Cintra, and thinks that a good answer to those who say there are no formal charges which the Board of Officers can investigate. But, in the case of the inquiry after the Convention of Cintra, which was instituted because of the general discontent in the country, there had been no previous inquiry, no previous decision, no report come to by other authorities. It was not at all in the nature of an appeal, or review of a former proceeding. It was an original proceeding by which inquiry was first made whether all had been done which ought to have been done—whether the Convention of Cintra ought to be approved—and whether the conduct of persons before and in that Convention ought to be sanctioned. If an inquiry had been instituted on the spot—at Cintra, or at Lisbon, or anywhere in Portugal—if that inquiry had led to the examination of witnesses, and had given rise to a Report, and that Report, being objected to, had been sent to a Board of General Officers to review, the cases would have been somewhat parallel. But, as the facts stand, it seems to me there is no similarity between them. I see that the greatest possible difficulty and disadvantage will be sure to arise in this inquiry from one body—the two gentlemen sent out to the Crimea—examining one class of witnesses and the Board of General Officers examining another. You may have a few witnesses here, a few heads of departments, but, generally speaking, the bulk of the evidence will be entirely hearsay.

COMMITTEE FOR PRIVILEGES—THE WENSLEYDALE PEERAGE.

Committee for Privileges on the Copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life.

HENRY JAMES SHARPE, Esquire, was again called in, and further examined as follows—

Do you produce from the Rolls Chapel the Patent Rolls of the Fourth of James the First?

I do (producing the same).

Do you find there a Patent creating Lord Haye a Peer for Life?

I do.

Have you an examined Copy of it?

I have (producing the same).

The same was delivered in.

Do you produce also the Patent Rolls of the Thirteenth of James the First?

I do (producing the same).

Do you find there a Patent creating Lord Haye to be Baron Haye of Sawley, with Succession to his Heirs Male?

I do.

Have you an examined Copy of it?

I have (producing the same).

The same was delivered in.

Do you produce also the Patent Rolls of the Thirty-fifth of Henry the Eighth?

I do (producing the same).

Do you find there Two Patents creating Lord Thomond?

I do.

Have you examined Copies of them?

I have (producing the same).

The same were delivered in.

The witness was directed to withdraw.

Documents ordered to be *printed,* and *referred* to the said Committee.

ARMY ADMINISTRATION — THE COMMANDER IN CHIEF AND THE SECRETARY FOR WAR—MOTION FOR PAPERS.

THE EARL OF DERBY: My Lords, the short and somewhat irregular, but not unimportant, conversation which has just taken place seems to furnish an additional reason for putting to Her Majesty's Government the question of which I have given notice—a question which I trust Her Majesty's Government will have no difficulty in answering, and which I hope your Lordships will not think inappropriate in point of time, unimportant in relation to the public service, or ill-timed with regard to the recent changes in the department to which it refers. I need hardly say that, when two departments are in the slightest degree connected, two things are absolutely essential to the due administration of the public service, and without which it is quite clear the public service must sustain serious injury. First the duties of the two departments should be so distinctly and clearly defined, their responsibilities so ascertained, and the limits of their authority so clearly set forth, that there can be no possible conflict of authority between the two departments in matters which relate to both. And, next, in carrying on the business of those departments there should be a mutual desire on the part of the heads of each to facilitate that business by carefully avoiding encroaching either on the authority of the other, while at the same time they should be prepared on all occasions, to afford every assistance in performing their joint public duties. I need hardly say, also, that the necessity for these two provisions becomes greater and more absolute in proportion as any two departments are brought into habitual and daily contact. In proportion as business intermingled one with the other brings them into constant conference ought their relations to be of a more confidential and unreserved character.

I need hardly remind your Lordships that in the course of last year, shortly after the appointment of a Secretary of State for the War Department, and during the transition which was taking place in regard to the constitution of the militia from regiments being embodied, very considerable inconvenience to the service arose out of contradictory orders as to furloughs proceeding from the Secretary of State for the War Department and the Secretary of State for the Home Department. The militia generally being under the direction of the Home Office, but in process of embodiment becoming a *quasi* military force under the Secretary of State for the War Department, instances occurred in which confusion and inconvenience arose from the respective authorities of those departments not being clearly defined. It is also impossible to have read through the Parliamentary papers relating to the operations of the army in the Crimea without seeing that much of the distress and suffering of that army might have been avoided and mitigated, if there had been, in the first place, on the part of certain departments a greater readiness to take upon themselves an amount of responsibility beyond the strict and actual limit of their own sphere of duty upon any public emergency and for the purpose of co-operating with other departments; and that, on the other hand, difficulties arose and inconveniences were increased, from there being at some times considerable doubt in whose department a certain service lay which was essentially necessary for carrying on the operations of the army. I mention this only as an illustration of the general principle of the importance of a thorough understanding as to the respective duties and responsibilities of departments which have to act together; and I am sure my noble Friend at the head of the War Department will agree with me that if there are two departments whose joint action and co-operation are more important than any other, because of their more frequent and constant intercommunication, it is the two offices over one of which he presides and the other presided over by my noble and gallant Friend the Commander in Chief. The office of the Secretary for the War Department is one which your Lordships are aware in its present form is of very recent introduction; and when it was first proposed to separate the duties of that Department from those of the Colonial Secretary, I endeavoured—but I am sorry to say endeavoured in vain—to ascertain from the noble Earl then at the head of the Government (the Earl of Aberdeen), whom I see now in his place, what were to be the precise functions to be given to the Secretary for War. I could get no answer, except that they were to be the same duties which had been performed by the Colonial Secretary; or, at all events, I could get none but negative answers. The Secretary for the War Department was not to interfere with the patronage, he was not to interfere with the discipline, he was not to interfere with the promotions of the army; he was not to interfere with the militia; he was not to have anything to do with the Ordnance;—in short, the answers I received formed a succession of negations as to the duties to be performed by the War Minister in his new office. My Lords, I had for some time myself the honour of filling the office of Colonial Secretary—never at a time of war—except (and that is hardly an exception) during a very short period at the time of the expedition against China, when, in giving the necessary orders and making the necessary arrangements, I received most valuable assistance from my noble Friend above me (the Earl of Ellenborough), who was then about to set out for the assumption of the Government of India, from which part of the world the forces were to be sent out, and from which the operations were in a great measure to be conducted. But with regard to the ordinary military duties of the Colonial Secretary—and in this I am sure I shall be borne out by the experience of those who have filled that office—all I can say is, that they were of the most trivial and most insignificant description. They consisted, in the first place, in signing warrants for commissions for any officers who might happen to be in the Colonies; next, in taking the Queen's pleasure with regard to the decoration of the Order of the Bath when it was proposed to confer it upon any officer in the service, which was always done upon the recommendation of the head of the department to which the officer might belong—of the Commander in Chief with regard to the army, of the First Lord of the Admiralty as to the navy, and of the President of the Board of Control with regard to the Company's service. The only real business,—and that I must say was the least satisfactory of any I had to do with—was the correspondence generally of rather a protracted and dilatory character, which took place between the Governors of colonies, the Treasury, the Board of Ordnance, and the Colonial Secretary, whenever it happened that any arrangements were to be made with regard to barracks and other buildings in the Colonies. That was the only military business which the department had to perform, and, as I said before, it was most unsatisfactorily conducted. I do not at all mean to say that in a time of war the duties are of an unimportant or trivial character. On the contrary, they are of such importance and magnitude as well-nigh to overwhelm any man, however great his abilities, and however unceasing his attention. For the time he must be, with reference to military operations abroad, supreme over all. He must be responsible to the Crown and the country for the due conduct of the war. He is responsible, in common, no doubt, with the Cabinet of which he is a Member, for the selection of officers to command in chief, and (I must presume also) he is to a considerable degree responsible for the selection of officers to hold important commands under them. He must have entire control over the operations, as bearing upon the war, of the Commander of the Forces, of the Admiralty (although that department is presided over by another Cabinet Minister), of the Commissariat, of the Transport Board, and even of the Treasury itself—all these must be to a certain extent superintended by him, and it is his duty to combine and concert together the various powers and authorities of all those different departments in such a manner as to conduce to the proper management of the military operations of this country. Therefore, my Lords, I say that in time of war the duties of the Secretary for War are of such an exceptional character, that he may almost be considered for that time as a dictator, even over his colleagues, and there is no amount of power, and at the same time no amount of responsibility, which may not and ought not to devolve upon him with reference to the conduct of the war. But the question to which I am calling your Lordships' attention is not the exceptional case of a state of war, but the ordinary relations which are to be understood as subsisting between the Secretary of State for War and the Commander in Chief. I should say, however, that since the former office has been established there has been another change made which has, no doubt, considerably altered the position and increased the duties of the Secretary of State for the War Department. Upon him has been thrown the duties formerly performed by the Secretary at War, the consequence of which is that he has now to exercise the control formerly exercised by that Minister over the financial affairs of the army, and, indeed, a control in matters of expenditure over all the military departments. That, however, is merely a transfer of authority from the Secretary at War—who is sometimes, though not always, a Cabinet Minister—to the Secretary for War, who is invariably a Cabinet Minister; but the relation in which the latter official stands to the Commander in Chief is in no degree different from the relation in which the Secretary at War stood under the former arragement. There has been another alteration—the abolition of the office of Master-General of the Ordnance. What arrangements have been made with regard to that office, I confess, I am not practically acquainted with; but I apprehend that the principle upon which such a change was effected (I am sure it was so announced at the time) was to transfer to the Commander in Chief the same control over the Ordnance as he had previously exercised over the rest of the army. Therefore, my Lords, I wish to be informed whether the distinction which I understood to prevail in the first instance is still maintained and rigidly acted upon—namely, that with regard to the discipline, the patronage, the promotions of the army, and consequently, also, of the Ordnance, the whole sole and absolute authority rests with the Commander in Chief, uninterfered with by the co-ordinate authority of the Secretary for War? That is a principle which I think it important should not be for a moment in doubt, so that, in point of fact, we should know to whom for support, protection, and promotion the officers of the army are to look—whether to the Queen's Commander in Chief or to the Secretary for War, who is responsible not alone to the Crown, but also to Parliament? When I state this, do not let me be misunderstood so far as to say that either the Commander in Chief or any other person can be free from the responsibility which misconduct or mismanagement in his high office would expose him to in the opinion of Parliament. There can be no office where malversation or misconduct can fitly or properly be withdrawn from the cognisance of this or the other House of Parliament; but that is a very different case from the constant daily superintendence of Parliament, and the interference of a Minister responsible to Parliament for the ordinary execution of the duties of his department. Therefore, my Lords, the first point which I wish to have distinctly decided is whether, as in former times, with regard to the patronage, the first introduction into the army, the subsequent promotion, the conferring of honours and distinctions, the movement of troops, and the appointment of foreign garrisons, the authority rests now, and indisputably rests, with the Commander in Chief, and not with the Secretary for War.

There is another class of cases in which I desire to know where the authority rests, or how it is divided. Suppose it is intended to increase or to alter in any way the fortifications of this country or of the Colonies, and to erect new works, whether for defence or for the accommodation of troops—no doubt over all these points the Secretary for War exercises that financial control which is inseparable from his office, and any plans for the erection of such works must of course receive his concurrence in a financial point of view. But I wish to know whether in all these cases it is distinctly understood that the initiative rests with the Commander in Chief—that he sees and approves the plans proposed—that to him the Inspector General of Fortifications makes his report—that to him the Director General of Artillery would make his report—and that he subsequently receives the financial assent of the Secretary for War for those works which, in his military capacity, he judges to be of national importance.

There is another subject upon which I should wish to know how the matter stands—namely, with regard to the bestowal of honours for service in the field. I believe that the usual course is, that recommendations for every distinction proceed from the officer commanding upon the spot; that those recommendations are made to the Commander in Chief, and, having received the sanction of his authority, are forwarded to the Secretary of State for War, by whom the pleasure of the Crown is signified. Now, I wish to know from Her Majesty's Government whether the Commander in Chief may be presumed to exercise his own discretion, acting upon his own responsibility, as to complying with all the recommendations he may receive, and rejecting the claims of some officers, and including others not recommended by the commander on the spot? I wish also to know, if it is competent for the Secretary of State for War, on his own responsibility, to disregard the recommendations received from the immediate commander, even if they have subsequently received the sanction of the Commander in Chief, and whether there have been any instances in which the Secretary of State for War has considered himself at liberty to reject the recommendation of the Commander in Chief, or to confer distinctions upon officers who have not been recommended either from the Crimea, or by my noble Friend the Commander in Chief.

I hope that your Lordships will not consider that I am entering too much into detail, because the subject is one upon which considerable doubt and uncertainty exist in the public mind, and it is of the utmost importance that we should have an express declaration from Her Majesty's Government with regard to it. I believe that in the year 1812 some document was drawn up which distinctly laid down the limits of the authority which could be exercised by the Commander in Chief and the Secretary of State; but at the present moment great uncertainty exists upon the subject. With regard to appointments to foreign stations, does the selection of officers rest with the Commander in Chief or with the Secretary of State? A distinction may be drawn between honours given and offices conferred upon officers for distinguished services, and what I wish to know is whether those distinctions are conferred upon the single and undivided responsibility of the Commander in Chief, or whether that responsibility is shared by the Secretary of State for War? With regard to the appointment of officers to permanent situations, such as those of the Quartermaster General and Adjutant General, I wish to know whether those appointments are made by the Commander in Chief acting independently of the Secretary of State, or whether the sanction of the Secretary of State is necessary, and whether he has the power, upon disapproval of the recommendation of the Commander in Chief, to interpose his authority, and to prevent the appointment recommended being carried into effect? This subject, my Lords, is not very remote from one which has already been a subject of conversation at an earlier period of the evening. In the last few months, two appointments have been made, with regard to which great discussion has taken place, and much misunderstanding prevails—I allude to the appointment of a noble and gallant Friend of mine, whom I see near me (the Earl of Cardigan) to the office of Inspector General of Cavalry, and that of a gallant officer with whom I have not the honour of being acquainted—I mean Sir Richard Airey—to that of Quartermaster General. The appointment of my noble Friend took place in January, 1855, and it was made, as I have understood, by my noble Friend the Commander in Chief, upon the strong recommendation of the noble Duke who was at that time Secretary of State for War, and the appointment of Sir R. Airey to the office of Quartermaster took place in December last. Now, my Lords, I see that many attempts have been made, in the first place, to impugn the propriety of those appointments; and, in the next place, to throw the undivided responsibility of them upon my noble Friend the Commander in Chief; and I now wish to be informed whether the responsibility of those appointments, be they good or be they bad—and upon that point I shall not say a word—rests exclusively with my noble Friend the Commander in Chief, or whether they are appointments over which the Government can exercise any influence? for, if they are so, the noble Lord the Secretary of State for War must be prepared to take his full share of responsibility in regard to them. The appointment of Sir Richard Airey to the position of Quartermaster General not unnaturally brings me to that which a short time ago we were discussing, I mean the report of the Crimean Commissioners, which has been laid upon the table of your Lordships' House, and which impugns the conduct of certain officers who held high positions in the army of the Crimea. I entirely concur with what has fallen from a noble Earl opposite (Earl Grey) with regard to that Report, for I think that, unless Her Majesty's Government were prepared to adopt that Report, they were bound, in justice to the officers whose conduct has been impugned, to abstain from laying that Report before Parliament until they had afforded them full opportunity of being heard, and of making their cases known to the country. I think that, in consequence of the Government not having adopted that course, serious injury has been done, not only to those officers themselves, but to the service generally, and the Government are placed in a position of great difficulty as regards rectifying the serious error into which they have fallen by the premature publication of the Report. If, however, a statement concerning the duties of the Commander in Chief which I have heard be true, there is another point which has a more immediate bearing upon the subject which we are now discussing. I should wish, my Lords, to be informed whether or not the theory be correct that the Commander in Chief is the guardian of the character of the officers of the army? It is to him that those officers look for protection, for praise, and promotion—from him that censure proceeds; and if it be true—and I shall believe it to be true until I hear the reverse from my noble Friend the Commander in Chief, who I hope will speak out upon the present occasion—that my noble Friend never saw the Report of the Commissioners, although it was received in June last, until it was laid upon your Lordships' table; then, I must say, that withholding that Report from my noble and gallant Friend was an act of injustice to him. That point alone, affecting as it does the public service of the country, affords sufficient reason for my putting these questions to Her Majesty's Government. Such is the statement, and I shall rejoice to hear it contradicted. The noble Lord the Secretary for War says that the first Report, received in June last, was a meagre document, and contained only general statements referring to the Commissariat Department; but the noble Lord cannot have forgotten that in that Report serious charges of neglect in the management of the cavalry were made against my noble Friend (the Earl of Cardigan). In that Report it is stated that—

> "When the supply began to fail the Commissariat officer (Deputy Assistant Commissary General Cruikshanks) referred to, who appears to have done everything in his power to meet the difficulties of the case, proposed, as he knew there was plenty of barley at Balaklava, that if a detachment of the horses was allowed to go down daily he would engage to bring up enough for the rest of the brigade. This proposition appears to have been brought specially under the notice of Lord Cardigan by Lieutenant Colonel Mayow, Assistant Quartermaster General of Cavalry, who states that his Lordship declined to accede to it, as he had previously done when a similar proposition was made to him to send the horses down for hay before that supply failed."

LORD PANMURE: That is all they say.

THE EARL OF DERBY: But I do not think that the noble Lord the Secretary for War will contend that that passage does not impugn the conduct of an officer of high rank in the army, or that more especially when it concerned the salvation of the troops, it was not a fitting subject for him, as Secretary of State, to communicate with the Commander in Chief. I was astonished that the Government, having that document in its possession, did not call upon the officer whose conduct was impugned for that explanation which in the Crimea he had no opportunity of affording. I say, my Lords, that although the duties of the Secretary for War should be clear and distinct, and that there should be no question as to the authority and jurisdiction of one department or the other, yet it is essential, for the good of the public service, that no communication of importance which bears upon discipline or the character and conduct of officers of the army should be withheld, for one moment, from the knowledge of the Commander in Chief, who is responsible for the character and conduct of those officers. It is clear that the Commander in Chief never can properly perform his duty of superintending the conduct of the army if documents of a character such as that to which I am referring are withheld from him for months, and only are first brought under his notice when they are laid upon your Lordships' table.

My Lords, I do not know how I can add anything to what I have already stated. I have not entered into any details, because, not being a military man, I am by no means conversant with that part of the subject; but I may say that I am afraid that considerable confusion has been occasioned by the late changes which have taken place, more especially with regard to the Board of Ordnance; and that the breaking up of that office has not been accompanied with such a complete regulation of the respective duties of all the officers as might have been desired; and that there is, consequently, considerable uncertainty among subordinates as to whom they are to make their statements, and from whom they are to receive their orders. I shall be glad to hear from the noble Lord opposite a distinct statement of his views of the mutual responsibilities and duties of himself and the Commander in Chief; or, it would be still more satisfactory, if he would lay on the table any such document as that to which I have referred, and for which I have moved as a matter of form, which would set forth those relative duties. I think that such a document ought to exist. I think that no such extensive change in the distribution of duties as has taken place ought to be made without our having upon record, in the most complete and authentic form, a declaration of the new duties which may be created, and of those which may be transferred to other bodies. Such a document might well be embodied in an Order in Council; and, if that has not been done, I think that it ought to have been done. If there should be such a document in existence, I am sure that the noble Lord opposite will have no objection to produce it. If it do not exist, I think that it is a matter for the serious consideration of the Government whether such a distinct order should not be made, and whether there should not be such a declaration, in writing, of the duties of the two departments as shall prevent, so far as it is possible to prevent, that which I am afraid is only too likely to occur—some conflict of authority, mutual jealousies, and mutual differences, and which, undoubtedly, cannot occur without serious injury to the public service. I beg, therefore, to put the question of which I have given notice; and, at the same time, to move for the document to which I have referred.

Moved—"That an humble Address be presented to Her Majesty, for a Copy of any Document in which the respective Duties and Responsibilities of the Secretary of State for the War Department, and the Commander in Chief of Her Majesty's Forces are limited and defined."

Lord PANMURE: My Lords, the question of which the noble Earl gave notice has now resolved itself into four or five distinct inquiries. I do not, however, complain of that, and will endeavour to answer them as I best may. Dismissing for a moment the important questions—and I admit none can be more so—with respect to the relative duties of the Secretary of State for War and the Commander in Chief, I will advert to the last question put by the noble Earl, and which bears upon the Report which has been made by the Commissioners. The noble Earl stated that there was a rumour that the first Report which was made by the Commissioners, and which was sent me at the latter end of June, was not placed by me in the hands of the Commander in Chief. Undoubtedly that Report was not placed by me officially in the hands of the Commander in Chief. The noble Earl, I observe, exhibits marks of surprise at the announcement; but I think when the nature of that Report is considered, the noble Earl will see that it is a matter which need not greatly excite his surprise; for I will ask him to read that Report through, and point out to me, with the exception of the single sentence to which he has alluded, referring to the noble and gallant Earl opposite (the Earl of Cardigan), one word which refers to any single department over which the Commander in Chief has any control, or for which he is responsible in any manner. Under these circumstances, I think it need hardly be a matter of wonder that I did not think it necessary to trouble my noble and gallant Friend with the Report; and in the only sentence quoted, all that is alleged is that the commander of the cavalry being asked to send some of his horses down to Balaklava, refused. Why, my Lords, he might have had the very best possible reasons for refusing. It must be remembered, too, that there was no accompanying evidence to the Report—that it was a naked Report, from which no judicial conclusion could be drawn. So that even had that sentence been submitted to the Commander in Chief, how could he have dealt with it except by asking a personal explanation, and receiving an *ex-parte* statement from the noble and gallant Earl? I did not for those reasons refer it. The other Report, which was accompanied by the evidence, was placed in my hands for the first time on the 20th of January. It took me a few days to go over the Report and the evidence; and according to my feeling of the engagement which I entered into with Parliament and with the country when I sent out that commission, I conceived that it was my duty—without binding myself to statements impugning the conduct of officers referred to in that Report—to place it before the public at the earliest possible opportunity. I did so, my Lords; I presented it on the third day after Parliament met; and the first printed copy which I saw, with the exception of the proof, was delivered to me after it had been presented to Parliament. I considered that I was bound by good faith to Parliament and the public to present it immediately; and if in doing so I have committed any error, I am willing to take on myself the entire responsibility of it.

My Lords, having stated thus much on this question, I come now to one of far greater magnitude and far greater importance, which the noble Earl has put—

namely, what are the relative positions of the Secretary of State for War and the Commander in Chief? In doing this the noble Earl has opened up a wide subject, and one which at the present moment is attracting the attention of the public out of doors. I did not wish to anticipate the discussion which must arise when we shall have to deal effectually and openly with the whole of these questions in Parliament; but the noble Earl's reference to-night to the subject leaves me no alternative but to state one of two cases, and to avow openly and honestly whether Her Majesty's Government are prepared to abandon the present system as it exists, or whether we will maintain it in its integrity as it now stands. Now, in considering the relative positions of the Secretary of State and the Commander in Chief, I think it will be necessary first of all to make a slight reference to the administration of the military departments when they were separate. My Lords, with respect to the conduct of military affairs by Her Majesty's servants at that time, the Secretary of State for the Colonial and War Department exercised those influences and those powers over the administration of the army which have since been transferred to the Secretary of State for War. Your Lordships are aware that that minister was the Secretary of State for War as well as for the Colonies. His duties I will not recapitulate, because you will find them clearly laid down in the very able Report of the Commission, issued in 1837, over which my noble Friend behind me presided. It was the duty of the Secretary of State for the Colonies, among other things, to take Her Majesty's pleasure as to the establishments of the army, and having done so, to convey the orders to the Commander in Chief. It was his duty also to control all that related to the movement of troops in the Colonies under his charge. If certain troops were required by certain colonies, he it was who intimated the fact to the Commander in Chief, and the Commander in Chief carried his wishes into effect. It was his duty to sign commissions for all officers proceeding abroad; and it was further his duty to submit to the Sovereign the names of those officers who were recommended by the Commander in Chief for honours. Such is a brief review of the duties of the Secretary for War and the Colonies as they formerly existed. I think that the noble Earl opposite has somewhat confounded these duties relating to fortifications abroad with certain others. With respect to fortifications in the Colonies, the noble Earl does not seem clearly to have comprehended what the duties of Colonial Secretary were. If fortifications were required in any particular colony, he not only had the financial control of the amount to be expended on those fortifications, but if they were recommended to him by the Master General of the Ordnance, it was presumed that he had consulted his own officer, the Inspector General of Fortifications; and then the Secretary of State was to be the judge of the necessity, and to be responsible to Parliament for the erection of the fortification as well as the proper expenditure of the money. Parliament might vote for the purpose. If a fortification were erected in a position where it should turn out to be useless; if the design were bad, or the situation an improper one, then the responsibility rested upon the shoulders of the Secretary of State. Then, again, with reference to the Secretary of State of the Home Department:—he too had, in his capacity of Secretary of State, a certain control over the Commander in Chief. He conveyed to the Commander in Chief his pleasure as to where troops should be stationed at home, whether in one district or another, forming his judgment on the information he received as to where the necessity most existed. He signed all commissions, of officers appointed to commissions, or promoted at home, and in some other matters he exercised authority coordinately with the Commander in Chief. Now all these powers were transferred to the new Secretary of State for the War Department. It is his duty to communicate with the Commander in Chief as to the stations of the troops that are quartered either at home or abroad, unless some sudden emergency should arise which would render it necessary either for the Colonial Secretary, or the Home Secretary, to order the movement of troops, when it would be their duty at once to communicate with the Commander in Chief, without calling for the interposition of the Secretary of State for War. My Lords, the duties of the Commander in Chief were formerly such as the noble Earl has very accurately described to your Lordships. It was the business of the Commander in Chief to conduct the discipline of the army. It was his business also to administer all the appointments and promotions in the army, taking the pleasure of the Crown upon the subject of those appointments and promotions. But I must not omit, my Lords, to state at the same time, that in respect to all appointments to the higher commands, and all the higher promotions in the army, it always was, and it still is, the practice of the Commander in Chief, before making any of those appointments, or submitting them to the Sovereign, to consult with and to obtain the sanction of the Secretary of War. Hence in all appointments and promotions of any importance the Secretary of State shares, if indeed he does not take the greater part of, the responsibility attaching to them by sanctioning their being formally submitted to the Sovereign by the Commander in Chief. I may as well, perhaps, allude here to the question of those recent appointments to which the noble Earl opposite has directed your Lordships' attention—I mean the appointment of my noble Friend opposite (the Earl of Cardigan) to the office of Inspector General of Cavalry, and the appointment of Sir Richard Airey to the office of Quartermaster General of the Army. For both these appointments, whatever may have been stated to the contrary, it is a mistake to say that I am not as responsible as my noble Friend the Commander in Chief; and I shall be quite ready, when the proper time comes, to offer such a defence of them as will, I hope, prove satisfactory to your Lordships.

So much for the past relations between the Secretary of State and the Commander in Chief. I shall now pass to a consideration of the relations which have been established between them since the creation of a Secretary of State for War. When that office had first been constituted, there was no intention, I believe, of carrying the duties attached to it further than to provide for the transference to the Secretary for War of all the powers relating to the army previously vested in the other Secretaries of State. It was considered that the exercise of those powers would afford ample employment to the new War Minister. But in stating what the duties of the Secretary of State for War and the Colonies formerly were, I have omitted one of the highest importance, which was likewise transferred to the new Minister. On all occasions of foreign war it was the duty of the Secretary of State for the Colonies to conduct the correspondence with the generals commanding the troops abroad, who all took their orders directly from him. So completely indeed was the commander of the forces abroad under the direction of the Secretary of State that he did not correspond with the Commander in Chief at all. It is quite true, as stated by the noble Earl, that it was found from the very commencement of the war that difficulties and confusion arose in consequence of the collisions which took place between different departments, all conducting different branches of the military administration. At that time the Commissariat was under the direction of the Treasury; the Ordnance was a distinct department in itself; and the Secretary of State for War and the Secretary at War were two distinct and separate offices. Soon after my appointment as Secretary for War—having been formerly six years Secretary at War—I saw no difficulty whatever in combining that office with the office of Secretary of State; and before long I found from experience, that it was absolutely necessary to place the Ordnance Department, so far as the civil duties were concerned—the branches of stores, supplies, contracts, and manufactures—under the entire and sole control of the Minister for War; and so strong were my convictions upon those points, that even in the midst of war, at a time when great changes could not be made without considerable inconvenience, I deemed it indispensable that those additional branches of military service should be brought within my immediate jurisdiction. Now, therefore, all the civil departments of the army—all that relates to the Ordnance Department—all that relates to the clothing of the army—all that relates to the storekeeper's department—all that relates to the department which superintends the contracts for the supply of the army, and all that relates to the manufacture of those supplies, are under the control of the Secretary of State for War. And I may add, that since that control has been committed to my hands I have been enabled, with the assistance of the gentlemen connected with each separate branch, to secure for the British army abroad full and abundant supplies, not only of all the *matériel* of war, but also such supplies of the necessaries and even comforts of life as must render the condition of that army during the summer, and the condition in which it now is, matter of deep gratification to your Lordships and the country at large. After all the civil departments of the army had been brought under one and the same control, I took care that all the military departments should be placed in their proper relative positions; and the result of the important changes that have been accomplished in that latter direction is, that now for the first time the Commander in Chief of the British army is commander, in fact as well as in name, of every arm in the service—of the Artillery and the Engineers, not less than of the Cavalry and the troops of the Line. In carrying out those extensive reforms, it was impossible to lay down on paper any rules which should establish a distinct line of demarcation applicable to every case between the civil and military departments of the service. It is true, as the noble Earl has said, that an attempt was made to lay down some such line of demarcation in a paper drawn up in the year 1812. A very long controversy had at that time arisen between the then Secretary at War and the Commander in Chief. I have read at the War Office the correspondence through which that controversy was conducted, and I may observe that I have found therein exhibited on the part of a noble Friend of mine, who then occupied the office of Secretary at War (Viscount Palmerston), that talent which has since so signally developed itself, and which has been productive of so much benefit to his country. So warm, however, became the controversy between the two functionaries, with regard to their respective jurisdictions, that the difficulty was solved by an Order in Council in the year 1812, which laid down to a certain extent a very broad line of demarcation between the War Office and the Horse Guards; and that line of demarcation has been observed ever since. But the line is not rigidly defined, and it was quite impossible that the Order in Council should draw a distinction in all respects because questions arise every day in which points of discipline and points of administration are so nicely mixed up, that it would be utterly out of the power of any man, however skilful, to determine precisely where the one jurisdiction should commence, and where the other should end. Many of these questions are settled by means of private communications between my noble Friend the Commander in Chief and myself, as similar questions had been settled at a former period between the Duke of Wellington and me, when I was Seecretary at War. Those questions are settled amicably between the two departments; and I cannot conceive that any such rupture can arise between the Commander in Chief and the Secretary for War as could lead to the necessity of having recourse to that appeal to the First Lord of the Treasury provided in the document of 1812—an appeal to the First Lord of the Treasury, or to the Chancellor of the Exchequer, or to one of the Secretaries of State. But it is impossible that some difficulty should not occasionally arise in drawing the line of demarcation between the two offices. For instance, that difficulty presented itself in the very case of an Inspector General of Fortifications to which the noble Earl has referred, for an Inspector of Fortifications has civil as well as military duties to perform—civil duties in the erection of barracks, and military duties in the erection of places of mere defence. How is it possible to distinguish accurately between them? Under these circumstances it appears to me, that to attempt to lay down by any definition a strict line of demarcation between civil and military duties in the management of the army, would only be to attempt to frame a rule which must be revised from day to day; nay, from hour to hour.

Then, my Lords, with regard to the patronage of all those civil departments which have been placed under my charge as Secretary of State for War, it is extremely large, and if administered by me would lead to embarrassment. I hold myself responsible for all the appointments to those departments, but I leave many of the details to those gentlemen who have been placed at the head of them. I have the utmost confidence in their discretion. I am satisfied that no man should be introduced into any of the offices of those departments who is not so far fitted for them as to be able to pass the examination required by the Civil Service Commissioners; and I take care that after he has so passed he shall rely for promotion on his merits, and on his merits alone. Such is the state of things with regard to the civil departments of the Secretary for War.

With regard to the present state of the Horse Guards, all that I have to say may be summed up in these few words—that the Commander in Chief still continues to administer the discipline of the army uninterfered with and uncontrolled by the Secretary for War. He still continues to administer the patronage of the army uninterfered with and uncontrolled by the Secretary for War, further than that in all the superior appointments, either regimental or on the staff, the Commander in Chief consults the Secretary for War before he takes the pleasure of the Crown with respect to them; and so far the Minister for War renders himself responsible for the acts of the Commander in Chief. The Secretary for War does not interfere in the first appointments to the army; but at the same time I do not deny that I ought, perhaps, to be considered legally responsible for these appointments; because there is no act of the Commander in Chief, however small or however great, that does not constitutionally come within the revision of my department. That is the present state of these two departments.

My Lords, there is no document such as the noble Earl has moved for to be laid upon the table of the House; and I have already said enough to show that I conceive it would be impossible for me to frame any document which would precisely define the respective duties of the Commander in Chief and of the Secretary for War. But I must say, that in all material points the line of demarcation between the two departments is so great that no necessity can exist for attempting to draw up any such document.

But there remains behind the important question raised by the noble Earl, as to what are the intentions of Her Majesty's Government with respect to the continuance of the present relative powers of the Secretary for War and the Commander in Chief. My Lords, it would be quite useless for us to attempt now to shrink from a consideration of that question. We all know perfectly well that it largely occupies the public mind, and that it is much discussed in the public prints, and that opinions have been formed regarding it in both Houses of Parliament; I believe, therefore, that it is now high time for the army and the country to be made acquainted with the views of Her Majesty's Government upon the subject. Hitherto the Crown has administered the patronage of the army through the Commander in Chief; and through him the Crown has conducted the discipline of the army. But the Crown would not be able either to administer the patronage of the army, or to conduct its discipline, unless Parliament in the first instance granted the money required for the maintenance of the troops, and passed the Mutiny Act, by which they are made amenable to military law. And while Parliament continues to possess the power of voting the supplies for the army, and of passing the Mutiny Act, it is useless to say that its constitutional power over the army is not ample and complete. But you would find that you would have to deal with a different state of circumstances if you were to determine that noble Lords and honourable Gentlemen, as well as officers in the army, should have to look to the Ministry of the day for the introduction of their sons to the service, and for their subsequent promotion while they should continue attached to it. I say that such an arrangement would be as fatal to the efficiency of the army as it would ultimately be unsatisfactory to the people generally of this country. An idea has got abroad that the management of the patronage and discipline of the army is in the hands of an officer not himself directly appointed by Parliament, and, therefore, that in his case no responsibility at all to Parliament exists. There never was a more erroneous impression. An idea has also got abroad that because the patronage of the army is in the hands of an officer in the position of the Commander in Chief, it is exercised unfairly, and even that it is exercised in obedience to some secret influence on the part of the Crown itself; but a greater mistake than this again was never made. It may be, my Lords, that in dealing with this question, I am taking what is at present the unpopular side; but I am quite sure that if I were to advocate a system which should place the patronage of the army in the hands of the Minister of the Crown, we should have Parliament interfering from day to day in the administration of the discipline of the troops. I believe we should thus establish a practice which could not tend to promote the interests of the nation, or to uphold the dignity of the Crown. Therefore, looking at all the circumstances of the case, and convinced as I am from experience that the present system is the one best calculated to give satisfaction in the end, it is my intention to support the authority of the Commander in Chief, and to maintain, as far as I can, the connection which the Crown at present holds through the Commander in Chief with the army. I can see no constitutional objection to that course. None of the Commissions which have inquired into the state of onr military administration have seen their way to the abolition of the office of Commander in Chief. The Commission of the year 1837 stated that they had no intention of altering the relative positions of the Commander in Chief and the civil administration of the army. I see no reason myself to change the opinion I have hitherto always held upon that subject. I must further say that during the period when I had the honour of filling the office of Secretary at War while the Duke of Wellington was Commander in Chief, I never knew that great man to have exercised unfairly the patronage of the army; and having been connected by friendship and by public duties with my noble Friend the present Commander in Chief, I will publicly say that any charge that may have been made against him of mal-administration in dispensing the patronage of the army, is utterly and entirely false as far as my knowledge goes. I know no man to whose hands so great a trust has been committed that has more worthily used it.

I have now answered, I hope with sufficient distinctness, the questions put to me by the noble Earl; and, in conclusion, I will only say that I trust if ever this question is again to be brought under our consideration, your Lordships will carefully deliberate before you determine on increasing the power of the Minister and of diminishing the authority of the Crown over the discipline and patronage of the army, as at present exercised through the Commander in Chief, by altering the relations which now subsist between that high functionary and the Secretary of State for War.

Viscount HARDINGE: My Lords, I wish to say a very few words in consequence of an observation which fell from the noble Earl who spoke at the beginning of this discussion—that he thought the Commander in Chief ought to have taken measures to defend the character of the officers whose conduct had been impugned in the Report of the Commissioners. I did not receive that Report till the 30th January, and so soon as I read it I put myself in communication with my noble Friend behind me (Lord Panmure). To that Report it is not necessary that I should now particularly refer—it was one which placed me in great difficulty—but I may state that I concurred with my noble Friend in thinking that the best mode of meeting the difficulty would be to refer the matter to a Court of Inquiry, similar to that which was appointed in 1808. I may also observe that I desired the Adjutant General to send to my noble and gallant Friends whose conduct had been impugned copies of the Report; and I also desired that the officers whose conduct had been blamed, and who were in this country, and whose evidence might be of importance, should not return to the Crimea till the whole matter had been inquired into, in order that there should be every facility for obtaining the requisite information. I confess that I felt great difficulty with regard to the steps that should be taken in vindication of the officers whose conduct had been impugned. The two members of the Commission are men of undoubted honour and respectability, and I would not venture to take any steps that might call in question the accuracy of the Report. At the same time, I could not but feel that, whatever might be my opinion with reference to the Report, it involved considerations of a very important public character, and I therefore thought that the best course I could pursue would be to refer the question to some such tribunal as I have mentioned. With regard to the question as to the respective powers of the Secretary of State for War and the Commander in Chief, I am not aware that the duties of the Commander in Chief have been in any degree restricted by the recent changes in the composition of the War Department. On the contrary, my duties have been greatly enlarged, and are much more severe than they formerly were by having the military duties of the Master General to perform. With respect to the officers whose names have been brought before the public — the two noble Earls opposite, Sir Richard Airey, and Colonel Gordon — I can only say that their appointments were fully concurred in by the noble Lord behind me. I knew that Sir Richard Airey was a man of very considerable talent, and one who had rendered great services; and as he had performed his duties in the Crimea—as far as I was then informed — during the siege in a most efficient manner, I felt it to be my duty to recommend that his services should be rendered available to Her Majesty at home. When, therefore, the office of Quartermaster General became vacant I recommended that the name of that officer should be brought before Her Majesty; and my noble Friend behind me concurred in the arrangement. [Lord Panmure: Hear, hear.] He and I were not aware at that time of any allegations against Sir Richard Airey, and I entertain so high an opinion of that officer that I feel confident, when the time for explanation comes, he will afford an explanation which will be satisfactory to the public and to Parliament. I have no desire to make any further observations to your Lordships. I think that my noble Friend has answered satisfactorily the questions that have been put to him. I have not had an opportunity, since I have been in office, of discussing with my noble Friend any question regarding the distribution of patronage or power, but I can state, so far as the duties of the Commander in Chief are concerned, that, so far from their having been curtailed, I have had additional labour imposed upon me.

Earl GREY: My Lords, although I do not at all concur in the views of the noble Lord (Lord Panmure) with regard as to the policy of maintaining the office of Commander in Chief on its present footing, as I feel that this is not a fitting or convenient opportunity for discussing so large a question, I will not now go into it, and I am the less disposed to do so because I have already had more than one opportunity of expressing my opinion on that subject to your Lordships. I wish, however, to express the satisfaction with which I heard my noble Friend the Secretary of State for War admit the complete responsibility of Her Majesty's Government for every act of military administration. I confess that I heard with a good deal of astonishment some parts of the speech of the noble Earl opposite (the Earl of Derby), and I think great inconvenience would arise from any misapprehension on this subject. I say it is absolutely necessary, if we mean to preserve the essence of the constitution, that Her Majesty's Government should be completely responsible for every act of military administration, from the highest to the lowest; and that if they are to incur this responsibility they must have the power of controlling the measures for which they are answerable. This is no new principle. From the earliest time at which a Commander in Chief was appointed, you will find that the Government, and not the Commander in Chief, have invariably been considered responsible for the administration of the army. By no one was this doctrine more distinctly acknowledged than by that eminent man who held the office of Commander in Chief at the time when I had the honour of being Secretary of State. How frequently have I heard the late Duke of Wellington say, "I think such a thing should be done, but the Government must decide—the Government are responsible; they must signify to me Her Majesty's pleasure, and whatever they order shall be done." I have heard that opinion expressed by the Duke of Wellington not once or twice, but repeatedly. Practically, there is not the least difficulty in uniting complete control on the part of the Government with the absence of any irritating interference with the Commander in Chief; and my noble Friend has correctly explained the working of the system. With regard to all important measures the Commander in Chief invariably consults the Secretary of State or the Prime Minister. Until very recently—I believe until the year 1835—you will not find a single instance of a regiment being given away without the concurrence of the Prime Minister. I can answer for that having been the universal practice; and with regard to appointments abroad, I can state from my own experience that no general officer was appointed by the Duke of Wellington to any colonial command, during the time I was Secretary of State, without the Duke having previously asked my opinion as to the proposed appointment. I have no doubt that in like manner the noble Duke, with reference to appointments at home, consulted the Secretary of State for that department. Upon all important matters of this kind the Commander in Chief invariably consults the Government. If any difficulty arises with regard to subjects which are purely matters of discipline, he equally goes to the Government. I have mentioned on a former occasion that when I was Secretary at War a great difficulty arose as to whether soldiers should be allowed to wear their side arms. Lord Hill, who was then Commander in Chief, came to me and said, "This is a subject of too much importance for me to decide upon; I must know what is the wish of the Cabinet." I accordingly consulted the Cabinet; an order was prepared with their concurrence, and the Cabinet was responsible. If the Commander in Chief adopts any wrong course, I contend that the Government are bound to interfere, to call upon him to retrace his steps and to pursue a different course; and if the Government do not do so they are responsible. It is, I conceive, most important for the best interests of the country, that this principle of the responsiblity of the Government for every act, great and small, of military administration, should be distinctly recognised, and I therefore heard with very great pleasure what was said upon that subject by my noble Friend. I am glad to find that although he maintains that the office of Commander in Chief ought to be kept up in a manner which does not, in my opinion, enable the Government to exercise as complete and close a superintendence over the military administration as I think desirable, he yet clearly recognises their constitutional responsibility for all military measures. I will only add that I entirely differ from the noble Earl opposite (the Earl of Derby) as to the amount of military duties formerly performed by the Secretary of State in a time of peace. I can state from my own knowledge that the Secretary of State was formerly bound in a time of peace to decide the amount and description of force to be employed in every colony, and to specify the particular regiments that shall relieve others. Not a single regiment can be removed without the Queen's pleasure being signified through the Secretary of State. With regard, also, to the distribution of honours, the Secretary of State by no means fulfils his duty if he acts blindly on the recommendation of the military and naval authorities in advising the Crown on this subject. He is bound to exercise his own judgment, and has always done so. I remember it once happened to me to have to state to the Commander in Chief that too numerous a list of honours was proposed, and to suggest that such list should be diminished. Now, no difficulty can arise in cases of this kind, for in every matter of the sort the Secretary of State, as the organ of Government, is supreme. All important questions are submitted to the Cabinet and to the Crown, and the Secretary of State, as the organ of the Crown and of the Government, communicates their decision to the Commander in Chief, and the Commander in Chief invariably carries out his wishes.

THE EARL OF DERBY: I wish to say, in explanation, that I did not intend to impute any blame to the Commander in Chief for not having instituted an immediate inquiry into the conduct of the officers whose conduct has been impugned in the Report of the Commissioners: on the contrary, the statement I made was confirmed by my noble Friend—because he said that as soon as he became possessed of the charges contained in the Reports he had felt it necessary to give the officers to whom those charges applied an opportunity of defending themselves. What I complained of was, that the first Report, and indeed the second Report also, were not communicated to the Commander in Chief before they were laid upon the table of the House, and that, consequently, it was not until after the characters of officers had been thus impugned that my noble Friend had the opportunity of taking the course which I felt he would feel it his duty to take at the earliest possible moment. I complained that my noble Friend was not consulted, and that the Reports were not communicated to him in the first instance, nor until the time had come for laying them before Parliament. I think it is matter of very serious regret that a different course was not pursued, and that the Reports were not withheld until the noble Lord had an opportunity of taking such steps as he thought necessary. With regard to the statement I made of the duties devolving upon the Colonial Secretary, I certainly did omit in my enumeration some of those duties; but what I meant to show was that the labour and responsibility imposed upon him in connection with the army were very inconsiderable and quite insufficient to occupy any great portion of his time. I cannot sit down without expressing the satisfaction with which I heard the statement of the noble Lord opposite. I think he explained his own position and that of the Commander in Chief as clearly as the nature of the subject permitted; and I believe that explanation will help to remove many misconceptions and misunderstandings. I especially rejoice at having obtained from the noble Lord the formal declaration of his determination, and that of the present Government, to maintain inviolate in the hands of the Commander in Chief the control of the discipline, the organisation, and the patronage of Her Majesty's army.

Motion (by leave of the House) *withdrawn.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 21, 1856.

MINUTES.] NEW MEMBER SWORN. — For Leominster, Gathorne Hardy, esq.

NEW WRIT.—For Sligo, *v.* John Sadleir, esq., deceased.

PUBLIC BILL.—2° Delamere Forest.

THE GERMAN LEGION—DEFECTIVE ACCOUTREMENTS—QUESTION.

SIR JAMES FERGUSSON asked the Clerk of the Ordnance whether it was true that the saddles recently supplied to the 2nd Regiment of German Cavalry were so bad that the commanding officer refused to receive them, as they would have injured the backs of the horses; that a board, of which Colonel Baldares, from Maidstone, was a Member, condemned every one of them; that when Brigadier General Stutterheim inspected this regiment, in charging ten bits broke in two in the horses' mouths; that, from the cloth of the overalls being so bad, or from its not having been shrunk before being wrought up, in many cases it has been complained that, when wet, the leather with which they were strapped had come away from it?

MR. MONSELL said, the saddles to which the hon. Baronet referred had not been refused by the commanding officer of the regiment, but they had been condemned, as the hon. Baronet had stated, by a board of which Colonel Baldares was a member. The board, however, which condemned these saddles had not seen the pattern according to which they had been made,. for they were made after a new pattern, which was adopted by the Commander in Chief in June last. In this pattern screws were used instead of straps for attaching the seats to the trees, and it was therefore most necessary that well-seasoned wood should be used for the saddle-trees. They were procured from Bedford and Rand's, one of the best houses in London. It was only fair to this firm to state that similar complaints had been made, in several instances, of saddles supplied by the best houses in London, according to the old pattern; and the answer had in all cases been an admission of the fault, and a statement that owing to the unexampled demand for saddlery it had been found impossible to obtain sufficiently seasoned wood. In order to obviate such occurrences for the future, the Government had determined to keep in hand a stock of well-seasoned saddle-trees, and had appointed inspectors of saddlery—two non-commissioned officers—who had served some time in the cavalry, and had been recommended as competent persons. With respect to the subject of the second question of the hon. Baronet, he had to state that it was quite true that the bits broke as he had mentioned. They were vulcanised iron bits, of a pattern adopted during last year by the Commander in Chief upon the recommendation of a committee of cavalry officers; but as they had been found to be failures their use had been discontinued. With respect to the overalls, they were supplied by Messrs. Hibbert and Co., the great army clothiers, and were defective, in all probability, in consequence of the men's measures not having been taken for them; for they were necessarily ordered before the men for whom they were intended had arrived in this country. But, as it seemed that in the case of the cavalry, it was important that each man's clothes should be made to his individual measure, the authorities had determined upon a new system for the cavalry, by which each regiment would make up its own clothing, the Government supplying the materials.

COLONEL DUNNE inquired by whom the clothing was inspected before it was sent to the regiment?

MR. MONSELL replied, that in this instance the clothing was inspected at the Tower by the ordinary inspectors. He might mention that at present all clothing was inspected by persons specially appointed under the Director General of Clothing; and that the persons so appointed were selected on account of their fitness for this particular duty.

THE REPORT OF THE CRIMEAN COMMISSION—QUESTION.

COLONEL NORTH rose to repeat a question which he had put on Tuesday, but to which he then received a very unsatisfactory answer. He begged to ask the Under Secretary for War whether the entire Report and evidence of Sir J. M'Neill and Colonel Tulloch had been laid upon the table of the House; and, if not, whether the whole of the Report would be printed?

MR. FREDERICK PEEL replied, that the entire Report of the Commissioners, as agreed to and signed by them, was identical with that laid on the table of the House. He did not believe that the two differed in a single word. He had, however, no objection to state that certain returns relating to the nature and severity of diseases in the Crimea were prepared by one of the Commissioners, with a view to their forming part of the Report; but that these returns, and certain remarks made upon them, were not included in the Report, because the other Commissioner, considering that they did not come within the scope of a Commission, objected to their introduction.

LORD WILLIAM GRAHAM said, that the hon. Gentleman (Mr. Peel) had on a former occasion stated, that there was on the part of the Government no desire to withhold this Report from the Commander in Chief, but he at the same time admitted that, although containing grave charges against certain officers, it had been printed and circulated without having been submitted to him. He (Lord W. Graham) now wished to ask whether that Report had ever been officially communicated to the Commander in chief?

MR. FREDERICK PEEL did not know what the noble Lord meant by "officially communicated." He presumed that the document had been supplied to Lord Hardinge as a Member of the House of Peers.

MR. WHITESIDE asked the noble Lord at the head of the Government, when the papers relating to the fall of Kars would be laid upon the table?

VISCOUNT PALMERSTON: Part of these papers are in the hands of the printer; the remainder will be in his hands to-morrow, and I hope that they will be laid upon the table in a few days. As I am upon my legs, I may take this opportunity of stating to the House what are the intentions of Her Majesty's Government as to certain matters contained in the Report of Sir John M'Neill and Colonel Tulloch, with respect to which some officers have considered that it is due to them that they should have an opportunity of giving explanations on their own behalf. Her Majesty is about to appoint a Board of general officers to receive such explanations as any of these officers may desire to give, and to report to Her thereupon.

MR. LAYARD: May I ask the noble Lord when the Board will sit, and when it will present its Report?

VISCOUNT PALMERSTON: It will sit as soon as the warrant constituting it a Board has been prepared—within a very few days.

SIR JOHN PAKINGTON: Is it the intention of Her Majesty's Government that the proposed Board shall consist exclusively of officers of the army, or that it shall include some civilians?

VISCOUNT PALMERSTON: The functions of the Board will be to receive explanations from officers in the army touching their military conduct in the service; and it has been deemed right and proper that the Board appointed for that purpose should consist exclusively of military men.

SIR EDWARD DERING wished to put a question as to the instructions to be given to the Board. As this would be the third attempt made to investigate the state of affairs in the Crimea, it was highly important that the instructions which the noble Lord might give to this Board should be of so precise and accurate a nature that the House might at last come to some conclusion as to who were the parties really to blame. He wished to ask the noble Lord, whether he would have any objection to lay on the table of the House the instructions which he proposed to issue for the guidance of this Board?

VISCOUNT PALMERSTON: It is not usual to lay before Parliament the instructions of a Board which has not assembled, and which has not yet been charged with its functions. If at a future time it should be thought right to lay before Parliament the proceedings of the Board, of course the instructions under which it has acted will also be laid upon the table.

MR. PEACOCKE asked whether the proceedings of the Board would be open to the public?

VISCOUNT PALMERSTON: The proceedings of military Boards are not open.

SIR JAMES FERGUSSON inquired, whether there would be upon the Board any general officers who had served with the army in the Crimea?

VISCOUNT PALMERSTON: As the duty of the Board will be to inquire into transactions which occurred in the Crimea, it is thought fitting that no officer who has served in that country should be a Member of this Board.

THE OBSERVANCE OF THE SABBATH —QUESTION.

MR. ROEBUCK wished to ask a question of the right hon. Baronet the Secretary of State for the Home Department. It appeared that on Monday last a person was brought before the magistrates at Oldham, charged with shaving a man on the previous Sunday, and was by those learned pundits fined 5*s.* He wished to know whether the attention of the right hon. Baronet had been called to this manifestation of magisterial wisdom, and whether he had done anything in consequence?

SIR GEORGE GREY replied, that he had not heard of this case until it was mentioned by the hon. and learned Gentleman. If the hon. and learned Gentleman had given him notice of his question he would have inquired whether such a decision as that to which he referred had been given.

MR. ROEBUCK said, that he had only heard of the extraordinary circumstance as he entered the House.

BRITISH MUSEUM, &c.—SUNDAY OPENING.

SIR JOSHUA WALMSLEY rose to propose the following Resolution—

> "That, in the opinion of this House, it would promote the moral and intellectual improvement of the working classes of this Metropolis if the Collections of Natural History and Art in the British Museum and the National Gallery were open to the public inspection after Morning Service on Sundays."

The hon. Member observed that, if this Motion were of a perfectly novel character, and if it had originated with him, he should have felt constrained by the extraordinary interest it had awakened to pause before he brought it forward; but such was not the case. The Resolution owed its origin to his lamented friend, Mr. Hume, who had advocated it with characteristic zeal and energy, in the full conviction that by so doing he was advancing the interests of that particular class of the community in whose service he had so long and laboriously exerted himself. He (Sir J. Walmsley) regarded the question from precisely the same point of view as his distinguished friend, and was of opinion that the very best monument they could erect to the memory of that departed statesman would be to open the British Museum and the National Gallery on the afternoon of Sunday. Soon after the death of Mr. Hume he (Sir J. Walmsley) was waited upon by deputations from numerous bodies of working men in the metropolis, who earnestly entreated him to bring this question before Parliament as one in which they felt the liveliest interest. He hoped that this fact would plead his apology for the prominent part which he, though not a metropolitan Member, was now prepared to take in the discussion of this most important question. He desired to treat it in a spirit equally firm and conciliatory; and, while he was resolved to avoid as much as possible all theological allusions, and all remarks of a personal character which could tend to irritate or annoy even the most sensitive, he was not the less determined to shrink from no discussion calculated to elicit the truth; nor did he yield to any, there or elsewhere, in an earnest desire to preserve the Sunday as free from labour as was consistent with the necessities of the people, and as a day of devotion, rest, and innocent enjoyment. Those whose feelings he desired on this occasion to interpret were actuated by similar intentions, and he believed with them, that the measure now proposed was worthy of acceptance by the House for this especial reason—that it would conduce to such objects, at the same time that it would elevate the moral and religious character of that portion of the people who, from whatever cause, had not hitherto been brought within the influence of those whose duty and business it was to have instructed them. He had in his hands a declaration, signed by the chairmen and secretaries of numerous bodies of working men in the metropolis, confirming that statement, and further declaring, "that were this Motion, in their opinion, calculated to increase Sunday labour, they would immediately reverse the exertions they were then making. The object of the Resolution was to enable the operative classes to visit the works of art in the British Museum and the National Gallery on the afternoon of Sunday. That was the full extent of the Motion, though propositions of a different nature had been mingled with it. In the petitions which these men had from time to time presented to the Legislature they had fully set forth the grounds on which they based their claim to such admission, and it was not too much to say that hitherto no valid reason had been assigned for the refusal of their prayer. They stated that the necessities of existence demanded six days' labour out of seven, that Sunday was their only day of relaxation from toil, and, consequently, the only day on which they could avail themselves of these institutions; and they asked why establishments of so national and educational a character should be closed to those most in need of instruction, at a time when alone they could participate in such teaching. The artisans of the metropolis maintained that a frequent inspection of the works of art in the British Museum and National Gallery was necessary for the cultivation of their taste, for the development of their mechanical skill, and for the acquisition of such dexterity in their respective callings as would enable them to meet the yearly-increasing competition of foreign nations. Placing the question on another and still higher basis, they contended that their admission to these institutions would ameliorate their social condition, amend their tone of moral feeling, and withdraw them from less elevated pursuits to the improvement of their mind and the refinement of their talents. Finally, they stated that such a measure would not in anywise interfere with the religious rites and devotional exercises of those who might entertain more severe views of the uses and purposes of Sunday. It had been well asked, Are our working men, with all their skill and industry, socially inferior to, or less capable of good impressions than, the same class in other countries, that they should be debarred from those privileges? It would be admitted that they were not; that there was as much intelligence, as much real piety, and as earnest a desire to hold fast by the blessings of one day of rest in seven, amongst our own as could be found amongst any other people; and far from desiring to see the Sunday employed otherwise than as a day of devotion, rest, and innocent enjoyment, they believe the opening of these institutions would increase the reverence for that day, and ultimately augment the attendance upon public worship. No one would question the wisdom of encouraging the working men to visit these places, and to mix with those calculated to improve their tastes and habits; and it was morally certain that were these institutions opened on the afternoon of Sunday, thousands, if not tens of thousands, who themselves seldom left their crowded courts and alleys on that day, save for the public-house, would be found with their wives and families at these sources of instruction, and they would return home wiser and better for their contemplation of the beautiful and their association with the virtuous and the gifted. They were told by some that these were mere theoretical opinions—that a certain training was necessary before the mind could profit by such teaching; but it could not be denied that sufficient time and ample means had been appropriated to such training had the proper application been used by those whose duty it was to attend to it. It had been said that such privileges would be abused; but the conduct of the working men, whenever it had been tested, had amply refuted this opinion, and the theory so called had received practical illustration in the sober and orderly conduct of the thousands who weekly availed themselves of the opportunities to visit the public institutions already opened on the Sunday, and the success of these experiments ought to have removed much prejudice. The sum of the matter, in the words of an able divine, was—"That to the good and industrious such opportunities would afford innocent and useful recreation without doing harm, and to the bad and idle would hold out inducements to forsake vicious habits, which might result in good." Why should the working classes of this country alone be debarred access to sources of instruction and recreation which would improve them both mentally and morally, and enable them to become good and dutiful citizens? Several objections had been raised against this boon to the working men, to which he (Sir Joshua Walmsley) would refer. It had been said that the working men had not sufficiently showed their anxiety for admission to these institutions; but that was a mistake. They had held numerous meetings on the subject, and had repeatedly petitioned for it. ["No, no!"] Greater demonstrations of this could easily have been given, but, for his part, he commended the course which the working men had adopted on account of its great calmness and moderation. He would ask hon. Members, who, rejoicing in affluence, would very likely forget the fact, to bear in mind that the expenses incidental to the getting up of petitions fell heavily on the means of working men. In fact, there also existed a strong indisposition on the part of the producing classes to petitioning at all. Another objection was that the adoption of the measure would engage the labour of a few officials during the afternoon of Sunday. How far that scruple was allowed, by those who advanced it, to affect their actions in the case of that large class of the community, domestic servants, he would leave for themselves to determine. The conduct of this class of opponents had, he confessed, always appeared to him to be a striking monument of inconsistency. But in truth the labour required in proportion to the instruction to be obtained would be almost infinitesimal, and no individual would be prevented from attending divine service at least once on Sunday. The evidence of Dr. Grey, the Curator of the British Museum, before the Fine Arts Committee in 1841, was so pointed on this part of the subject, that he would venture to read a few brief extracts. It should be remembered that that evidence was taken by a Committee not favourable to the cause which he was advocating. Dr. Grey said:—

"I do not anticipate any difficulty in making arrangements for opening on Sunday afternoon. The same assistance by the police as on great holidays might be adopted. If the British Museum were open on the afternoon of Sunday, many men who now go alone for pleasure trips to the country would accompany their wives and children to the British Museum, and I see no objection to the admission of children with their parents. Judging from the attention on holidays, when the husband and wife visit the Museum together, there is evidently a great desire to avail themselves of the instruction which the place affords. The behaviour of the people is very good. I am delighted to see the manner in which they examine the collections on holidays. The mechanics appear much interested in the specimens, and, frequently, one who knows more than others will demonstrate for the rest of the party. Great advantages are derived from the perusal of the collection. It gives the mass of the people a general taste for the study of nature, which must be highly advantageous to their morals. I consider the Museum one of the greatest educational institutions in the country, and one of those places where people may gain real sound knowledge. Galleries of works of art I regard in the same light, and I think they ought to be as free as possible. Having formerly practised as a medical man in one of the largest districts in Spitalfields, I am well aware there is a mass of people who have no opportunity of visiting the Museum or any gallery of art save on the Sunday, and many of whom would rather spend their Sunday afternoon in that manner than as they have hitherto been accustomed."

Such was the evidence of a man of practical experience and great knowledge, and he (Sir J. Walmsley) had reason to believe that these opinions were unaltered. The noble Lord the First Minister of the Crown had urged another plea against this Motion—namely, that it would offend the feelings or the prejudices of a certain portion of the community. To what class of persons the noble Lord here referred he (Sir J. Walmsley) was at a loss to conceive; but, be that as it might, a large portion of the working people of the metropolis were certainly in favour of that Motion, and, no doubt, the same was true of the working men of the country generally. ["No!"] If hon. Gentlemen would only call meetings of the operative classes to elicit their opinions on this question, they would find what he now stated entirely confirmed. The noble Lord (Viscount Palmerston) knew that the plea which he had urged, carried to its legitimate results, had served to light the fires of Smithfield—had sufficed to keep a large body of our fellow Christians long under the ban of pains and penalties, and even at this moment was the cause of the denial of their political rights to that section of our fellow subjects, a member of which had been lately selected by the citizens of London as their chief magistrate. There were other persons who, for lack of better arguments against this Motion, chose to impute motives to its supporters, and who charged the employers of labour with a covert desire to induce their workpeople to work on Sunday, in order that they might be able to wring from them seven days' labour for six days' pay. Those who made these unfounded and calumnious insinuations against employers should remember that, in doing so, they paid but a sorry compliment to the intelligence and acuteness of the operatives, who were a class quite equal in these qualities to themselves. Moreover, it was earnestly to be wished that those who professed to be so much better than their neighbours would not, by indulging in base aspersions of this kind, show themselves to be devoid of the first attributes of Christianity — charity and truthfulness. The assertion, however, carried its own refutation. It was simply as absurd as it was untrue. No one would accuse the working men of a desire to add to the hours of toil; they, at least, were anxious to reduce them; they were not only the promoters, but the chief supporters of the Motion, satisfied its success would facilitate that object — that it would at least furnish another opportunity for rational enjoyment on the afternoon of Sunday, and would cast a gleam of sunshine to cheer the hours spent in the factory and the workshop. Much had been said and written on what was called the continental desecration of the Sunday; and an attempt has been made to mix up the two questions. It was not for him to draw a comparison on that point between our nationality and that of our neighbour; but he would say that he could not see any necessary connection between a visit to the British Museum on the afternoon of Sunday and the desecration of that day. Upon this point he would venture to trouble the House by reading an extract of a letter from one, who was more qualified than himself—perhaps indeed better qualified than any other man in Europe—to give an opinion upon this subject. He had not the authority of the writer to mention his name, but he (Sir J. Walmsley) could assure the House that he had by no means overrated that writer's capacity for giving judgment upon such a question. The extract was as follows—

"I am of opinion that vice and immorality are relatively more prevalent in London than in the great continental capitals, and especially that the relative proportion of immorality which prevails on the Sunday, compared with any other day of the week, is far larger in London than in the continental capitals; that in Edinburgh and Glasgow, where what may be called the Judaical observance of the Sunday is greater than in London, the vice and criminality prevalent on that day are also relatively greater than in that metropolis."

One case he could, from actual knowledge, refer to, in support of this opinion. Who that had witnessed the strict observance of their religious duties by the people of the Swiss cantons—he referred then specially to the Protestant cantons—with their joyous and innocent relaxation on the afternoon of Sunday, would be prepared to say that such relaxation, sanctioned by the presence of their pastors, tended to lower either the moral or the religious character of that people? In fact, the ascetic interpretation placed by some on the observance of the Sabbath was not sanctioned by many of our own pious divines, both of church and chapel. He (Sir J. Walmsley) had, when this subject was last before the House, referred to the opinion of Dr. Arnold, and he would then quote from one of whose piety and virtue that good man had always spoken with enthusiasm—the then Archbishop of Dublin—who said—

> "The Lord's day is to be held purely as a religious festival. Judaism being abolished, all its ritual observances must, of course, be wholly at an end; so that we are no more compelled to keep the fourth commandment than we are to keep the worship of the temple or the daily sacrifice."

And again, Paley, whose opinion most hon. Members would honour, had said—

> "Cessation from labour on the Sunday beyond the time of attendance on public worship is not intimated in any passage of the New Testament, nor did Christ or His apostles deliver any commandment to their disciples for a discontinuance on that day of the common offices of their profession. The resting on that day from our employment longer than we are detained from it by attendance on public worship, is to Christians an ordinance of human institution."

This institution, however, he (Sir J. Walmsley) regarded as one of the greatest blessings conferred on man, and as such he desired to see as much freedom from labour on that day as was consistent with the necessities of the people. But he thought that experience had shown that penal enactments and restrictive measures, far from elevating the moral or the religious tone of the people, and filling our churches and chapels with devout worshippers, had unfortunately begot a spirit of antagonism greatly detrimental to both. Nor did the exclusion of the working classes from the sources of instruction and enjoyment, embraced by the Motion entrusted to him, on the afternoon of Sunday—during the only few hours the poor man could call his own—come with a good grace from those who, themselves having all things richly to enjoy on every day of the week, yet opened their clubs and news rooms, enjoyed their pictures, their statues, their parks and gardens, and even, in some cases, held their Sunday musical *soirées* and *réunions*. Surely this was straining at the gnat and swallowing the camel. It was at least holding out one law for the rich, another for the poor; and, if he might give a word of advice to those who insisted upon the working men following their opinion, he would warn them that they were proceeding in a course greatly detrimental to the interests of religion and to the safety of the State, and which must have the most disastrous effects. He recently met a friend going to the Zoological Gardens with his children on Sunday afternoon, and, as he knew he was opposed to this Motion, he endeavoured to point out his inconsistency. His friend replied, and doubtless many of those who opposed the Motion would answer in similar language, that it was a very different thing for him to take his two children quietly to see the beauties of nature and art, and to see crowds of working men rushing to the British Museum and the National Gallery on Sunday. He would caution the House against taking that course, and enforcing upon the working men burdens which they would not so much as touch with one of their fingers. He (Sir J. Walmsley) regarded this Motion as purely an educational one, and he should, indeed, rejoice, could he induce others to look upon it in that light. It was educational in the most comprehensive sense, and would extend that blessing to tens of thousands whom the millions spent on a Church Establishment had not yet reached. If hon. Members would look at the question in this light, he should have but little fear for the fate of the Motion which he had placed in the Speaker's hands.

SIR JOHN SHELLEY rose to second the Motion. He said, if he were to consult his own convenience and comfort upon that occasion, he should have contented himself with a silent vote; but, as the subject was one on which he had all through life entertained strong convictions, and thinking it especially related to this metropolis, in which he had the honour to represent so large a constituency, he did not conceive, let the consequence be what it might, that he ought to shrink from the duty of expressing his opinion. He was well aware that this question was an unpopular one in that House, and he was not quite clear that it was not an unpopular one out of it. From the correspondence which he had had upon the matter, he thought it right to say so much. But he was sure, at the same time, that this House would not respect a man who, entertaining a strong conviction upon a question under consideration, was not prepared to stand up manfully before them and to maintain it. Judging by the petitions that had been presented, he assumed that the opposition to the measure was founded upon the assertion that such a measure as that asked for, if allowed to pass, would lead to a desecration of the Sabbath. So far from thinking that any such effect would be produced by it, he honestly and conscientiously believed that such a measure would tend to the moral and intellectual welfare of the people, and would best carry out one great object for which the Sabbath was instituted. He hoped that in the course of this discussion arguments would not be introduced calculated to set one class against another. Believing that the opinion against such a measure was perfectly conscientious, he only asked that the same credit might be given to those who were in favour of it. In the discussion which took place last Session, the hon. Member for Perth (Mr. Kinnaird) said, that if the measure were agreed to the working man would find to his cost that he would be obliged to give seven days' labour for six days' wages. Now, the experience of this metropolis was directly opposed to such a supposition. He would refer to the willingness of the employers to join in, and the happy results which followed from, the early closing and half holiday movement. He thought it but fair, therefore, to the supporters of this measure to say, that so far from there being any inclination to grind down the artisans or labourers, there was every wish shown on the part of the employers to give their servants an opportunity of cultivating their minds in the evening by the early closing of their shops. In the course of the debate which took place, last Session, the noble Viscount at the head of the Government made a speech in which he expressed opinions with which he (Sir J. Shelley) completely coincided. The noble Viscount, however, came to a very different conclusion from that which he had come to in opposing the Motion that was then under consideration. The noble Lord said—"My opinion is that Sunday ought to be a day of rest, of devotion, and of cheerful and innocent recreation." Now, the advocates of the present Motion entertained exactly the same notion of the Sunday; and they recommended that, after the exercise of devotion, the working man who had passed the week amid the din and clanking of machinery should have some intellectual object in view to induce him to take his family with him to some of those public institutions where they would enjoy innocent recreation, while receiving profitable instruction in viewing objects of nature and art. But the noble Lord went on to say—"to enforce the strict observance of the Sunday, for which some persons contend, is, I think, obviously impossible." He (Sir J. Shelley) quite concurred in these observations; but then, to what extent were they to go? What was to be the line of demarcation? Where shall the desecration of the Sabbath end, and where shall it begin? Then the noble Lord observed —"it is impossible for Parliament to attempt to pass any law to define the mode in which the Sunday should be observed." He concurred with the noble Lord in that remark; but he would remind him that there were allowed what were called excursion trains, which might carry crowds upon the Sunday to the country, and which employed the various officials connected with the railways. Those trains might take the people down to the Crystal Palace; but when they got there they found the doors closed against them, and they were told that they could not enter that exhibition, containing the most beautiful collection of works of art, because that would be a desecration of the Sabbath. Was it consistent to allow stokers and guards to be employed in the conveyance of people to the Crystal Palace, and then not to allow those people to enter the building? The noble Lord concluded by saying—"The precise degree to which the principle may be properly carried out must be left to the conscience of each individual." Well, that was all the advocates of the Motion asked. They respected every man's conscience; but they asked the House no longer to legislate for the consciences of the working men, who were as religious in their own way as any other class of the community. The working man was made to contribute to the support of the British Museum and the National Gallery, by indirect taxation; why, then, should they be prevented from enjoying those institutions on the only day when it was possible for them to do so? The House was aware that two leagues had been established in connection with this question, with very different objects. The one was the National Sunday League, which was supported exclusively by working men, the subscription to which was one shilling. Another league was subsequently established in Exeter Hall, in direct opposition to the former. This latter was presided over by a nobleman (the Earl of Shaftesbury), who was universally respected, and who was admitted to be a man who performed his duties for the good of the community most honourably, zealously, and conscientiously. The Chairman of the National Sunday League was a jeweller. This League had issued a document signed by the Chairman and two secretaries, in which they state that in asking for the opening of the national institutions on the Sunday they had no other object in view than the moral and intellectual elevation of the people; that, so far from wishing to do anything that might tend to desecrate the Sabbath, they reverence the Sunday as one of the greatest blessings of the middle and working classes, and that their only anxiety was that it should be preserved in conformity with its original purpose—as a day of devotion, of rest, and of innocent enjoyment. They further stated they were fully persuaded that the attainment of their object would not on the one hand increase Sunday labour to any appreciable extent, while on the other hand it would naturally decrease the voluntary occupation of many artizans or tradesmen, who were now induced to labour on the Sunday in order that they might make a holiday some other day in the week when their means of enjoyment would be under no restraint. The mass of petitions that had been presented against his hon. Friend's Motion were no doubt easily procured, for they originated from letters sent to each clergyman in the country, requesting him to get up petitions against the measure moved for. Although by those petitions it appeared that a large number of the inhabitants of the country were opposed to it, it should be recollected that it was most difficult to procure petitions in the country in favour of it, inasmuch as the question only related to the metropolis; and the working people in the country knew they had very little chance of ever visiting those institutions. It must be remembered, too, that the persons who signed these petitions not only memorialised the House to put a stop to the playing of the bands at Windsor Castle and in Kensington Gardens, but also not to allow gate-keepers to be employed at the Parks. He would remind them of the lesson as to the wisdom of closing the Parks they had received last year. The National Sunday League, while explaining the difficulties of procuring signatures to petitions, on account of the great expense and labour that would be necessary to effect that object, stated their conscientious belief that at least three-fourths of the working men in the metropolis were in favour of the object in view. He would ask, then, whether the law was to be altered at all, or was it to be only directed against the working man; whilst the better classes in society were able to enjoy themselves on those days on which the working man was obliged to labour? The hon. and learned Member for Sheffield (Mr. Roebuck) asked a question that evening of the right hon. Baronet the Secretary for the Home Department upon a subject clearly connected with the matter under consideration. It appeared that a barber in Oldham was summoned before the magistrates on a charge of carrying on business on the Lord's day, contrary to the provisions of a statute of Charles II., which directed that no work except what was absolutely necessary should be done on the Lord's day, and the penalty for the infringement of the law was *5s.* A good deal of interest was excited by the case; for it appeared that the prosecution was got up by the barbers of Oldham, who felt themselves aggrieved at finding themselves obliged to compete with a rival in the trade who only charged a halfpenny a shave, while their regular price was one penny. Free traders should commend the barber, the subject of this prosecution, for shaving at a halfpenny, while his fellow barbers charged a penny; but, at all events, he had been victimised. His case came before the magistrates of the town, and a police-serjeant deposed to having seen him in the commission of the act of shaving on a Sunday. Mr. Cobbett, who appeared for the accused, said:—

"Referring to the law of the case, the question the magistrates had to determine was,—First, whether the defendant came within the meaning of the four words 'tradesman, artificer, workman, or labourer.' Then they had to consider whether he was using 'his ordinary calling' on the Lord's day; and if he was, the third question was whether he did not do so under circumstances bringing him within the meaning of the exception, doing a 'work of necessity or charity?" Mr. Cobbett then argued at great length that a barber did not come within the meaning of the four words mentioned—that shaving was an operation performed upon the person, and that, therefore, his occupation came under the same category as surgeons, dentists, and other professional men; and he contended that, even if he were looked upon in the same light as a baker, he ought to be exempted from the operation of the Act, as it was clearly as much a necessary act for a man to be shaved on Sundays as that he should have a hot dinner, and it had been decided by the judges that bakers were not following their ordinary calling, in baking meat, or puddings, or pies, for other people on Sundays."

However, notwithstanding all these professional suggestions, the bench of magistrates ruled that the case came within the Act against Sabbath-breaking, and that they had no alternative but to fine the barber 5*s*., with costs. This showed the length to which the House might be drawn on the subject if they acted on the feeling which some persons entertained as to what they called the strict observance of the Sabbath. However, he hoped the House would well consider the matter before them, and be careful not to let it be supposed that in legislating on this subject they would be inclined to have one law for the rich and another for the poor.. Some Members contended that the poor workman might go to these places of instruction on the Saturday afternoon, or on the Monday; but he maintained that, in the present state of things, and considering the high price of provisions, the workmen in the metropolis could not for the purpose of their own intellectual improvement, or for the benefit of their children, afford to give up any portion of the working period of the week. Sunday was practically the only day which the poor workman could devote for such objects. The British Museum and the National Gallery contained objects worthy of the inspection of the working classes, and if the contemplation of those objects would tend to the moral and intellectual improvement of the working people on the Monday, it would equally have the same effect on the Sunday. He therefore trusted that House would concur in the Motion.

Motion made, and Question proposed—

"That, in the opinion of this House, it would promote the moral and intellectual improvement of the working classes of this Metropolis if the Collections of Natural History and Art in the British Museum and the National Gallery were open to the public inspection after Morning Service on Sundays."

MR. PELLATT rose to move, as an Amendment—

"That, in the opinion of this House, more frequent opportunities should be afforded for week-day inspection of the National Gallery, Government museums, and works of art; also, that the British Museum should be open five days in the week, and especially on Mondays and Saturdays, those days being most convenient to the working classes."

He hoped the House would negative this vexed question, which he regretted should have been again before the House, by a larger majority than that by which it was rejected last year. With respect to the opinion of the working classes, he was quite willing to take issue with the hon. Baronet the Member for Westminster, and those Gentlemen who asserted that the working classes of London and Westminster, and the people generally, were in favour of the views of the hon. Gentleman whose Motion was before the House, for he felt quite confident that the majority would be against them. He (Mr. Pellatt) appealed to the House whether, within the recollection of the oldest Member, there had ever been a stronger or more general feeling manifested on any subject than was shown against the opening of those public institutions on Sunday, by the heap of petitions which had been laid on the table of the House that day, and in the communications which hon. Members had received from their constituents. For hon. Members to say that the feeling of the people was in favour of the Motion was absurd. In reply to what had been said as to the moral and intellectual improvement which working men would receive through the medium of those institutions, he would say that, on the contrary, the opening of the British Museum, the National Gallery, &c., would have the effect of taking the people away from the instruction of the Sunday schools. And it was a curious fact that the Sunday schools of London were less numerously attended than those of any other town in the kingdom—he meant, of course, in proportion to the population. This was, no doubt, owing to the numerous amusements and other temptations which the metropolis afforded to the working classes. The opinion of the clergy of all denominations was in unison with that of the public generally, in being opposed to any intrusion on the sacredness of the Sabbath. The custom of observing the Sabbath in its present integrity had become a sacred common law in this country, and it ought not to be interfered with. The House ought to be very slow to do anything that would diminish the attendance of the children of the humbler classes at Sunday schools. Mr. Baines, of Leeds, stated that we had in this country 202,000 Sunday-school teachers, and that children when first sent to those schools were of such an age as to be most susceptible of kindness and most amenable to authority. Legislators ought to beware of giving the Sunday-school movement a downward direction. As the hon. Member had quoted Paley, he also would take the liberty of reminding the House that they had the authority of Paley for saying that there was sufficient occupation for the Sunday in the performance of the exterior offices of religion, and in religious meditation, inquiry, and other devotions in private. The consequences of Sabbath-breaking had been borne testimony to by many clergymen of experience—amongst them, the Rev. Mr. Kingsmill, chaplain to the Pentonville Prison, who stated that he did not remember that there had come under his observation one case of a capital offence in which the culprit had not been a Sabbath-breaker, and that, in fact, nineteen cases out of every twenty prisoners, who came under his care, had habitually neglected the Sabbath and all other religious ordinances. He (Mr. Pellatt) hoped that the House would take a determined stand, and go no further in the direction of intruding on the sanctity of the Sabbath. The Crystal Palace had been spoken of. Why, had not an example been set to the world by our great Exhibition being kept closed on Sundays in 1851? Foreigners respected the English for their observance of the Sabbath. The present Emperor of the French, on the occasion of the peace deputation visiting Paris, gave orders that Versailles and St. Cloud should be open to them on a Monday, thus respecting those religious scruples that His Majesty thought might interfere with their visiting those palaces on Sunday. Regard for the sacred character of the Sabbath was an attribute of Englishmen. The great Dr. Johnson, one of the most pious and conscientious of men, when requesting three favours of Sir Joshua Reynolds, asked that distinguished artist to forgive a debt of £30; to read his Bible on Sundays; and never to use his pencil on the Sabbath; and Sir Joshua, a strong-minded man, acceded to his request. He had no desire to interfere with the pleasures of the working classes; but he trusted the House would never consent to legalise Sabbath-breaking. At present there were kept from Divine service on Sundays in this country, owing to being employed on canals and navigable rivers, 100,000 persons; by employment on railways, 60,000; post officers, 20,000; cabs and omnibuses, 10,000; and by Thames steam boats, 500: would the House add to the fearful category? With such statistics before them on this question, they ought to consider long before they affirmed a Resolution which might create an impression in the country, that that House had ceased to be the defenders of civil and religious liberty; he hoped, on the contrary, that by adopting his (Mr. Pellatt's) Amendment, hon. Members would show that they were true to the principles of the majority of the people in this country, as manifested by the petitions that had been presented that evening. The hon. Member then moved his Amendment.

Mr. BAXTER seconded the Amendment, and said he could not give a silent vote on this question, which was not a party nor a class question—not a question between rich and poor, nor between Churchmen and Dissenters—it concerned the well-being of the social condition of this country, and our civil and religious liberties; and therefore was one upon which the House of Commons could not come to an ambiguous or uncertain decision. He agreed with the hon. Member for Leicester (Sir J. Walmsley) in deprecating all religious and theological controversies in that House; but when that which many looked upon as the great bulwark of Christianity was assailed,—when a day, which the great majority of the people of these three kingdoms regarded, rightly or wrongly —rightly, as he thought—as a day of religious worship and rest from their labours, was sought to be converted by legislative enactment into one of pleasure and amusement, then it was time for every man to speak out. To affirm and carry into operation a Resolution such as this now before the House, would do more towards assimilating the political condition of this country to that of Italy and Germany than any political statute which the House could pass. To put the question on no higher ground, he thought, and so did tens of thousands of the working classes themselves, that should they infringe upon the observance of the Sabbath in this direction, it would speedily expose them to the cupidity of sordid employers, who would in the course of time make those in their employ labour on Sunday as well as on other days of the week; and therefore, viewing the matter in a worldly point only, the friends of the artisans ought to be careful how they encouraged innovations of the character now proposed. The hon. Gentlemen who moved and seconded this Resolution said, they did not wish to proceed further than the opening of the British Museum and the National Gallery, which, they said, were rational places of recreation on the Sabbath. But what security was there that the limit would be placed there? Might it not be said that the Panopticon and the Polytechnic, the Chinese and the Turkish Exhibitions, Madame Tussaud's Gallery of waxwork, and Miss Horton's Gallery of Illustration, were just as useful and instructive to the population in their way? Let the House consider to what this was likely to lead. Many persons thought that theatrical representations were conducive to the moral and intellectual improvement of society. Were they to be open on Sunday; and, if not, on what grounds were they to be closed? The opinions of these persons were as much entitled to respect as those of the hon. Member for Leicester. Then, of course, what they did in the metropolis, they ought to do throughout the country. Had the promoters of this Resolution considered how much additional labour and toil the opening of these exhibitions would entail upon the working classes? To say nothing of the attendants, who would not be few in number, the services of omnibus men and cabmen would be required to convey these multitudes of persons about; and also those of assistants in establishments provided for their refreshment and convenience. He believed that, in addition to these, the warehousemen, porters, and clerks in many commercial establishments would, on the faith of this Anti-Sunday legislation, by sordid employers, be defrauded of their day of rest. Thousands and tens of thousands of the working classes already saw what would be the effect of legislation of this sort. They regarded Sunday not so much as the Lord's as the people's day, and they looked to that House to protect them in the enjoyment of an invaluable and time-honoured privilege. Many who now entertained different opinions would, if the Resolution were agreed to, be the first to see their error, and there would be a reaction among the multitudes in London, Liverpool, and Leicester, precisely similar to that which now agitated several districts of France, and to that which had established the inviolability of the Sabbath in every one of the eastern, middle, and western States of America. For his part, he had yet to learn that museums and picture galleries were in any respect moral agents. That they refined the taste and polished the manners was indisputable; but those who had spent any time in the cities which had been so praised by hon. Gentlemen—for instance, in Munich, Florence, or Rome, might fairly be excused if they doubted that it was within the power of art to promote the social affections or domestic virtues. It was said that if you opened the museum you would empty the public-house. The testimony of Christian visitors, of superintendents of police, and of publicans themselves, would show the fallacy of this argument. He contended that, in proportion as you opened places of amusement on Sunday, you would increase the number of persons who required refreshment, and, instead of drawing men from the public-house to the museum, you would, by opening the latter, attract to the former many who would otherwise have remained with their families at their firesides. Another assertion was, that as the people paid for the maintenance of these national institutions, the institutions belonged to the people, and that, therefore, the people had a right to use them on Sunday. It might just as well be said that, because the Members of that House were elected by the people, the House was bound to work on Sunday for the benefit of the people. Supposing, however, that the people had a right, he denied that they had any inclination to use these galleries and museums on Sunday. He appealed to the petitions, beneath the weight of which the table of the House now groaned, for testimony that the great majority of the people did not wish to see these exhibitions open on Sundays. The people looked to that House to secure their rights, to carry out their wishes, and to withstand by every means in its power a course of policy which would, in the end, tend to degrade the people of this country to the level of those millions on the Continent who seldom thought and more rarely acted, and who were kept amused by their rulers in order that they might quietly submit to tyranny and oppression. It would have been more in accordance with his inclination that this Resolution should have been met by a direct negative; but, as he was a strong advocate of a Saturday half-holiday, he thought he was quite right in seconding the Amendment.

Amendment proposed, to leave out from the word "House" to the end of the Question, in order to add the words—

"more frequent opportunities should be afforded for week-day inspection of the National Gallery, Government Museums, and Works of Art; also, that the British Museum should be open five days in the week," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MURROUGH: Sir, I trust that I am not unmoved by a due sense of responsibility in approaching this the most momentous subject which can engross the attention of the Senate, but while I yield not even to the hon. Member for Montrose (Mr. Baxter) in my advocacy for a decorous though not austere observance of the Sabbath, I cannot help feeling that the opponents of this Motion have blinded themselves to the fact, that there exists a large class of their fellow citizens whose social existence is altogether distinct from their own, and, that while they are cherishing the abstract idea of the Sabbath respectability of their own circles, with all its accompaniments (the meat that perisheth, the wine that stupefieth, and the cushions amidst which they slumber, perchance, their immortality away), they ignore the existence of another race of created beings, with feelings and passions like their own, who contribute to so many of our wants, but engross so few of our sympathies. To the man whose affluence and annual contributions secure for himself and family the weekly promenade in the sequestered and exclusive inclosures of the Zoological or Botanical Gardens, appalling indeed must be those visions of desolate altars and despised rituals which his ungenerous fanaticism suggests as the natural results of the legislation of my hon. Friend; but if by some chance he should desire to learn how the Sabbath is really passed by the men who to his theories are outcasts and strangers, let him look for the facts in the Monday's Police sheets—they are no fancy sketches, they owe no one dark line of all their gloomy composition to the imagination of the printer, they are faithful portrayals of your fearful originals, they bear upon our responsibility with a force as terrible as unavoidable—the still half-intoxicated ruffian in the dock and the bleeding woman who appears in heavy and reluctant evidence against him are both the creatures of your Puritanical ordinances. In addressing myself to this question, I disclaim the use of unworthy sophistry, I repudiate from my soul the nomenclature which would describe as "the people's day" that holy day which is dedicate to God, and which the Motion of my hon. Friend has not the remotest tendency to profane; but the Sabbath is but a means and not an end, made for man, and not he for the Sabbath; and believing, as I do, that the opening of your galleries of art and natural science would, not only in the words of this Motion, "promote the moral and intellectual welfare of the people," but that the book of nature is the best key to the Book of Revelation, I support the Motion of my hon. Friend, and, in doing so, I feel that I vindicate for creation and Christianity the same divine and glorious authorship, with the strongest faith and conviction that the humblest operative in this great metropolis would not pass through those galleries unmoved by those messages full of divinity which are conveyed at every point, and by every splendour of the manifested universe. Sir, I greatly err in supposition, if the material world was created for a higher purpose than the illustration of Scripture; but be this so or not, of this much I am satisfied, that the soul which is hitherto unacquainted with the beautiful, is utterly unfit for the contemplation of the miraculous and sublime. In taking this view we do no violence to Christian principle—the forgiveness of injuries, the payment of debts, the exercise of charity, are duties with which we do not dispense, but we are unwilling any longer to sacrifice the comforts and convenience of thousands to empty profession in favour of barren formulæ, which are of no higher import than that Sabbath of years instituted by the same authority, but which forms no part of the observances of the Christian Church. So strongly do I feel pressed by the reasons which I have given, that, notwithstanding the multitude of petitions from provincial Sunday-school teachers and fervid pastors of rural congregations which crowd the table of the House—but which I hold to be of no weight in a question in which the interests of the mechanics of the metropolis alone are involved—that, so far as my vote is concerned, I feel bound to protect the workmen of London from those gloomy sectaries who would convert a festival into a fast, and ordain that a cessation from labour should mean the commencement of penance. But, Sir, I would go much further than the Motion of my hon. Friend. [*Ironical cheers.*] Do not cheer too quickly, my sequel will not, perhaps, realise your anticipations. I would open to the public not only the gallery and museum, but also the temples every hour on every day. I regard it as a disgrace to a Christian land, and a stain upon the character of this Assembly, which, as far as profession is concerned, is eminently Christian, that the portals of those glorious structures, the Abbey of Westminster and the Cathedral of St. Paul, are closed to any whom curiosity might prompt to enter, or devotion induce to remain, in order that as profitable exhibitions they may swell the revenues of the most grovelling and sordid priesthood in the universe.

Mr. CROSSLEY said, the Mover and Seconder of the Resolution wished the House to believe that they had no desire to destroy the Sunday as a day of rest, but to preserve a portion of it for rest, and set apart the remainder for recreation and amusement. Now he (Mr. Crossley) should be most unwilling either to maintain or to enact any laws for compelling people to attend Divine worship; but it was quite another thing to destroy a day of rest; and he feared that if once they begun thus to divide the day, and appropriate one part to worship and the other to amusement, the consequence would be to divide the people, and whilst some were taking rest and recreation, to keep the others at work, and the sanctity of the day would soon be entirely lost. They would soon have the same thing here as in France and in other continental countries, where the weaver worked at his loom, the smith at his anvil, and the shopkeeper attended behind his counter on the Sunday as on every other day. When he was last in Paris, he went to the ambassadors' chapel. Outside, the masons and joiners were at work, carts laden with stone traversed the streets, and he could scarcely hear the service for the noise made by a blacksmith's hammer. This was what Sunday amusements had brought them to in France. During the recess he had visited the United States, and had had opportunities of studying both phases of the question. In the free States of the Union, where Sunday was strictly observed as a day of rest, not a cab was to be found on a stand, omnibuses ceased to ply through the streets, the gin-palaces were closed, and the noise of the shuttle and the hammer was not to be heard. There was no State Church there, but the religious feeling of the country adopted the principle that the Sabbath was a day of rest. But what was the state of things in the slave States of the south, in New Orleans for instance? There Sunday was not treated as a day of rest, and the result was, that a totally different state of society was to be found; the theatres and other places of amusement were open, and the slaves were compelled to work every day of the week. The busy occupations of life were carried on as usual, and there was no interval or relaxation in the daily continued toil of the labourer, down went the rest day where public amusements were permitted on the Sunday. But what he wanted to know from the supporters of the Resolution was, why they treated Sunday as the only day of recreation and amusement for the working classes? Why not give them a portion of time for these purposes during the other six days of the week? Much had been said about factory hands, and how badly they were off; but there was no comparison between them and the working classes of London; for the fact was, that in every factory throughout the country the people had a holiday once a week, and did not go to work from two o'clock on Saturdays until the Monday morning following; in addition to which they had six days' holiday in the course of the year. In his conscience he believed it would be a dark day for England if ever she began to trifle with the grand principle of a rest day; and so thinking, and regarding it as a poor and miserable pretence to say that part of it should be given to recreation and amusement, and part of it to rest, he should give his most decided opposition to the Motion.

Lord STANLEY* said, he was well aware that the views he had formerly expressed, and which he still entertained, were not likely as yet to command the sanction of a Parliamentary majority. He knew, however, that it was the practice of the House to listen with forbearance, and even with respect, to any fair and temperate statement of opinions honestly held. Great stress had been laid upon the expression of public feeling which had taken place against this Motion. He would not deny that some public feeling had been called forth, but let the House look at the facts. The measure and test of the popularity or unpopularity of questions was the number of petitions and signatures presented to that House. Now, what had been the number brought forward on this question? Up to that day the report of the Committee on Public Petitions stated that the signatures to petitions against the Motion did not exceed 38,000. They might fairly assume that the petitions presented that day would not increase the numbers by more than 100,000. The House would recollect that the great majority of these petitions, coming as they did from small rural parishes, were signed by but few persons a-piece. But, admitting that petitions with 150,000 signatures had been sent in, let the House compare that with the number of petitions which had been repeatedly presented whenever any great constitutional or administrative question stirred the mind and heart of the country. In the year 1837, when the church-rate agitation took place, not less than 600,000 signatures were attached to petitions sent in to that House praying for relief from church-rates. It was right to consider, also, by what means these 150,000 signatures had been obtained. He regretted to say there was not the slightest doubt that the great majority of the clergy, although not all nor the ablest of that body, entertained strong opinions against the Motion before the House. There were in orders not less than 30,000 ministers of all denominations. If only half of them exercised the influence which their position gave them with their congregations, the total would hardly give ten signatures to every petition. The question had been agitated in pulpits, and public meetings had been held, where, permit him to say, the objects of those who supported this Motion were greatly misrepresented. In almost every congregation numerous signatures could be obtained to any petition brought forward and recommended by the minister, and he knew of one case, and had heard of more, where requests had been made to the congregation from the pulpit to sign a petition left for that purpose in the vestry. Nor was it to be forgotten that those who opposed what was called the Sunday opening of places of recreation on the broad question of religious principle were equally interested in this question, whether they resided in town or country. On the other hand, few provincial towns had museums and galleries of art, and in the rural districts there were none, so that those who were favourable to the opening of these institutions had not the same inducement to exert themselves in favour of this Motion. Thus, while on the one side the movement in opposition to this Motion extended over the whole area of England, on the other hand, the movement in its favour was mainly confined to the metropolis. Upon the one side there was an organised movement, conducted by a powerful and influential body; while on the other there were only some scattered and spontaneous demonstrations of popular sentiment. In estimating the force of public opinion those circumstances must be considered, and he rather wondered, not that so much public feeling, but that so little, had been excited. Now, what were the principles upon which the Motion was resisted? It was said that if it were assented to, it would offend the scruples of honest conscientious persons; but if that plea had been allowed the weight which some were anxious to give it he feared the world would have stood still long ago. There was scarcely a reform upon any subject, political, social, or ecclesiastical, which had not hurt—deeply hurt—the feelings of many estimable persons. But the question was, not whether offence would be given, but whether there was reasonable cause for the existence of such a feeling. He could well understand a man entertaining a strong and conscientious conviction that it was an act of impiety to enter a place of amusement upon a Sunday, and if any attempt were made to compel him to do so against his conscience, he (Lord Stanley) could understand him offering every resistance in his power. But that was not the matter in dispute. He apprehended the object of the Resolution before the House was not to ask for liberty to stay away from the British Museum or the National Gallery on Sunday; that they had already. The opponents of the Resolution asked not to be allowed to keep the seventh day in their own way, but to have power placed in their hands to compel all others to do the same. In doing that, he believed they mistook not only the theory of Government, but the nature of a religious duty. In dealing between man and man, as individuals, every individual citizen was of necessity held responsible for the acts of the community of which he was a member. For instance, England being at war with Russia, every Englishman was a sharer in that war, whether he approved it or not. Such arrangements were inevitably incidental to the imperfection of human justice, but they could not extend to the relations subsisting between the individual man and a higher power. Those relations were, by the very nature of the case, personal and not social. *In foro conscientiæ* each man must answer for himself. Any attempt to force our own views upon others was in reality not to strengthen but to destroy their consciences. He dwelt on this, because half the social injustice committed, half the misery endured on earth, arose out of the manner in which a large proportion of mankind, in all ages and countries, had reasoned on this subject. They argued thus :—" I think this or that act wrong ; therefore my neighbour ought to think it wrong. I cannot control his thoughts, but I can and will control his acts, and I will make him act as though he agreed with me." What were the fruits of that principle ? Oppression on the part of the strong, hypocrisy in the timid, persecution undergone by the bold and honest, discredit brought on the name of religion itself. He denied the right of that House, or any earthly tribunal or legislature, to prescribe the relations which should exist between man and the Supreme Being. Law existed for the purpose of enforcing duties between man and man—all other duties were cognizable by conscience alone. If it were a religious duty —which he could not admit it to be—not to enter museums on a Sunday, even then he denied the right of the law to enforce it. But was it a duty to abstain from so doing ? Some argued that the fourth commandment was still binding upon us ; but, if that were so, it should be accepted strictly, and in its literal interpretation. In that case they were bound to observe as sacred, not one day in seven, but the seventh day, as originally enjoined. Even in dealing with human law—and much more in the case of that which they deemed divine—they must not take one half and reject the other. But it was contended that the day had been changed. By what authority? The written documents which alone Protestant Europe received as of authority gave no sanction as to the ascetic observance of the first day of the week. He would say then, " Respect Sunday as a valuable and venerable institution, but do not assign to it a higher authority than it can rightly claim." There was much upon which he might touch in connection with that point, but which it would be hardly proper in that place to discuss, but it would be easy to show that the rigorous ascetism of modern times was unknown until about two centuries ago. It could be shown that neither the early fathers of the Christian Church, nor the first founders of Protestantism, nor any continental Protestant nation, ever dreamt of there being harm or wrong in visiting objects of science or works of art on that day. Luther had said—

> " If anywhere the day is made holy for the mere day's sake—if anywhere any one sets up its observance on a Jewish foundation, then I order you to work on it, to ride on it, to dance on it, to do anything that shall reprove this encroachment on Christian liberty."

Among the divines of the Church of England the name of Paley was eminently distinguished, and he said—

> " Cessation upon Sunday from labour, beyond the time of attendance upon public worship, is not intimated in any passage of the New Testament ;" and again, " The resting on that day from our employments, longer than we are detained from them by attendance upon religious worship, is, to Christians, an ordinance of human institution."

If he might quote from one whom it was to him a pleasure to mention in that House, and whom he had once personally known —one in whom the deepest reverence for religion was blended with no common intellectual energy, and with a force of character which commanded not only admiration but awe—one whose life was labour, to whom self-interest was unknown, and who seemed to have no pleasure except in the discharge of duty—if he (Lord Stanley) might name Dr. Arnold of Rugby, his testimony would not be wanting—

> " Sunday should be a day of greater leisure than other days, and of the suspension, as far as may be, of the common business of life ; but then I should have much greater indulgence on a Sunday, and if the railway enables people in great towns to get out into the country on a Sunday, I should think it a great good."

A singular but popular argument which had been much used against the Motion now before the House was, that it would introduce a Popish Sunday. Was it Popish to plead for freedom of conscience, and claim right of private judgment ? Was it Popish to follow the great reformers—to reject tradition, and to rest solely on that written word which Europe accepted as divine? He had dwelt longer than he perhaps ought to have done upon the religious question, but he had done so because the social plea appeared merely to be put forward as an outwork to cover the main defence. One hon. Member had argued that to relax observance of the Sabbath would be to convert it into a working day. From that he (Lord Stanley) dissented, because there was a wide difference between opening places of national amusement and allowing trade. Upon social grounds a national holiday was desirable. The experience of all nations and ages proved that; and on social grounds he thought the State had a right to enforce the day of rest. He felt that so strongly that he had supported, and would again support, a Bill for the suppression of needless Sunday traffic. The details of that Bill of last year might have been faulty, but he held its principle to be sound. As for this Resolution, he took it as it stood on the Votes, and could not find in it anything which either directly or indirectly gave the slightest sanction to Sunday trading. If the hon. Member who had made the Motion had so worded it as to make it apply to any private institution or establishment whatever, he would no doubt have opened the door for the admission of a most complicated and difficult question; but he had carefully abstained from doing so. The Resolution, in the form in which it was submitted to the House, dealt with Government institutions only, with institutions which, supported by the national Exchequer, were freely open to all. The question, of trade, therefore, was no element in the consideration of this case; and, admitting its difficulty, he was glad that it had been excluded. But turning from that part of the question, was it true that in England the labouring classes were so entirely dependent on their employers that their only security from labour on the day of rest lay in legislative restrictions? The hon. Member for Halifax (Mr. Crossley)—himself an employer—seemed to think so; but, with all his experience of labour here, he was driven to look for an illustration among the negro slaves of the southern States of America. Had not some events occurred in the manufacturing districts, within the last two years, which might show him that the operatives were not absolutely at the mercy of their employers? But let them look at London. No man who knew anything of the state of London could fail to perceive the progress that had been made by the early-closing movement. Did the success that had attended that movement show that there was either the power or the will in the employers to invade the liberty or encroach on the enjoyment of the persons in their employment? There was no obligation of law, no custom of social life, no observance of religion which compelled men to close their shops at a stated hour; yet it had been done in deference to the feelings and wishes of the employed, and by means of the good sense and humanity of the employer. Another hon. Member who had spoken in the course of the debate viewed the Resolution with alarm, lest it might empty the Sunday-schools. If such a result should follow it would, no doubt, be a matter of regret, but they should not fall into the error of supposing that the opening of the British Museum would have any such ruinous effect on the schools. A walk in the fields was more attractive to children than a visit to any museum or gallery, and as yet they had not carried their zeal for Sunday-schools to the point of forbidding men to walk out. Sunday-schools, he would admit, were very useful institutions, yet he had known instances where their labours were carried to a length which was undesirable, as tending to defeat the very object which those establishments had been founded to promote. He had known Sunday-schools where children of very tender years were compelled to undergo six hours' teaching—six hours of mental effort and bodily confinement—church included—a practice not very likely to give a taste for religion. If the effect of opening the Museum and the National Gallery should be to abridge the hours of study in such of the Sunday-schools as already made too large exactions on the time and attention of the attendants, the evil would not be of such magnitude that it might not be endured. Another plea addressed to moderate men was, "Was it worth while for the sake of so small a gain to disturb the public mind and unsettle the entire nation?" If the whole question at issue were merely the opening of one or two institutions, he would admit that the object was scarcely worth the effort it cost; but this was not simply a question of maintaining new privileges—it was rather one of keeping those which the public already possessed. There was no argument against the opening of the Museum which did not apply with equal force to excursion trains, and which, urged to its legitimate limits, would not go to the closing of places of refreshment, the stopping of omnibuses, and the laying of an embargo on river steamers. This city was from east to west six miles across, and a man living in the centre could not take his family into the country except by employing some cheap public conveyance. On what pretext of fair play or common humanity could they shut up in Shoreditch or Bethnal Green on a Sunday the thousands who populated those districts, when they knew that every man who had a sick child would hasten, let the day of the week be what it might, to remove it from the smoke and filth of London to the pure, fresh breezes of the country? He did not wish to raise the cry of "one law for the rich and another for the poor;" but if this was the spirit in which the House of Commons was going to legislate for the country that cry, depend upon it, would be raised sooner or later, and in tones louder than had yet been heard. Another argument against the Resolution was, that it would impose compulsory labour on the Government officials. He could not very well understand the force of this objection, for they had no particular tenderness for the police, to whom Sunday was a day of labour, and not much sympathy for the clerks in the Post Office. But the difficulty, such as it was, might be evaded by two methods. It would be easy to exempt, with proportionate deductions, those who had a conscientious objection to work on Sundays—he did not believe the number would be very great; and, on the other hand, it would be quite practicable so to arrange the relays of the service that no official should be employed to superintend any public building on more than one Sunday out of three or four. With regard to the objection that this measure would interfere with religious worship, he did not believe that it would have any such operation. He would not dwell upon the fact that a large majority of the working men in this metropolis did not attend any place of worship whatever; and that if they should be disposed to do so, there would not be churches enough to hold them. He would not dwell on that, for the state of things which it indicated might only be temporary, although it did seem hard to say that one generation should be left to pass their Sunday in the pothouse in order that the next generation may have rather less inducement to stay away from church. But they would do well to remember that an entire day passed in mental attention to abstruse subjects was difficult even to the educated, and to the untaught or half-educated impossible. There was time enough on Sunday both for religious worship and for innocent recreation. There need not be any competition between the Church and the Museum. He hoped that between the Museum and the public-house there would be much competition. He did not expect that the Resolution would command a large amount of support in that House; but of this they might be assured, that if they legislated in their present temper—if they continued old restrictions and created new ones, they would make religion unpopular, and throw back education. The clergy would gain nothing—the people would lose much; but one class, he admitted, would thank them for their efforts. They would have swelled the profits and gladdened the hearts of every brewer, distiller, and publican in the United Kingdom.

MR. NAPIER* said, he wished to recall the attention of the House to the exact import of the question that was then before them. They were asked, as the representatives of the people, on their own responsibility, to do an act by making an order with regard to Public Institutions and public servants; and it was for the House to consider whether what they were asked to do would be consistent with their own sense of duty, or with the Christian character of the nation. Now, for his part, he did not recollect any question on which, during so short a time, so much real, genuine, deep, public feeling had been manifested as on this; and he looked to the votes of the representatives of the people to-night to decide whether he or the noble Lord (Lord Stanley) drew the proper inference from the state of the petitions. He (Mr. Napier) quite admitted the gravity of the question. They were asked to-night to tamper with an institution which the noble Lord himself admitted to be "one of the most venerable and valuable in the country." They were asked to reconstruct the mode of observing the Lord's day; and let them remember this, if once they took this step, they never could retrace it. If he (Mr. Napier) and those who agreed with him were right in their apprehension, that the present Motion was but a beginning, and that it would lead step by step to the ultimate desecration of the Lord's day (and the noble Lord himself would admit that they might be right in that apprehension), then the adoption of the Resolution would put in peril this most venerable and valuable institution, with which the interests of man were essentially and inseparably united. He (Mr. Napier) had no reason to complain of the manner in which the Motion had been brought forward; and he did not desire to do so. It was temperately and fairly submitted to the House for its decision. Let the question, as it was brought forward, be argued out and out.

The Motion was an experiment; and it asked first to open certain public institutions after Divine service. The movement had therefore included the opening of the Crystal Palace, but that was for the present abandoned. There was nothing he disliked so much as small and insidious beginnings. Poison might, by slow degrees, effect murder as effectually as the knife of the assassin. The concession asked in this instance might apparently be small; but it would compromise the principle, and ultimately undermine the sacredness of the Lord's day. It was said, that the throwing open of these institutions would lead to the moral and intellectual improvement of the people, which in one limited aspect was plausible and popular; but there were those who, with more thoughtful and comprehensive views, believed that it would lead in the end to exactly the contrary result, and it was the duty of the House to-night, to judge which was the more probable and reasonable inference.

Then what was the fair probability in the case, and what was the result which experience would anticipate? Suppose the House began by opening the British Museum and the other places specified in the Resolution. What would naturally follow? The noble Lord said, that large masses of the people did not attend public worship, and had no religious bent. By opening these places, therefore, such persons would, under the sanction of Parliament, be attracted in numbers for the purposes of mere amusement. But would that be no temptation to open private exhibitions, to make profit of this loose crowd of people? Would not private exhibitions, in fact, increase and multiply under the circumstances? And, then, would not other places of public amusement be soon opened? And, then, would it not come to pass that theatres would be thrown open, too, on the Sunday evening? How could they stop the opening of theatres in the evening, when the people might say the services of the day were over, and that then was the proper time for recreation and amusement? They would thus have public exhibitions, private exhibitions, and theatrical amusements, all on the Sabbath; and this under the implied sanction of the House of Commons. But would it stop there? Would not the man who preferred gain to religion, or even to amusement, take advantage of the example thus set him by the House of Commons, and open his shop on the Sabbath? And one shop open, where would the fatal desecration stop? What did the noble Lord himself say on this subject? On this subject he (Mr. Napier) would appeal from Philip to Philip—from the noble Lord of to-night to the noble Lord of the last Session. In the debate on the Sunday Trading Bill of the last Session the noble Lord said—

> "He was opposed to any compulsory enforcement of what was called the sanctity of the Sabbath day; but in the present case they were asked, not to enforce any religious observance, but to protect a national right—they were asked to protect ninety-nine men in a hundred who were anxious to close their shops on the Sunday, against one man in a hundred who wished to open his shop on the Sunday. In a large town, where shops were contiguous to one another, the pressure of competition was so urgent on the shopkeeper, that it became practically impossible for one tradesman to close his shop on Sunday, except at a great loss, when his neighbour in the same line of business kept his open."—[3 *Hansard*, cxxxviij. 1919.]

If the effect of such a Motion as this would be to establish places of amusement on the Sunday for all the loose population not attending public worship on that day, the Legislature itself setting the example of such a proceeding, how could they find fault with the proprietors of private exhibitions if they took advantage of the movements of that population seeking for places of amusement—and thereupon opened their exhibitions? And if the Legislature thus encouraged the pursuit of pleasure on the Lord's day, how could they discourage the pursuit of gain? And was it not obvious that if once the principle was admitted that pleasure and gain might be followed, conscientious men would be placed in the dilemma of putting up with the loss of business they would sustain by a strict observance of the Sabbath, or of allowing their own shops to be opened? The proposal before the House was calculated to put a temptation in the way of all parties which would, by degrees, break down the sacredness of the Sabbath. He (Mr. Napier) was not for making the Sabbath a day of gloom; far from it. He thought it ought to be a day of Christian cheerfulness and happiness; but he thought that cheerfulness and happiness would be best promoted by its observance as a day of sacred rest. So much for the probabilities of the case as regarded the Motion.

Next, what did experience say on this question? The hon. Member (Sir J. Walmsley) asked, as he did last year, whether the British workman should be placed in a worse position than the workman of the Continent? And he stated that the continental workman had more taste, because he had an opportunity of seeing works of art on Sunday, which the English workman had not; the museums and public institutions being open on the Continent on that day, but closed in England. That course of argument went the length of intimating that in this country they were to anticipate the establishment of a continental Sunday. Was England prepared to accept that? They were, he believed, almost all agreed on certain points—for instance, that the Sabbath should be a day of rest—and of sacred rest. He did not believe the object of those who supported this Resolution was to destroy the sacredness of the Sunday; and, on the other hand, he was sure that the opponents of the measure had not such gloomy or austere purposes as were attributed to them. He believed that on either side they were too prone to throw out extreme suggestions; but the true question to be decided was, as to the tendency and consequences of the Resolution if adopted. They were all agreed that there ought to be a cessation of labour on the Lord's day, as far as was practicable for the working classes; and that all persons should have the opportunity of employing the Sunday in a manner the best calculated to promote their religious and spiritual welfare. He (Mr. Napier) would show the House that to pass the Resolution, might tend to deprive the workman of that regulated cessation from the daily toil of the week, and to impede the moral and religious advancement of all classes of the community. He would show from the experience of other countries, that it was so. He would call the attention of the House, to what a traveller during the armistice in 1802, had said of the manner in which the Sabbath was observed in Paris. He said that—

> "In Paris the Sabbath can only be considered as a day of dissipation to the lovers of gaiety, and a day of unusual profit to the man of trade."

And again, a more modern traveller, Mr. Laing, in his notes on the *Pilgrimage to Trèves*, spoke of the Christian observance of Sunday as—

> "The application of principle to practice by a whole people. It is the working of the religious sense and knowledge upon their habits; it is the sacrifice of pleasures, in themselves innocent (and these are the most difficult to be sacrificed), to a higher principle than self-indulgence. Such a population stands on a much higher moral and intellectual step than the population of the Continent."

It came to this—if they made Sunday a day of pleasure, it could not be secured as a day of rest; and as it was of primary importance to secure to all classes a day of rest from work, and opportunity for spiritual privilege, he would take his stand fearlessly against the Resolution. They could not separate the opening of the British Museum and such institutions from all the surrounding circumstances; it must be regarded in its connection with all the circumstances and probable results; it was not an isolated question as to the mere visiting of such places; the Resolution itself showed this, for it would not open them during Divine service; but if the result might fairly be supposed to put in peril the sacredness of the holy institution of the Lord's day, they were bound as a Christian Senate, by their allegiance to a higher Power, to give a decided negative to the Resolution before the House. Let the matter be considered thus:—The noble Lord had urged that such a step as this would promote the moral and intellectual improvement of the people of this country, but he had not referred to any experience to prove it. He (Mr. Napier), however, asked the House to put the argument against the Resolution, based on the probable results which he had suggested, as well as on the experience of other countries—put these in the scale against the noble Lord's expectations on the subject, neither sustained by solid reason nor fortified by facts, and judge which should preponderate.

It had been well observed by the great historian of the Reformation, that there was no country in the world to which true religion was of more vital importance than to England, from her commercial enterprise and manufacturing activity. The argument in favour of the strict observance of the Sabbath in England, derived its peculiar force from the way in which the English workmen were incessantly employed on the week-days, in the great strongholds of manufactures and trade in their country. Was it not remarkable, however, that the individuals who advocated the encroachment on the Lord's day, did not ask that one moment of the other six days should be given up to the relaxation and intellectual improvement of the working classes? No: they came forward with their Resolution respecting the Sabbath, and with the impulse of the false mother, they said, "Let it be neither mine nor thine, but divide it." The rights of Mammon for the six days were to be upheld as paramount and sacred, and the day of rest, which God had hallowed, was to be so far sacrificed also to Mammon. They would, by encroaching on the rest and sanctity of the Sabbath, endanger it altogether by destroying its entirety. And he could not help thinking that it would have been much more like a real regard for the working classes, instead of trying to steal a portion of the day of sacred rest, if they had demanded for these classes some portion of the six working days for the purpose of their recreation and of their moral and intellectual improvement. They would take away the sacredness of the Lord's day, and along with it they would take from the labouring classes the true and abiding security which they now had, of at least one day of rest in the seven. This the working classes knew perfectly well and felt thoroughly; and it was the instinct of self-preservation that led many of the people to protest against the Resolution; and their repugnance to the Resolution was a beautiful proof of the secret and even secondary power of truth, and the interest which the people had in the predominance of true religion. It, and it alone, secured their interests in time and eternity.

The hon. Member, when he brought on his Motion last year, quoted the words of our blessed Lord, that "The Sabbath was made for man;" and then argued from that, as if man might do what he liked with the Sabbath, and make it a day of amusement. True "the Sabbath was made for man." But when? When it was first instituted in Paradise; it was man's first day and God's seventh; and He who made it for man had thus stamped it unequivocally with the impress of a day of spiritual rest. The bodily rest on that day, cessation from ordinary toil or labour, was after all but as means to an end. It was meant to be a day of spiritual privilege for man as made in the image of his God, and was designed to enable man spiritually to commune with his Maker, free from the cares and toils of week-day life. The noble Lord had quoted several authorities as if in favour of the Resolution, and among them the late Dr. Arnold; and he (Mr. Napier), though differing in some points from Dr. Arnold, revered the memory of that generous and good man. But he was not aware that Dr. Arnold's opinion went to the length of the Resolution, nor that he advocated the opening of such places on Sunday. The noble Lord had also quoted the opinion of the great Reformer, Luther, in favour of his views. Luther held some opinions which were not received at present; he held that St. James was not inspired; and he held the doctrine of consubstantiation; but for him and some of his opinions great allowance was to be made. It would indeed have been extraordinary if that eminent man could, all at once, have got rid of all the erroneous opinions that he had at one time entertained. It was therefore, perhaps, not surprising that he might have put forward views respecting the mode of keeping the Sunday, not altogether to be approved, but which were not without their condemnation, in the continental Sundays, to be found in many places. Paley had also been quoted by the noble Lord. Now although no great admirer of the cold and calculating philosophy of Paley, he must say, that while it was true that that learned man had not placed the Sabbath on so high a basis as it deserved, yet he (Paley) was strongly of opinion, and more emphatically in his later years, that the Sabbath ought to be strictly observed as a day for religious exercises and not for amusement. He was, however, surprised to hear the Archbishop of Dublin quoted by the noble Lord as if in favour of the Motion. That right rev. Prelate merely affirmed that the Christian Sunday was not to be kept as the Jewish Sabbath. He (Mr. Napier) well remembered to have heard an admirable and instructive lecture delivered by the Archbishop in the King's Inns in Dublin, on the influence of professional life on character, in which he drew a forcible contrast between the privileges of other professions and that of the medical man, laying much stress on the disadvantages under which the latter class laboured from being necessarily deprived of the benefits of an uninterrupted Sabbath. He might perhaps be allowed to refer to the opinions of high legal authorities on this question. In the first volume of the Parliamentary history 1190, 1191, and also, in Lord Campbell's *Lives of the Chief Justices*, it was observed that Sir E. Coke gained much applause from his treatment of a flippant and irreverent speech against a Bill for the better keeping of the Sabbath, made by a Member of the name of Sheppard. Sheppard said that—

> "*Dies Sabbati* was Saturday; that to forbid dancing on Sunday was against the King's Book of Sports; and that he that preferred this Bill was a disturber of the peace and a Puritan."

Sir E. Coke said—

> "Whatever hindereth the observation of the sanctification of the Sabbath is against the Scriptures. It is in religion as in other things—if a man goes too much on the right hand, he goes to superstition; if too much on the left, to profaneness and atheism—and take away reverence, you shall never have obedience."

Sheppard was expelled as an unworthy Member of the House. One of the most pious and truly good men, and one of the ablest Judges that ever sat upon the bench, Sir Matthew Hale, says, as regards the Sabbath—

> "God Almighty is the Lord of our time, and lends it to us; and as it is right that we should consecrate this part of that time to Him, so I have found, by a strict and diligent observation, that a due observance of the duty of this day has ever had joined to it a blessing in the rest of my time; and the week that had been so begun has been blessed and prosperous to me. And, on the other hand, when I have been negligent of the duties of this day, the rest of the week has been unsuccessful and unhappy to my own secular employment; and this I do not write lightly or inconsiderately, but upon a long and sound observation and experience."

The noble Lord had thus adverted to the authority of Luther, Arnold, Whately, and Paley. He might, perhaps, be permitted to quote the judicious Hooker (*instar omnium*). He said—

> "The moral law requiring a seventh part throughout the age of the whole world to be that way employed, although with us the day be changed in regard of a new revelation, begun by our Saviour Christ, yet the same proportion of time continueth, which was before, because in reference to the benefit of creation and now much more of renovation, thereunto added by Him which was prince of the world to come, we are bound to account the sanctification of one day in seven a duty which God's immutable law doth exact for ever."

And are not the Ten Commandments recognised by the reformed Churches as still binding upon Christians? Every man who attended the Divine service of the National Church heard the Ten Commandments read there as an integral part of the moral code of Christianity, and in his response the worshipper, as prescribed by the Liturgy, called upon the Almighty "to incline his heart to keep this law"—the law of a holy Sabbath. Yet, forsooth, after engaging in that solemn exercise, a man was to be told by the House of Commons that he might, in the after part of the same day, nay, almost immediately, join in scenes of public amusement, leading on to further dissipation of time and thoughts, and thus tending to desecrate what he had solemnly desired to sanctify as the day which God had hallowed!

If the Sabbath was made for man, it was also the Lord's day, and these two propositions should be honestly taken together as inseparable instead of being unnaturally and perilously disjoined. The Sabbath was made for man, because it was designed for his spiritual good under every dispensation. Originally instituted in Paradise when God ceased from His works of creation, continued after the Fall, republished under the highly symbolical economy of Judaism, enforced and commented upon by the life and teaching of our blessed Redeemer, who, to guard against Pharisaic formalism or improper latitude, engrafted on the literality of the Divine command, certain gracious and reasonable exceptions, of which "mercy, not sacrifice," was the exponent; and then made perpetual by the example of the Apostles and guides of the primitive Church as the rule for all time; that Divine institution, although different in the mode of observance under different dispensations, had ever but one and the same benign purpose to be carried out, namely, the spiritual well-being of man as an immortal, intelligent, and accountable being. Man was not a mere machine to be worked like a spinning-jenny, and to stop at stated times; but He who knew what was in man, his weaknesses and infirmities, and the trials he had to support in the toilsome journey of life, had secured to him a periodical cessation from his dull round of daily labour—and thus provided an occasion for spiritual privilege and sacred rest. It was a very curious fact that neither morning nor evening was mentioned as regarded the seventh day: thus showing it to be a symbol of the eternal Sabbath. When they were asked as legislators to deal with that sacred institution which, as individuals, they were compelled to admit to their shame, they perhaps did not observe as they ought in their private spheres, and this he did not say in any spirit of Pharisaic presumption, but in a common confession of admitted shortcoming, they were bound, however, in their collective capacity in the Senate to ascend to the very highest standard of duty for the rule to be followed on such an occasion as the present, instead of descending for legislative example to the level of their own shortcomings in private life. It was somewhat remarkable that those who regarded the Sabbath as a mere ecclesiastical arrangement, or as an institution of human policy and convenience, were the very parties who sought to tamper with its integrity and sanctity. That eminent divine, John Owen, on this point happily and truly observed—

> "Take this day off from the basis wherein God hath fixed it, and all human substitutions of anything in the like kind will quickly discover their own vanity."

He (Mr. Napier) called on the House to observe how the institution of the Lord's day required, for its complete security, to be religiously preserved against any public encroachment upon its sacredness. Substitutes had been tried, the only effect of which had been to prove that every weakening of the Scriptural basis would encourage and facilitate its desecration. What, then, was the reason why they were now asked to put such sacred interests in peril? It was answered, "The requirements of the population." The advocates of the Motion drew plausible arguments from what in truth was their neglect of the week-day condition of the labouring classes. They thus would inflict upon the Sunday the injurious consequences of their week-day neglect. Those classes were overworked and under-educated. Who, looking at the waste of human life in tender childhood, as well as in its vigour and prime, continually going on in the manufacturing districts, could believe that those classes enjoyed the advantages to which modern improvement in machinery and better social arrangements reasonably entitled them? Who did not know that, instead of the spirit of social progress interposing benignly to relieve them more and more from the grinding burden of their incessant toil, they and their children had not leisure left them for occasional recreation and self-improvement, and hence this plausible demand for a portion of the Lord's day, to which, if the House imprudently yielded, then that greatest blessing ever granted to man, would be gradually undermined and finally swept away. Let the Legislature rather endeavour to promote the sanitary improvement, the Christian education, and the rational week-day recreation of the people, providing, as far as possible, that each family might have the decencies and comforts of Christian civilised life, and, then, with the Divine blessing, they might expect to have a happy and a Christian population, forming a nation's true strength. This would afford a legitimate sphere for the energetic activity and the laudable ambition of a Christian Senate, instead of their seeking to encroach, by measures like the present, upon the sanctity and security of the blessed and hallowed Sabbath.

With regard to the payment of wages to the working classes, it might be regulated in a different way from that at present in use. He remembered being very much struck on a Saturday evening, seeing the number of poor people with their little children at midnight, making their purchases; they had not received their wages until late at night, and were buying their little stock of provisions for the following day. But that was a question which did not require the Lord's day to be encroached upon under the sanction of the House. The question rather was, whether having six days at their command for all secular purposes, they were so justified in using these days as to require them to interfere with the sabbath rest of the people? He thought, on the contrary, that if they were to counteract the effects of overstrained competition — to give time to the working classes for reasonable recreation, to pay their wages at a proper time, and, in addition, to provide suitable church accommodation and education for them, they would have a happy state of things, and one far superior, even in a temporal point of view, to that which would follow the adoption of the Motion. England, upon this question of the observance of the Sabbath, should set an example to the world—she was the model nation; and, looking at the question merely in a commercial point, it was remarkable that the people most famous for their strict observance of a Sabbath, were also the most noted for their commercial pursuits, enterprise, and energy—he meant the people of this country, and of the United States; and so far from suffering in commerce from keeping up a day of rest in seven, it proved an advantage. Commerce depended on the credit, the good faith, and the moral character of a people, of which the observance of a Sabbath was one of the securities. But, again, look at the effect the adoption of the Motion would have, in the end, upon wages. They all knew that the amount of wages depended upon the competition for labour. An addition to the number of working days would virtually have the effect of increasing the amount of labourers, and reducing the wages of daily labour. He had heard of working men who went over to Paris and were engaged at the Exhibition, carrying with them English habits with regard to the Sabbath, that they received as much for six days' work as the Parisian workmen got for the seven days.

He regarded the Sabbath as one of the chief national and Christian institutions. He believed that the constitution of the country had adopted it; but he admitted, while they provided opportunity for all men to enjoy the rest and privilege of the Lord's day, that they were not called upon to enforce by legislation any particular course of observance upon any man. But if they were not to legislate, they were the more bound to set an example which ought to be followed, and to give every encouragement to what they believed to be a sacred duty. The noble Lord (Lord Stanley) had spoken of those opposed to this Resolution as being bound to deal with excursion trains on Sundays; and another hon. Member had talked of its being necessary also to deal with clubs. He (Mr. Napier) would say, speaking for himself as a matter of opinion, that all that state of things was wrong; it enabled the classes below to point to the example of those above, in a way which gave a sanction to the deviations which were condemned; it was a most serious responsibility to incur, and he must frankly admit, that if the humbler classes were admonished to keep the Sabbath in a becoming way, it was the more incumbent on the higher classes to set them the example, by keeping it also themselves. These were matters, however, on which, though they might humbly offer their individual opinion, it was not within their province to coerce others. But every man in that House was then called upon, on the Motion, to act for the good of the whole people, as a responsible unit in that assembly; and they ought not, by their own conduct in reference to public places, to give public sanction to a measure which tended to break down or weaken the barriers which protected the day of sacred rest. They were told that a prejudice had been got up upon this subject by the clergy. He believed that such was not the case; but that the opposition made to the Resolution sprang from the deep-seated, settled conviction of the people themselves; and he thanked God for its exhibition as a great proof of the genuine religious strength and spirit of the community. How many of them associated with the Lord's day their happiest hours on earth, and their brightest hopes hereafter! The shadow of creation might at first have fallen upon the Sabbath; but the light of redemption now shone upon it, and the beams of the descending Spirit illuminated it. It was a day which God had associated with the work of creation ended; with the greater work of redemption finished; with the work of the Spirit begun. It was the day on which the Redeemer rose from the grave, and the Comforter came down from heaven; it was therefore the Lord's day, on which they should rejoice and be glad—the day divinely appointed, apostolically appropriated for public worship and for common prayer, sacramental communion, charity, and mercy. The record of Scripture and the testimony of tradition alike accredited its sanctity as the Sabbath of all who professed and called themselves Christians. It was made for man, it was his birthright; it was given to man that he might retire from the cares and the labours, and the turmoil of the world, to enjoy the blessing of high and holy communion with his God; but he warned the House and the country, that, if by one false step they parted with their birthright, they could no longer preserve the blessing.

Mr. HEYWOOD said, that in several of the German States, and especially in Mecklenburgh Schwerin, there were at this moment persecutions carried on against certain Christian sects, particularly the Baptists, who were in favour of a strict observance of the Sabbath; while it appeared that in our own country there was a powerful organisation for the more strict observance of that day, as was evidenced by the nature and the number of petitions which had been presented against the Resolution. He admitted that the House was bound to listen with respect to petitions; but the difficulty in the present case was, that the petitions were mostly clerical and came from ministers of religion and their congregations. He noticed the absence in this movement of the highly educated and scientific part of the community. There was, indeed, evidence that scientific persons did not wish such an observance of the Sabbath as was sought for by the petitions. Take the case of the Zoological Society, of the council of which Sir Benjamin Brodie was chairman, and Professor Owen an active member. That society opened its gardens to members and their friends on Sunday afternoons. It was the same at the Botanic Gardens in the Regent's Park. He had seen prelates of the Church of England and other eminent persons walking there on Sunday afternoons. The strict observance of the Sabbath by the Jews had been insisted on; but he remembered an instance of the mildness with which even Jews now treated the observance of the Sabbath. He recollected Baron Goldsmid and the Bishop of Winchester—who were both members of the council of the Botanic Society, being present at one of the meetings of the council at four o'clock on a Saturday, which was a portion of the Jewish Sabbath, and Baron Goldsmid, after the meeting, took the Bishop of Winchester to see his conservatory and flowers at St. John's Lodge. That showed that the Jews themselves in modern times did not observe the Sabbath with extreme strictness. Twelve years ago the subject of the creation of the world in six days, involving rest on the seventh, was seriously discussed at the meeting of the British Association for the advancement of science at York. The gentleman who introduced the subject was Dean Cockburn, the uncle of the present excellent Attorney General. The Gentleman who replied to him was Professor Sedgwick, and he (Mr. Heywood) never heard anything more triumphant than the answer of the Professor to the Dean of York, for he clearly showed that the creation of the world had taken millions and millions of years, and that it was impossible that it should have been created in any number of "sixes" that could be conceived. There was a petition from the Presbytery of the United Seceders of Ayr, who stated that they were "deeply convinced that the Sabbath had existed from the beginning of the world, as a divine institution." Of course they believed that the world was literally created in six days, and that the Sabbath was the seventh day, which followed. Why that was a notion as much passed by, in the opinion of modern scientific men, as the old Ptolemaic idea of the earth being the centre of the solar system. Go to any of the great professors, such as Professor Phillips at Oxford, Professor Sedgwick at Cambridge, or Sir R. Murchison in London, and any of these learned gentlemen would at once declare that there was not the slightest ground for such a theory. It was an erroneous view of the case, derived from the old legends of the Jews, which had been carried down to our own day. Now he was quite certain that many of the worthy persons who had signed petitions against opening the British Museum on Sunday, had done so in the firm and conscientious belief that the narrative of Genesis must be taken literally. He could not attach weight therefore to these opinions, any more than to such an argument as that the institution of the Sabbath had been coeval with the creation of the world, since the researches of physical science had gone far beyond the knowledge of the Puritans, with whom such arguments prevailed. Why, it was no secret that the date of the ancient books of the Pentateuch was now considered to be much later than it had formerly been assumed to be; and that there were great doubts whether Moses had been the writer of the book of Genesis. He would not, however, pursue that subject. It necessarily would make a difference in their legislation, whether they conscientiously believed that a great institution such as the Sabbath had been intended for all mankind, or merely for the Jewish people. He considered for his own part that the Sabbath was a Christian ordinance, and that we ought to keep it in memory of the resurrection of our Saviour; but he should say that after attending Divine service in the morning, it would be perfectly right, both in the sight of God and man, to go and look into a library, or a museum, or a gallery of art, in the afternoon. To the hard-working inhabitants of this great city, living, as he had seen them, in a whole family and sometimes two families, in a single room—especially on Sunday, when the men could not go out to work, it would be a great relief that they should have admission to places of innocent recreation, instead of being obliged to resort to the beer-shop or the gin-palace. The Census of 1851 showed that out of 2,000,000 inhabitants of the metropolis, only 500,000 attended any places of worship at all. In Liverpool, only 70,000 persons, including a large number of children, attended any places of worship, and 150,000 attended no places of worship. But those who did not go to church or chapel, although they might be of the class of non-electors, ought not to be disregarded by the House of Commons, and he thought that the House would do well if they allowed all classes to have access on Sunday afternoon to museums and galleries of art. He should, therefore, support the Motion; for he believed the honour and the character of that House were involved in it. Such Motions ought not to be again and again rejected as they had been; at least the House should grant an inquiry, and might settle the question by a satisfactory compromise. His own opinion decidedly was, that to open the British Museum and National Gallery upon Sunday afternoon would have a civilising and humanising effect on the people. There was no reason to run into extremes—to desecrate the Sabbath, or to keep it with Puritanic rigour. The Resolution before the House avoided both these extremes, and therefore he should vote for it with pleasure.

Mr. CAIRNS hoped the House would allow him to take part in the discussion, and state the opinion which he had formed against the Motion. He could not come to the conclusion that there was no positive law binding upon them to observe the seventh day, and with the exception of the hon. Member who had last spoken, had heard no argument from any hon. Member to deny the existence of this law. It had been suggested, indeed, that the Sabbath had not now the same degree of sanctity over the Christian world which formerly attached to it. But that was a view which the Legislature and the people of this country had never taken, and a view for which no sound reason could be given. The institution of the Sabbath took place long anterior to the Mosaic law, and was of far higher import. The commandment was given in a manner wholly different from that in which the ceremonial law was promulgated; and we had the highest authority for saying that the Sabbath was made, not for the Jews alone, but for men of all countries, and in all times. But according to the noble Lord (the Member for King's Lynn), there was one argument which he had never heard answered—that if the Sabbath was now possessed of the binding force claimed for it, how could the alteration from one day to another be defended? The noble Lord might have derived a reply to that question from the conformation of the earth, and the difference of day and night in different parts of the globe. The essence of the commandment was, that there should be a seventh day kept holy; but the mode in which the commandment might be observed must, from the nature of things, be different in different quarters of the world. What was the Resolution before the House? It involved two propositions—first, that those things which would promote the moral and intellectual improvement of the people would be a proper occupation for the Sabbath, and should be sanctioned by the Legislature; and, second, that the opening of the British Museum and National Gallery would have that effect. He challenged the first proposition. Nothing could promote the moral and intellectual improvement of the people more than the secular education imparted in schools and colleges. Were they prepared to say that schools and colleges should be opened on Sunday? Professions and many kinds of skilled trades promoted the moral and intellectual improvement of those who practised them. Were they prepared to say that the practice of professions and skilled trades was a proper occupation for the Sabbath? He might go further, and say, that among the objects for which this House assembled, none were more honourable than those which occupied its attention, when it met to consult upon matters promoting the moral and intellectual welfare of the people. Should this House then meet on Sunday to consider the matters of which he spoke? He could not help remembering a narrative the events of which were coeval with the foundation of the institution of which he was then speaking; there was in that case also a commandment, not relating indeed to a particular day, but relating to a particular fruit. That commandment was also met by an argument, and in what way was that argument brought? Why, that fruit was natural to man, that it was a good fruit for food, and that the partaking of that fruit would contribute to the intellectual improvement of mankind. That was exactly the meaning, and the legitimate adaptation of the Resolution they were then asked to adopt. The right way to look at a commandment of this nature was not to take it in its literal words, but in its spirit and sense. The same false interpretation that took place there is given here; any reasoning that was applied there applies here also. There were other grounds upon which it was attempted to support this Resolution. He had assumed that the statement was real that this change would have the effect attributed to it—that the opening of these institutions on Sunday would really tend to the improvement of the condition of the working classes. He must, however, be allowed to question that point; he doubted entirely whether the simple inspection of works of art would have the necessary effect of advancing the moral culture of the working classes. Was that the case on the Continent? They could hardly, perhaps, hope, even at any future time, to possess such magnificent collections of works of fine art as were assembled in some of the foreign capitals. These collections were open to the public on Sunday. But what was the moral condition of those cities? Were hon. Members prepared to see the moral condition of the people of this country at the same point as the population of Dresden, of Munich, of Brussels, of Antwerp? He denied that necessarily the opening of these institutions would promote the moral and intellectual condition of the people. The next ground for the Resolution argued by the noble Lord the Member for Lynn, and with great ability, was this—He said, you are legislating in a manner to constrain the consciences of individuals. Now that, he (Mr. Cairns) entirely denied; they were not legislating directly upon anything at all. He acknowledged that they had no right to dictate in any way whatever to individuals how they should observe the Sabbath; but the fact was, that it was the supporters of the Resolution who were calling upon the House to legislate and to express an opinion as to the mode in which public institutions should be conducted on Sunday. He admitted that the House had no right to legislate to constrain the consciences of the people. But the matter was entirely different when they were called upon to give their assent to a resolution of this kind, which, as had been well said by the hon. Member for the University of Dublin, when once expressed could never be withdrawn. Another argument had been advanced with much plausibility, but not with much sense—namely, the condition of the working classes of the country. They had heard of the fatigues which arose from the extent of their labours during the week—of the want of accommodation in their houses during Sunday—of the temptations to intoxication that beset them. He acknowledged the existence of these unhappy evils, but he denied that this was the best mode of relieving them. If the wretched condition of the dwellings of the working classes drove them to places of intoxication on the Sunday, the way to remedy that was to improve the condition of their dwellings. If labouring men were overworked during the week, the way to relieve them would be by curtailing their labours during the week. The object they had in view was to give them as much rest during the Sunday as they could; but it was a strange method of giving them rest to engage them in what, under the guise of pleasure, would in reality be a toil. He admitted the propriety of endeavouring to improve the comfort of the dwellings of the working classes, and so to endeavour to lead them to enjoy the pleasures of domestic life; but it appeared to him to be a curious way to make people domestic to induce them to leave their homes altogether on the only day which they had at their own command. The same thing might be said with respect to intoxication. The noble Lord, the Member for King's Lynn, said that there was one class who would be grateful to those who resisted the present Resolution—the brewers, the keepers of pot-houses and gin-palaces. "They," said the noble Lord, "will always take the view you do." But suppose the supporters of the Resolution could arrive at what they wished, and were to assemble, round the British Museum or the Crystal Palace, 20,000 of the working classes on the Sunday—if that number of people came there, they must have refreshment before they went to their homes. Where, then, would lie the interest of the brewers and the provision merchants? Would there not spring up, round a neighbourhood of that kind, a multitude of pot-houses and gin-palaces? and how would it be possible for a man to keep out of those pot-houses and gin-palaces, whom they had drawn a considerable distance away from his own home? What were they asked to do, as a Legislature, in consenting to the opening of these places? Suppose these places had their sanction as a Legislature, how could they afterwards say to any place of private amusement that it should not be opened on a Sunday? Then if they allowed those persons who made their gain by private places of amusement to open those places on Sunday, how could they restrain persons from making their gain by other means? Then if trading were sanctioned and encouraged on a Sunday, how was it possible for the working classes not to be dragged into labour upon that day? There would be seven days' work for six days' wages. Considering the supply of labour that abounded in this country, the extent of that labour depended upon the ingredients which regulated the quantity of money necessary for the support of working men's families. Now, whether they worked six days in the week or seven, they would only receive the same amount of wages. The working classes had found this out, and had made up their minds on the question; and he (Mr. Cairns) wholly denied the statistics in opposition to this Bill which had been presented to the House. The noble Lord the Member for Lynn had omitted to make any mention of the petitions which had been laid upon the table that day. The noble Lord asked how these petitions were got up, and said they were prepared in country places and small parishes, by country clergymen. But let the House look at what had been taking place in the country and in London during the last fortnight. Working men had abandoned their employment by hundreds in order to take part in meetings held in order to testify their want of sympathy with the Resolution before the House. Let the House remember what took place a few years ago, when there occurred one of the most remarkable circumstances to be found in the history of any country. He referred to the proposition for a prize essay on the Sabbath, when not fewer than 1,000 essays, all written by members of the working classes, were brought out by the competition, and which, judging from those that were published, did credit to the working classes far beyond what any one could have believed possible at any period of time. He hoped the House of Commons would reflect the views that prevailed out of doors on this question—that they would show beyond dispute that, as a branch of the Legislature, they would consent to no measure that would have even the appearance of inducing men to break that which in his opinion was not the least of the commandments. He was at a loss to know where the petitions on the other side were from. It appeared from the last Return, that not a single petition had been laid upon the table in favour of this Resolution for which they were called upon to vote. He had heard of some stray petitions having been presented to the House on this subject, but he should like to know what they were. There could be no doubt that the working classes felt neither interest nor sympathy in favour of the Resolution; neither could there be any doubt of their interest and sympathy in favour of the great institution of the Sabbath.

VISCOUNT EBRINGTON* wished very briefly to state the grounds on which he intended to vote, in accordance with the declaration he had made at the time of his election. The question before them had been debated with comparatively little bitterness in that House; but he regretted that the agitation out of doors had, on the one hand, given rise to imputations of bigotry, superstition, and hypocrisy; and, on the other, of ungodliness, irreverence, and infidelity. ["No, no!"] He thought that the number of earnest and devoted men who on both sides laboured for the spiritual and temporal benefit of their fellow-creatures ought to have shielded them from such imputations, especially when arguments could be used by both parties that might justify any Christian man in arriving at a conclusion on either side of this question. The authority of the early Church, and of almost all Christian Churches, whether Catholic or Protestant, on the Continent, the sanction of such men as Luther, and that of a series of divines in this country, from the first Reformers down to the archbishops and clergy of the present time, should be sufficient to shelter honest and Christian men from the imputations which were thrown out against them, because they differed from what were probably the views of a majority of that House. He was not, however, going to argue the question theologically, thinking as he did that House a most unfit place for theological discussions. He was himself inclined to concur in the view taken of the strict observance of the Lord's day by most of the petitioners. He individually recognised the Christian duty of keeping the Lord's day holy. The question, however, was not what the Members of that House thought it their duty as individuals to do, but what was right and expedient with regard to enforcing their individual views upon others. The question was, what the people actually were, not what they would wish the people to be. He entirely agreed with the hon. and learned Member for Dublin University in deprecating pushing opinions on either side to extreme conclusions for the sake of logical consistency. The argument of consistency would tell both ways. Those who spoke of consistency ought to consider what the position of that House was with reference to the observance of the Sabbath. Why had the House and the Government dealt in so cowardly a manner with the moderate measure proposed by himself and his noble Friend last year to prevent the most flagrant kinds of unnecessary Sunday trading—to secure to the humble shopkeeper one day of rest in the week, and save him from being compelled by competition either to lose many of his customers, or to give seven days' work for six days' profits? Why, on the ground of consistency, did they not introduce clauses into railway Bills to stop excursion trains on Sunday, and take measures to put an end to the plying of steamers on the river? And why did they every year vote the Estimates for the maintenance of Hampton Court and Kew Gardens, which were open to the public on Sundays? Were these places allowed to be open, because they could not be reached without a great amount of Sunday labour, while the British Museum and the National Gallery would be accessible on foot to the population of the metropolis? The truth was, that they had been looking too much to outward appliances, and thinking too little of what ought to be the real motive for a due observance of the Sabbath. The Member for the University of Dublin had drawn a delightful picture of what the home of a Christian working man might be on a Sunday; but what was the real state of the working classes? Was it wonderful that the toiling millions of this overgrown City, confined as they were—thanks to the long neglect of that House—within a pestilential atmosphere during the week, should seek a refuge from the depressing influence of London air in Sunday excursions? Was it surprising, when its population was increasing at the rate of 50,000 a year, without any adequate provision being made for the religious instruction of the people, that the Sabbath should be desecrated as it was? Was it surprising, when tens of thousands of children were running about the streets in heathen ignorance, utterly uncared for, that churches and chapels should be opened to them in vain? Was it surprising that the gin palaces and public houses, which were opened on Sunday by an Act of the Legislature, to an ignorant and untaught population, should offer greater attractions to them than the temples of the Most High? They had heard much of the unanimity of different Christian sects in opposition to the Motion. Let these bodies consider the handle they would give to the formidably increasing spirit of infidelity of the present day by their union in favour of restriction, when they had by their miserable jealousies effectually prevented the adoption of any general measure for the religious education of the people, for teaching them their duty to God and their duty to their neighbour. He thought they had looked too much to plausible statutes and resolutions and votes of that House to avert from the country the calamities resulting from national sin, instead of making clean the inside of the cup and platter. It was—as those who knew him best could testify—from no indifference to the improvement, least of all the religious improvement, of the people; but because he felt that deeper remedies were required for the deep-seated evils of the country, because he thought that proper religious instruction should be provided for the people, because he thought the better observance of the Lord's day should be the consequence and not the precursor of, much less the substitute for, the evangelisation of the masses, because he wished the House not to stultify itself by sanctioning a certain kind of Sabbath desecration, and then protesting against measures which he regarded as undistinguishable in principle from its former legislation, that he would give his support to the Motion.

MR. ROUNDELL PALMER:* Sir, I can assure the House that, in stating the reasons which induce me to differ from the views of my noble Friend (Viscount Ebrington), it shall be my endeavour to avoid any observations calculated to give offence to the supporters of this Motion. I fully share the satisfaction which has been expressed by my noble Friend, at the general tone of this debate; which, considering the importance of the subject, and the great interest felt in it out of doors, has certainly been conducted in a most dispassionate manner. There is one point in which I am sure that the satisfaction which we feel will be shared by our constituents; namely, that no speaker in favour of the Resolution, from the Mover to the noble Lord who has just sat down, (with the single exception of the hon. Member for North Lancashire) (Mr. Heywood) has hesitated to acknowledge, in terms as strong as any which its opponents could use, the incalculable value and importance to society of the great institution, the outworks of which this Motion invites us to displace and destroy. We cannot fix our eyes too steadily upon the enormous interests which society has in maintaining that inestimable institution ; and, whether we look to its physical, political, and economical, or to its moral advantages, we shall find them so great, that, for the sake of either class of benefits, almost any sacrifice of minor objects may well be made. What are the physical and economical advantages? They are, that each seventh day is withdrawn from that arduous labour of body and of brain which would otherwise wear out the physical and mental powers ; that man is rescued from his toil for the purpose of refreshing and husbanding his powers, so that every week he may recommence his work with renewed and invigorated energy. This is the physical benefit ; and no man can venture to say how much of the successful industry, how much of the wealth, how much even of the greatness of this country, is due to the continual supply of strength which is chiefly maintained by this important institution. But the moral benefit is infinitely greater. The consecration of this day to God withdraws man once a week from the contemplation of secular and earthly things, and invites him, with a call which every man must hear, though all may not regard, to remember his eternal interests —to recollect that he is a spiritual being, with an immortal soul, and that this world, its pleasures, its labours, its objects, and its gains, are not the only things for the sake of which he has been born into the universe. That is the greatest of all the benefits which this institution confers upon man ; and its observance has received the sanction of national law in such a manner as to become the main sign, and symbol, and pledge, of public national religion—the solemn testimony in favour of Christianity which the associated body called our country and our nation bears to the world. Who can calculate the influence exercised upon all who come within its sphere, of such a testimony, borne by the public legislation of the country, in favour of higher objects than those to which the mere appetite of man invite him?

But on what foundation does the regard paid to this institution ultimately rest? Undoubtedly not on our legislation, however important (as I will presently show) that may be ; but on the conviction entertained by all Christian people, that there is a higher law than ours which has consecrated this day, and that there is a necessity laid upon all who know that law to obey it. But for that conviction on the part of the religious body of the people, no human law, for setting apart so large a portion of time from ordinary employments, could be maintained for an instant. I discard entirely, as irrelevant to the practical question which we have now to determine, all that has been said about variances of opinion between this and that eminent individual in present or former times, or between this and that Christian body at home or abroad, as to the precise grounds, the exact theory, the ecclesiastical or theological history of this institution. Granted that there are such differences, they all result in the same general testimony to the fact—state it as you will, derive it from what historical source you please—that this obligation, resting upon religious sanction, is imposed as a religious duty; and all ministers of the Christian religion throughout the world, whether Roman Catholics—who place the obligation on ecclesiastical grounds—or members of the Church of England, or of any of the Protestant communities—who regard it as Scriptural and Divine—all agree that it is a moral obligation, resting upon higher grounds than any which can be derived from mere temporal sanction. To whom, then, ought we to appeal in forming a practical judgment on this particular question—whether the change now proposed has or has not a tendency to undermine the institution, to take away its force, to invite men to disregard and neglect it? Surely the appeal lies to the deliberate judgment of those on whose conscientious belief the institution itself rests ; to those members of the community who represent the religion of the country. I do not say all, but to the general body ; and who can deny that there is a general testimony of all the religious bodies of the country, of the great majority of the religious men of the country, to the belief that if we introduce the innovation now proposed, we shall be removing really valuable outworks from that institution? Let the House take the testimony, rely upon the judgment, of those on whose convictions ultimately the institution itself rests, and not think that this is a mere outcry got up by interested classes, or by ministers of religion on professional grounds. No doubt ministers of religion have been zealous and active in obtaining petitions to this House ; but will any one seriously pretend to say, that upon such a question as this, the religious instructors of the people ought to remain passive and silent; that this is a question with which they have no legitimate concern? If they are more active than others, the reason no doubt is, that they know better than others what the interests of religion really are, and how far those interests would be practically affected by the success of the present Motion.

Sir, I have said that this institution rests essentially and fundamentally upon the religious principles and convictions of the people. All, however, admit that civil legislation is necessary to secure to the people the benefits which they derive from it; and the reasons why civil legislation is necessary are important to be borne in mind, that some of the fallacies which have been advanced in support of this Motion may be exposed. Legislation is necessary because, if the law of the land did not interfere, the pressure of competition, the pressure of want, and the pressure of power between man and man, would be so great that, although many might and would resist, others would not, and could not, maintain in their own favour that exemption from the necessity of toil which they are able to do with the assistance of a general law. Persons of minds not absolutely well settled in religion would say, "My neighbour trades—I must, therefore, trade, or I shall be left behind in the race." Then the power of the employer over the poor would come into play. If employers had a right to require labour, how few of the poor could resist, without its being prejudicial to their temporal interests! We could not expect a majority of the employed to withstand that pressure, and the strong arm of the law therefore comes in for their protection. The noble Lord the Member for King's Lynn (Lord Stanley) admits this protection to be right in principle; he acknowledges it to be a fit subject for legislation; but he thinks there is no danger of any encroachment in this direction: and he appeals to the success of the early-closing movement, and of the movement for a half-holiday on Saturdays, as proofs that masters have no wish to extort undue labour from those whom they employ. But the fallacy is in speaking of masters as a body. Doubtless many masters would abstain from doing so; and many of the employed would submit to real hardships rather than forego their duty and their day of rest; but we cannot say that of all. Most men are the safer for being protected against their superiors, their fellows, and themselves. If we enabled the pressure to be laid on by those who are willing and disposed to use it, no one can say that, because under the present system there is a generous and liberal feeling on the part of a majority of masters, we shall not have too many masters taking advantage of any relaxation to pursue it further, and too many labourers whose necessities will compel them to comply. But on this point I have a concession from the noble Lord. Talking of the labour of persons employed in the British Museum, with that consideration and liberality which were to be expected from him, the noble Lord said he would not compel any to lose their situations if their consciences led them to refuse to work on a Sunday; but the noble Lord added, there would be very few of them, and if they chose to go away, it would be easy to supply their places. What does that prove? Why, that in the opinion of the noble Lord, at all events, the temptations to Sunday labour, if they were permitted to be held out, would be too strong for the majority of mankind; that if the outworks which now fence them in were removed, the resistance of the labouring population would not, in his view, be so very powerful, so self-supporting, as to be of itself a sufficient safeguard against the irruption of a flood which might sweep away all existing securities for the day of rest. And when we consider the situation of that class who have been more especially the subject of observation in this debate,—how poor many of them are, what families they have to maintain, with what difficulty they eat the bread of care and labour,—I can imagine that much more affecting and more moving arguments might be constructed in favour of the right to be allowed to labour for additional bread on Sunday, than any now offered in favour of recreation and amusement. The moment we displace one inch of ground which labour has gained from Sunday, see what resistance we have to encounter! Only last year, the noble Lord the Member for Middlesex (Lord Robert Grosvenor), at the instance of no inconsiderable body of persons engaged in the trade of this metropolis, introduced a Bill which had for its object the restraint of Sunday trading within narrower limits than at present. The noble Member for King's Lynn, and also the noble Lord who spoke last, both thought it right to support that measure: but labour having once got that inch of ground, the attempt to reclaim it led to disturbances; and the Bill was abandoned, under circumstances not creditable to the Legislature. Does not that prove, that if once we remove the landmarks, it will be difficult, if not impossible, to stop the progress of encroachment?

The example of foreign countries has been referred to in the course of this debate; and, though it may not in all respects be in point, something may undoubtedly be learnt from them. I have no wish to make invidious remarks upon the morals of other nations, or to indulge in boastful comparisons between them and ourselves; I would rather, as far as possible, look at what is good in them, and at what is amiss (for the sake of correcting it) in ourselves; but certainly, in the investigation of this particular question, whether relaxations of the kind now proposed would have a tendency to deprive the people of their day of rest, we may reasonably consider how the principle of relaxation works abroad. In France, what do we see on Sunday? Not only are more than half the shops opened, but elections and reviews take place on Sunday; in fact, there is no protection at all for the labourer, no such thing as a day of rest; and that is felt so strongly, that a decided reaction is now taking place, promoted by the Roman Catholic clergy. I recollect that when, some years ago, I visited Rome, I remarked that the manner in which the Sunday was observed at Rome was very much like the way it was observed in England, except, perhaps, that the observance was even more strict. They did not open the Vatican Museum on Sunday; they did not open the picture-galleries; and, though I will not venture to speak positively, I believe that when I was at Florence, at Milan, and at Venice, it was not possible to enter any of the public picture-galleries or museums on Sunday. Wherever the influence of the Christian religion is felt—I care not in what form—in proportion to the influence it exerts, there is a tendency to establish a rule like that we are now asked to dispense with; and wherever it is broken in upon, there is a tendency to take from the people the day of rest, and encroach upon their exemption from labour on that day.

Another argument of the noble Lord (Lord Stanley), and a very fallacious one, is the favourite argument of consistency. The noble Lord says—"See what you allow now. How can you justify that without going on and allowing this?" The noble Lord is far too able a man not to know that in all these questions there must always be a debatable ground. We must have a line drawn somewhere. It cannot be drawn with perfect theoretical accuracy; but there is no great practical harm as long as it is so drawn as neither to offend nor corrupt the public conscience. I am not going to justify the theoretical consistency of everything allowed now, nor to say that, abstractedly, I can define the line between things indifferent and things evil; it is naturally different in different countries, according to the habits and the feelings of the people; but, although I do not feel called upon to vindicate the perfect consistency of all that is done, if I can prove that some general principles guide our legislation, I shall be satisfied. The State does not interfere with the sphere of private actions; it leaves men to themselves. They may compel their servants to do ordinary household work; they may take out their carriages if they please; no man judges them for that. The State also declines to interfere where it is impossible, without an inconvenient inquisition, to distinguish between unnecessary labour and works of necessity or charity. For instance, if all travelling were stopped by railways or other conveyances, no man could tell what works of charity and necessity might be prevented. Not long since much public feeling was excited because a lady of eminent rank was unable, on an affecting occasion, to travel in Scotland to visit her parent, and the law, taking notice that such things must occur, has left that matter to private rather than public regulation. Whether this is right or not, whether it is carried too far or not, I do not say; I only want to point out that a reason which is intelligible can be assigned for this state of the law: but that is no reason why we should open public institutions, which do not belong to the sphere of mere private action, and as to which no occasion of necessity or charity can intervene. So as to parks and gardens,—the walking in public or private gardens is not only perfectly innocent, but has a direct and manifest beneficial tendency, without any tendency towards desecration. But when we are asked to go further, and by public authority to open national institutions, and invite people, upon purely secular grounds, to resort to them as places where they may obtain a high intellectual enjoyment, we are asked to take a distinct step towards the secularisation of the day,—to make an encroachment upon the principle of the institution, not only objectionable as an encroachment, but also because it is manifestly incapable of being limited to the particular instances proposed for the first experiment. The hon. Gentleman who made the Motion does not mean so to limit it; he would be prepared to vote next year, if this Resolution were carried, for the opening of the Crystal Palace. The hon. Gentleman near me (Sir J. Shelley) distinctly expressed the same intention. The noble Lord opposite (Lord Stanley) also said that this was a very small matter, and avowed that the object was to obtain a larger field.

Before I conclude, I should wish to glance (I will do so but shortly) at two other arguments which have been used in the course of the debate. The first is among the most popular of the noble Lord's arguments; and it has much plausibility. It is, that positive benefit is to be expected from the resort of the people in general, especially of the working classes, to places of intellectual enjoyment. Now I value as highly as the noble Lord does, the utility of mental cultivation of every kind; but I think the noble Lord cannot have meant to assert that the cultivation to be derived from going to museums or picture-galleries is so very important as to be worth any sacrifice of principle. I admit the innocence, the excellence, of that and of every other kind of intellectual improvement; but what is it that constitutes its excellence? Why, its due and proper subordination to moral improvement. The devil has been defined as Intellect without principle. Anything that tends to impede moral for the sake of intellectual improvement is as mischievous as the due cultivation of the intellect is good. The noble Lord also said that the Museum would come into competition only with grosser excitements, and not with religion or with the Church. That is the other argument which I wish to notice. I fear there is a sense in which that proposition is not correct. I will not stop to inquire to what extent it is probable that the attraction of such objects as these would draw away from churches and chapels persons who might otherwise go there; nor, on the other hand, how far it is really likely that the most degraded and vicious portion of society would feel the attraction of such objects at all. But—it is useless for the noble Lord to deny it—if we by public authority, assert in the face of the people, that it is a fit thing to invite the working classes to a place of secular amusement, however refined, or of secular instruction, however excellent, upon a day hitherto consecrated to religion, we shall be putting intellect into competition with religion, and in that way putting the Museum into competition with the Church. It has been said that these pursuits are means of education; so they are: the noble Lord on a former occasion said they might even be a part of religion; so they may, in their places: we know that there are men who can

> "Find tongues in trees, books in the running
> brooks,
> Sermons in stones, and good in everything;"

but the men who see good in everything are men penetrated with religion. That refers us back again to the religious part of the community. If, then, the religious part of the community are asked whether the changes at which the supporters of this Motion aim are calculated to promote the interests of religion, and whether they desire that those changes shall be accomplished, will not the general, almost the universal reply, from all classes, from the cottage to the throne, be, "No no?" The religious part of the people have other views as to this day, and mere intellectual cultivation has not for them the charm on this which it possesses on other days. There is a higher mode of educating the minds and the consciences of men, of elevating the moral sense of the nation, than the multiplication of any means of intellectual improvement. That mode is, to hold up to them and to keep before them, firmly and consistently, by public authority, a standard of sound moral principle by which they ought to abide. All who have had any experience as to the source and origin of crime throughout this country will tell you, that on the scaffold and in the gaol, hundreds and thousands have attributed their lapse into crime to the original fault of what is popularly called Sabbath-breaking; and all these will readily concur in bearing testimony to the fact, that the law which upholds the institution of the Christian Sabbath does more to educate and maintain a sound moral sense in a Christian people, than all the museums and picture galleries in the world.

MR. E. BALL said, that the supporters of this Resolution agreed in asserting that this question ought not to be argued on theological grounds; but he (Mr. Ball) protested against excluding the theological aspect of the question, and objected to treating it as a question of expediency rather than of principle. The command to keep holy the Sabbath was perhaps one of the most ancient of the Divine commands; and this command made the observance of the day obligatory on the State. It was all very well to talk of works of art; but if this Resolution were carried next Session, some people might say, "We do not appreciate statues and paintings—open the playhouses." What answer could they make? If places of public amusement of one kind were opened, why not all others? The number of petitions on the subject exceeded those presented on any other subject. He had that day presented upwards of one hundred. He could not say how many thousands of persons had petitioned, but the petitioners comprised every class in the country. One inevitable effort of the non-observance of the Sunday would be to break up Sunday schools. Thousands of Sunday-school teachers had petitioned against the measure upon this ground; and he was sure Parliament would never legalise the breach of a Divine command.

MR. WIGRAM said, he had no wish to repeat the arguments already used, but he was anxious to say, before the debate closed, that he was disappointed that no Member of the Government had expressed any opinion on this subject. If there was one subject more than another which concerned the well-being of the people, or one which was of more vast importance, it was this; and therefore it was one upon which the Government should, early in the debate, have expressed their views. The House was invited by the Resolution to do a public act for the desecration of what all the country thought, by a binding commandment, they were bound to keep sacred. If the House adopted the Resolution, they would be giving their sanction to the desecration of the Sabbath, and making it a day for working, for recreation, and amusement, instead of a day of rest and devotion.

VISCOUNT PALMERSTON: Sir, I assure the hon. and learned Gentleman that, if I have abstained from presenting myself to the House at an earlier moment, it has not been from any desire to undervalue the importance of the present question, but because I thought it more respectful to the House to allow those Members who wished to express their opinions on the subject, to do so before any Member of the Government took part in the debate. It certainly is not my intention to support the Motion of my hon. Friend; but I am afraid the way in which I look at the Motion will neither satisfy those with whom I am about to vote, nor those, certainly, against whom I vote. I attach as much value as any hon. Member to the observance of the Sunday. But I will not repeat the arguments so eloquently expressed by my hon. and learned Friend to my right (Mr. R. Palmer) for the purpose of showing why it is desirable on every account, for intellectual, moral, and physical considerations, that the Sunday should be kept a sacred day. On the other hand, I cannot myself think that the mere opening of these two places of resort would in itself greatly affect the observance of the Sunday. I own I cannot go so far as those who object to this Motion in thinking that the mere admission to the British Museum and the National Gallery would be that sort of the infringement of the sanctity of the Sunday which would justify the alarm expressed, or produce the evil consequences which have been attributed to it. But those who object to the Motion, object to it, not so much for the effects which the particular thing now required might produce, as because they consider it a first step; and undoubtedly that is a consideration well worthy the attention of the House. I would, however, venture to suggest one consideration as well deserving their attention—that when arguing this question, and when hon. Members consider the alternative, whether the bulk of the population of this great metropolis should attend Divine service, or resort to these places of amusement on the Sunday, we ought not to forget that, unfortunately, the places of public worship in this metropolis do not, I fear, afford accommodation but for a very small part of that population. Therefore, by closing these places of amusement, we are not securing that object which many of those who resist the present Motion have so much at heart. On the other hand, concurring with the majority of the House in thinking that it is not expedient to take a step which I must say is not very important in itself, I cannot but say that great exaggeration has been resorted to. With regard to the great moral and intellectual advantages which would be derived from visiting the National Gallery and Museum, it certainly would be a very innocent amusement to those who resorted to them; but I doubt as to any very great moral or intellectual advantage being derived by those who went there; I think an undue stress has been laid on that point. Considering on the one hand, the advantage which, even in the view of those who support the Motion, could be derived from the opening of these places on the Sunday, and, on the other, the great amount of feeling, entitled to the utmost deference on the part of this House, which has been expressed from all parts of the country, I think it would have a very bad effect on the moral sense of the country if this House should set itself in opposition to that feeling, proceeding from such a vast number of persons whose opinions are entitled to respect—for nothing could be worse than that Parliament should appear to be less careful of the moral and religious feelings of the country than the people of the country themselves. I, therefore, shall, undoubtedly, without any hesitation, give my vote against the Motion. An Amendment has been announced, which in its terms prescribes a certain course to the trustees of the British Museum. Now it has not been usual for this House to interfere by directing the conduct of the trustees of that institution, and I humbly submit that the better course would be simply to negative the Motion. The trustees have lately given considerable facilities to persons who visit the Museum on Saturday afternoons. The feeling of the House having, I think, been clearly ascertained, it would be quite sufficient to say aye or no on the question; and it would be better not to vote on an Amendment which affects to interfere with the management of the British Museum. The trustees are perfectly ready to make any arrangements which may be consistent with the order of the institution, for the purpose of giving additional facilities to the public to visit it. That matter had better be left in their hands, and the House should abstain from interfering with them by means of a well-intended Amendment, for well-intended I admit it to be. I, therefore, suggest that the Amendment should be withdrawn, and that the House should vote "Aye" or "No" on the Motion.

Mr. MUNTZ said, that there were few men who had made more sacrifices for the interests of the working classes than he had, and it was for that reason that he must vote against the present Motion. He was extremely chary about this question, for he knew there was too great a disposition to rob the working classes of their day of rest, and he feared the passing this Resolution would aid it. He had seen repeated instances where manufacturers, under great pressure, had been tempted to increase their produce by working on the Sunday. He had known that one of the greatest manufacturers in the country had never engaged his workmen without their consent to work on a Sunday if required. It had been said that the movement for early closing had been very readily complied with by the masters, but that was under peculiar circumstances. There had been several years of prosperity, but the case might be very different when a time of adversity came. If that House properly appreciated the advantage to the workman of having the Sunday to himself, it would be very cautious before sanctioning anything that might tend to deprive him of that day.

Mr. PELLATT was very glad to take a hint from the worthy Premier, and would withdraw his Amendment, on the understanding that a pressure would be put on the trustees.

Sir JOSHUA WALMSLEY: Sir, my reply to the objections which have been urged during the present debate shall be as brief as possible. I agree in the observation of the hon. and learned Member for Plymouth that it has been discussed with much fairness, and I appreciate the compliment of the right hon. and learned Member for the University of Dublin upon the good spirit with which it was introduced. It is also satisfactory to observe the change of tone of the noble Lord at the head of the Government. I wish I could compliment him on having taken more solid ground. He argued for the Motion as being innocent in itself, but will vote against it, lest it should lead to evils which no one can foresee. He says this is only the first of a series of steps; that if the wedge be introduced, he knows not where it may stay! May I tell the noble Lord that it will stop whenever it offends the good sense and sound judgment of the people. Such arguments were used against the repeal of the Corn Laws, the Navigation Laws, and Free Trade—how fallaciously, the results have proved. It was the duty of the Legislature to deal with the question before them according to its merits, and not upon what might or might not be brought forward subsequently. He (Sir J. Walmsley) had been asked what benefits had arisen from the institutions already opened? He answered by pointing to the numbers who already availed themselves thereof; in their sober, orderly, and praiseworthy conduct. Why, he believed at Kew Gardens alone 160,000 had attended on the afternoon of Sunday; and, notwithstanding its distance, at least one-third of that number had visited Hampton Court Palace on that day during twelve months. But fortunately it had not rested here; the example had been more or less followed. A Free Library, open on the afternoon of Sunday, has been established at one of our greatest seats of learning, Oxford, and he held in his hand a paper on this subject, containing the remarks of some leading men of that place once adverse to the opening, in which they say their fears as to its injurious effects had proved groundless; and so far from injury having arisen, that great good had been the result of such opening on the afternoon of Sunday; that the Bishop of Manchester had said he was in favour of such opening on a Sunday evening, and he had reason to believe the Bishop of Oxford entertained similar opinions. He would not refer to the theological arguments which had been used, satisfied the authorities he had used were of themselves a sufficient reply. But he might say he could not concur with the view that we were not called upon to legislate for others; we had legislated—had legislated badly—had closed these institutions at a time when they ought to have been opened; for hon. Members ought to remember that these institutions are national, and as such ought to be open to all. Much had been urged as to the desire to serve the working classes in a spiritual point of view, and some would give them another holiday in the week. On the latter point he would say, that if it were possible, no man would rejoice more than himself; but those who so spoke ought to know it was a delusion, that it depended upon economical questions over which we had no control; and with respect to the spiritual help, did hon. Members think that it would be received either kindly or favourably from those who would exclude them from institutions to which they are as fully entitled as any member of the community? What the working classes required was, to be let alone—not to be interfered with—and especially by men who know nothing of their requirements. He considered he had sufficiently vindicated himself and those who acted with him on this question, from the imputations which had been cast upon them of a desire to infringe on Sunday observance. He knew that great misconception, and, he feared, great prejudice, existed against the Motion he proposed; but he hoped it would ultimately subside. He knew that great numbers of those who would vote adverse to this Motion were not acting in accordance with their convictions, and could the Ballot be introduced on the present occasion, the result would be very different from that which he now anticipated.

Amendment by leave *withdrawn.* Main Question put.

The House *divided*:—Ayes, 48; Noes, 376: Majority, 328.

List of the Ayes.

Biggs, W.
Blake, M. J.
Bland, L. H.
Brady, J.
Brockman, E. D.
Bruce, H. A.
Crook, J.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Dunne, M.
Ebrington, Visct.
Esmonde, J.
Evans, Sir D. L.
Fortescue, C. S.
Fox, W. J.
Gardner, R.
Gibson, rt. hon. T. M.
Goderich, Visct.
Gordon, hon. A.
Greene, J.
Grenfell, C. W.
Greville, Col. F.
Henchy, D. O'C.
Heywood, J.
Higgins, Col. O.
Kennedy, T.
Layard, A. H.
MacEvoy, E.
M'Cann, J.
Maguire, J. F.
Moffatt, G.
Moore, G. H.
Murrough, J. P.
O'Brien, P.
O'Brien, J.
O'Connell, Capt.
Otway, A. J.
Ricardo, S.
Roebuck, J. A.
Scholefield, W.
Seymour, W. D.
Stanley, Lord
Steel, J.
Sullivan, M.
Swift, R.
Tancred, H. W.
Wilkinson, W. A.

TELLERS.
Walmsley, Sir J.
Shelley, Sir J.

List of the Noes.

Acland, Sir T. D.
Adair, H. E.
Adderley, C. B.
Anderson, Sir J.
Annesley, Earl of
Antrobus, E.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Atherton, W.
Bagge, W.
Bagshaw, J.
Bailey, Sir J.
Bailey, C.
Baillie, H. J.
Baines, rt. hon. M.
Ball, E.
Bankes, rt. hon. G.
Baring, rt. hon. Sir F. T.
Baring, T.
Barnes, T.
Barrow, W. H.
Bass, M. T.
Bateson, T.
Baxter, W. E.
Beckett, W.
Bell, J.

Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Berkeley, hon. H. F.
Bignold, Sir S.
Black, A.
Blackburn, P.
Blakemore, T. W. B.
Blandford, Marq. of
Boldero, Col.
Bond, J. W. M'G.
Booth, Sir R. G.
Bouverie, rt. hon. E. P.
Bramley-Moore, J.
Bramston, T. W.
Brand, hon. H.
Brocklehurst, J.
Brotherton, J.
Brown, H.
Bruce, Major
Buck, L. W.
Buck, Col.
Buckley, Gen.
Bunbury, W. B. M'C.
Burroughes, H. N.
Butler, C. S.
Butt, G. M.
Byng, H. G. H. C.
Cabbell, B. B.
Cairns, H. M'C.
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Carnac, Sir J. R.
Cavendish, hon. C. C.
Cavendish, hon. G.
Cayley, E. S.
Challis, Ald.
Chambers, M.
Chambers, T.
Chandos, Marq. of
Child, S.
Cholmondeley, Lord H.
Christy, S.
Clay, Sir W.
Clinton, Lord C. P.
Clinton, Lord R.
Clive, hon. R. W.
Cobbold, J. C.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Collier, R. P.
Colvile, C. R.
Crossley, F.
Cubitt, Mr. Ald.
Dashwood, Sir G. H.
Davies, D. A. S.
Davies, J. L.
Davison, R.
Deasy, R.
Deedes, W.
Denison, E.
Dent, J. D.
Dering, Sir E.
Disraeli, rt. hon. B.
Dod, J. W.
Drumlanrig, Visct.
Drummond, H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, F.
Dungarvan, Visct.
Dunlop, A. M.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Egerton, E. C.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Estcourt, T. H. S.
Euston, Earl of
Evelyn, W. J.
Ewart, W.
Ewart, J. C.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Fenwick, H.
Ferguson, Sir R.
Ferguson, J.
Fergusson, Sir J.
Filmer, Sir E.
Fitzgerald, W. R. S.
FitzRoy, rt. hon. H.
Floyer, J.
Foley, J. H. H.
Follett, B. S.
Forester, rt. hon. Col.
Forster, C.
Franklyn, G. W.
Freestun, Col.
Gallwey, Sir W. P.
Galway, Visct.
George, J.
Gilpin, Col.
Gladstone, rt. hon. W.
Gladstone, Capt.
Glyn, G. C.
Goddard, A. L.
Gooch, Sir E. S.
Goodman, Sir G.
Gore, W. O.
Gower, hon. F. L.
Graham, Lord M. W.
Greaves, E.
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Guernsey, Lord
Guinness, R. S.
Gurney, J. H.
Gwyn, H.
Haddo, Lord
Hadfield, G.
Hale, R. B.
Hall, rt. hon. Sir B.
Hall, Gen.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, rt. hn. R. C. N.
Hankey, T.
Hanmer, Sir J.
Harcourt, Col.
Hardy, G.
Hastie, Alexander
Hastie, Archibald
Headlam, T. E.
Heathcote, G. H.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Herbert, Sir T.
Hervey, Lord A.
Hildyard, R. C.
Hindley, C.
Holford, R. S.
Holland, E.
Horsfall, T. B.
Horsman, rt. hon. E.
Hotham, Lord
Howard, hon. C. W. G.
Hughes, W. B.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, J.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Jones, Adm.
Jones, D.
Keating, H. S.
Kelly, Sir F. R.
Kendall, N.
Ker, D. S.
Kerrison, Sir E. C.
Kershaw, J.
King, hon. P. J. L.
King, J. K.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull, W. F.
Knox, Col.
Labouchere, rt. hon. H.
Lacon, Sir E.
Langston, J. H.
Langton, W. G.
Langton, H. G.
Laslett, W.
Lee, W.
Legh, G. C.
Lennox, Lord A. F.
Leslie, C. P.
Lewis, rt. hon. Sir G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lovaine, Lord
Luce, T.
Lushington, C. M.
Lytton, Sir G. E. L. B.
Macartney, G.
Mackie, J.
MacGregor, James
MacGregor, John
MacTaggart, Sir J.
Maddock, Sir H.
Malins, R.
Mangles, R. D.
Manners, Lord J.
March, Earl of
Martin, J.
Martin, P. W.
Massey, W. N.
Masterman, J.
Meux, Sir H.
Miles, W.
Milligan, R.
Mills, T.
Milton, Visct.
Michell, W.
Monck, Visct.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Morris, D.
Mostyn, hn. T. E. M. L.
Mowbray, J. R.
Mulgrave, Earl of
Mullings J. R.
Mundy, W.
Muntz, G. F.
Naas, Lord
Napier, rt. hon. J.
Napier, Sir C.
Neeld, J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
North, Col.
North, F.
Northcote, Sir S. H.
Oakes, J. H. P.
Oliveira, B.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, Robert
Palmer Roundell
Palmerston, Visct.
Patten, Col. W.
Peel, General
Pellatt, A.
Pennant, hon. Col.
Percy, hon. J. W.
Perry, Sir T. E.
Phillipps, J. H.
Phillimore, J. G.
Pigott, F.
Pinney, W.
Portal, M.
Pritchard, J.
Pugh, D.
Reed, J. H.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Ridley, G.
Robartes, T. J. A.
Robertson, P. F.
Rolt, P.
Rushout, G.
Russell, Lord J.
Russell, F. W.
Rust, J.
Sandars, G.
Scobell, Capt.
Scott, hon. F.
Seymer, H. K.
Seymour, H. D.
Sheridan, R. B.
Shirley, E. P.
Sibthorp, Major
Smith, M. T.
Smith, rt. hon. R. V.
Smith, W. M.
Smith, A.

Smyth, J. G.
Smollett, A.
Somerset, Col.
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stephenson, R.
Stirling, W.
Stracey, Sir H. J.
Strickland, Sir G.
Stewart, Sir M. R. S.
Stuart, Capt.
Sturt, H. G.
Talbot, C. R. M.
Taylor, Col.
Thesiger, Sir F.
Thompson, G.
Thornhill, W. P.
Tite, W.
Tollemache, J.
Tomline, G.
Traill, G.
Tyler, Sir G.
Vynte, Col. C. J. K.
Vance, J.
Vane, Lord H.
Vansittart, G. H.
Verner, Sir W.
Vernon, L. V.
Vivian, H. H.
Vyse, Col.
Waddington, D.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Walter, J.
Warner, E.
Warren, S.
Watkins, Col. L.
Watson, W. H.
Wells, W.
Whatman, J.
Whiteside, J.
Whitmore, H.
Wickham, H. W.
Wigram, L. T.
Williams, M.
Wilson, J.
Wise, J. A.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyndham, Gen.
Wyndham, H.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Hayter, W. G.
Berkeley, G. G.

The House adjourned at Twelve o'clock.

HOUSE OF LORDS,

Friday, February 22, 1856.

MINUTE.] PUBLIC BILL.—3ª Trial of Offences.

THE WENSLEYDALE PEERAGE—MOTION.

LORD GLENELG said, that in bringing before the House the Motion of which he had given notice, to refer certain questions to the Judges, he was not about to enter upon the merits of the general question, nor was it necessary that he should discuss whether the instruments on their Lordships' table were legal or illegal; neither should he discuss whether it was expedient or wise to raise the question at the present time. But he felt it to be his duty, as a Member of that House, now that the question had been unexpectedly raised, to consider what was the prudent, the proper, and most wise course to adopt under the existing circumstances. He confessed he looked upon the subject as one of the most important ever brought under the consideration of that House, and that being his opinion, he thought it should be considered with all the advantages of the assistance and counsel which the constitution of the country had provided for that House of Parliament. That was the simple object he had in view in making the Motion which he was now about to submit. He wished to know why, in this case, far more important than those cases in which that advice and assistance was usually obtained, the same course was not to be pursued, and why the House was upon this occasion to be deprived of that valuable assistance? It was well known that from time immemorial the constitution had provided for that House certain constitutional advisers and counsellors, and that when those great legal authorities were appointed they received a writ from the Sovereign directing them to attend that House and assist them with their advice. That had been its practice from a remote period, and was not now obsolete, for in conformity with that obligation they constantly attended in that House, and were perpetually called upon to give advice in matters of great importance. There was great wisdom and prudence in providing the House with such assistance, because in every legislative assembly composed of men endowed with certain privileges there was a possibility of their being carried away by temporary excitement, arising, perhaps, from the most generous motives, and, in consequence, the House might be led into adopting rash and precipitate measures; but the constitution interposed and provided a remedy, by giving them the aid of men selected by the Sovereign for their high posts on account of their professional knowledge and wisdom —men who had no interest in the subject under debate except that which the nation in general had, and free from excitement or passion of any description—men who entered not the stormy arena of politics—dispassionate advisers, called upon, not to control the decision or to bind the House by their opinions, but to give their Lordships all the assistance which eminent wisdom, knowledge, and experience could afford. That was a noble part of the constitution; and he would ask again, why had not their Lordships availed themselves of it on the present occasion? The decisions and measures of the House were looked forward to with interest by the whole country, and whatever the decision might be, if those learned men to whom he had referred were consulted, it would have greater weight and authority with the country; but for their Lordships not to avail themselves of the advice of the dispassionate advisers pointed out by the constitution, and held in high estimation by the country at large, was wilfully to impair the solemnity and dignity of their decision. It might suffice to rest his case, but there was more than this to be considered. He confessed that, as an individual Peer of Parliament, he found himself placed in a position which required peculiar consideration. He was no party to the proceeding which originated the discussion; it was as new to him as to any Member of that House; but he found himself called upon to decide upon measures of great constitutional importance—measures connected with the law and the constitution of the country; and he ventured to ask—for he believed other Peers felt the same difficulty—whether the House ought not to have recourse to those persons who were especially given by the constitution to supply them with advice and assistance? No doubt they had already learned men in the House: he had heard their able and ingenious arguments with great pleasure; but he would inquire, with all deference to noble and learned Lords opposite, whether they formed proper substitutes for those learned personages to whom he had alluded? The noble and learned Lords who had urged able legal arguments upon this question were Peers of Parliament, and no doubt shared the feelings, and, it might be, the prejudices of other Members of that House; but the attendance of the law officers of the Crown and the Judges, in all cases where the peerage was concerned, was an indispensable adjunct in the deliberations of that House. Moreover, he must further observe, with all deference to noble and learned Lords, and admitting the ability with which they had argued the matter, that their able and ingenious arguments rather tended, in his opinion, to cast greater doubt and uncertainty on this question than in the first view of the case it seemed to have. The arguments, he repeated, were very able, but there had been something not quite satisfactory. There had been a shrinking from what appeared to be the main point. He wanted to know what was the law upon the subject. They were now called upon to take a most serious step. If they went into Committee, and agreed to the proposal of his noble and learned Friend, they would enter upon a course the end of which he could not see, and the House would pledge itself to a line of action from which it could not retreat with honour nor unscathed. He felt for the honour of the House, for the integrity of its decisions, for the very safety of its constitution. Their Lordships' proceedings now challenged universal observation. They could not confine the question within that House. If they went into Committee, they would engage in a contest in which they must either persevere, or retreat in a manner which he did not like to contemplate. He was sure his noble and learned Friend (Lord Lyndhurst) would forgive him for saying that there had been a complete shifting of the ground on which the question had been originally placed. They had begun with one thing, and were now engaged in arguing a very different thing. At first the question was nothing but the legality or illegality of the grant. Such was the question, as it was stated in various parts of the country, that was about to be raised even before the Session. The very day on which the House met he found in the lobby a number of persons, Members of the other House and others, who said that the only question was, the legality or illegality of the grant, and, if legal, the whole dispute would end at once. Now, the question was debated upon the ground of expediency and constitutionality. When his noble and learned Friend commenced this discussion, with the wisdom that became him he abstained from grappling with that question—namely, what was the law of the land upon the subject? He said distinctly, the law of the land—for he was not at that moment speaking of the law of Parliament. His noble and learned Friend hovered upon the brink of the subject, but without entering boldly into it, and, finally, he altered the question and turned it into one concerning the practice of Parliament. But another noble and learned Lord (Lord St. Leonards), not acting with the same reserve, at once rushed into the question of legality or illegality, and without hesitation stated that the measure was illegal, and upon that ground he was prepared to decide the question. That being the first ground on which the case was put, he (Lord Glenelg) wished to ask why they had departed from it? Why had the question of legality been abandoned, and the case reduced to one of expediency, policy, and constitutional law? He was anxious to know what was the law of the land upon the subject; but the noble and learned Lord evaded that question; he banished his original argument, and suddenly introduced the question of expediency. But he (Lord Glenelg) did not want to be told what was expedient. He was uninformed

ord Glenelg

as to the state of the law; he confessed himself so. He wished to know how to act in a great crisis; and therefore it was that he complained of his noble and learned Friend not giving him that information which would enable them to decide legally. It seemed to him that the Report returned by the Committee was not an answer to the question referred to them.

THE EARL OF DERBY: I rise to order. The Committee have not yet come to any Report. Their Lordships were about to go into Committee for the purpose of considering their Report, and, when the Report was agreed to in Committee and was laid before the House, their Lordships could discuss it.

LORD GLENELG: Surely I may refer to a paper on the table?

THE EARL OF DERBY: Not as the Report of the Committee.

LORD GLENELG: Not the Report of the Committee! Why, it has been before us for several days.

THE EARL OF DERBY: It has not been agreed to.

LORD GLENELG said, that the Report of the Committee, which their Lordships would be called upon that night to sanction, supposing it came before them, told them what they were to do. They were asked to examine and consider the letters patent creating Sir James Parke a Baron for life, and to report thereon. Those words were of a very wide and general character. Well, what was proposed to be the answer? Why, that the Committee, having examined the letters patent purporting to create Sir James Parke a Baron for life, report that neither those letters patent, nor the writ of summons annexed to them, entitled the grantee to sit and vote in that House. Now, supposing that the House were to sanction that Report, then he maintained that that answer did not at all correspond with the question, which was one of legality or illegality. If the instruction to the Committee had been that they should Report to the House whether the grant entitled him to sit and vote, then that would have been a direct answer; but that was not the question. He begged to state this view of the case in confirmation of what he conceived to be the exact nature of the argument as it had been hitherto conducted. The case had been argued by the law Lords as a question of authority. Were they to let the discussion rest upon authority alone? They had legal authorities in that House, and he confessed that, after what he had heard from those noble and learned Lords, he did not feel certain that their authority alone could with confidence be relied upon. But, if they were to be led by authority, he must consider what those authorities were, and the weight to which they were justly entitled. Now, he found that those authorities considerably differed from each other, and some of them from themselves. He alluded to this fact, not with a view of accusing them of any inconsistency, but with the purpose of showing how cautions and careful they ought to be in coming to a decision when they found that the best and ablest men differed from one another, and that they ought to surround themselves with all the legal advice which the constitution afforded them. Neither ought the decision of their Lordships to be impugned, because it might be shown to be opposed to some legal authority; but he wished to know on which side the greatest weight of authority was to be found. It seemed to him that the opinions of the most eminent authorities in the House were pretty equally balanced. The noble and learned Lord on the woolsack was decidedly in favour of the legality of the grant. The noble and learned Lord opposite (Lord St. Leonards) was equally decided in opinion of its illegality. The noble and learned Lord Chief Justice had argued the case on either side in a very powerful speech. No doubt the authority of the noble and learned Lord who commenced this discussion (Lord Lyndhurst) was of the highest kind; but he did not express any decided opinion on the point. But he (Lord Glenelg) begged to say—not with any disparagement to the authority of that noble and learned Lord—that there was an authority connected with this very subject to which he was surprised that no reference had been made in the course of the debate. He had a right to assume that the authority of Lord Wensleydale, who was second to none in legal knowledge and experience, was in favour of the legality of the grant. Did any man believe that that learned person, with his talent, experience, and honourable feeling, would have consented to come to their Lordships' House and assume his seat by virtue of a grant from the Crown, if he had not been deeply convinced that the grant was altogether legal? It would be an insult and an injury to that learned person to entertain a moment's doubt on the subject. Therefore, however great might be the legal authority of the noble and learned Lord (Lord Lyndhurst), he felt that he was not doing that noble and learned Lord any disparagement or injustice if he ventured to quote, in opposition to his opinion, the authority of Lord Wensleydale. He had already alluded to his noble and learned Friend (Lord Campbell), who having, on a former occasion, admitted the power of the Crown to grant a peerage for life, had since made an able speech against its legality; his noble and learned Friend might, therefore, be very fairly allowed to pair off with himself on the subject. The opinion of the author of *The Lives of the Lord Chief Justices* might be put against the opinion of the Lord Chief Justice. Amidst this variety of legal opinion, it was difficult to come to any conclusion, and therefore it was desirable to have all the legal authority which the constitution provided for the House in difficult and important questions. But, speaking of authority, he could not but observe that it had always been considered a habit among lawyers to look with veneration and almost with idolatry to the great men who had been their predecessors in the law. But there never was such a demolition of legal authority as had been effected by the legal authorities in that House during the last few weeks. The names of Coke, Selden, Dugdale, and Blackstone were held in high esteem by all who succeeded them; and yet it was remarkable that on the present occasion those authorities were no longer held in respect. And yet it was upon the authority of such men that this country had depended for ages past for guidance in constitutional law. It was upon the authority of those great men—the supporters of British freedom—that British law had been built; it was to them they were accustomed to appeal in difficult questions. He did, therefore, feel deeply, as every Englishman must feel, when he found the authority of those men set at nought and discarded by those who professed to be anxious to uphold the privileges and honours of their Lordships' House. But when they were told that, under these circumstances, they should follow the guidance of the great legal authorities in that House, he wanted to know whither those authorities would carry them? He must say they were carrying them to an extent to which he was not prepared to go. Let them consider that this was not a mere party question. They were called upon to-night, or would be called upon, to pronounce a decision affecting the prerogative of the Crown—the undoubted prerogative, which had never to that moment been disputed; and to gain their object, they were asked to demolish all those venerable authorities by which the prerogative had been supported. The House of Lords, interwoven as it was with the Monarchy—the proud champions of the Monarchy—the guardians of the Crown—whose ancestors had, with chivalrous daring, defended the Royal prerogative—were now, for the first time, endeavouring to assail that prerogative. They should beware how they called in question the exercise of the prerogative by which they had themselves been created. They should beware how they embarked upon such a course, and how, by acceding to the Motion of the noble and learned Lord opposite, they entered upon a contest with the Crown. Let them pause for a moment before thus committing themselves; let them give themselves breathing time, and in the meanwhile resort to their legitimate councillors to know what the law of the land really was on the subject. It might be that the law was adverse to this exercise of the prerogative; and if such were the case, however much they might lament it, their Lordships would be compelled to bow to what was pronounced to be the law. Before the House committed itself to the declaration that the exercise of the prerogative, hitherto unmolested, was now for the first time to be called in question, he wished the matter to be further considered. At least, let them ascertain the law, whether it was with them or against them. It had been said that the proper questions to be referred to the Judges were such as related, not to the privilege of Parliament, but to the law of the land; and that was the very ground on which he based his Motion. The simple question was, was the patent legal or illegal? That was a question of law, and the Judges were the fittest men to decide it. The noble and learned Lord opposite had argued that precedents on this subject prior to the Revolution of 1688 were of no value; and the Petition of Right and the Bill of Rights had been insisted on. This raised a question on which he wished the opinion of the Judges to be taken. He wanted to know, as a question of law, what effect had the great settlement of the Revolution of 1688 on the prerogative of the Crown? The answer to that question was involved in the Resolution which had been placed on their books. He wanted to ask the

Judges to look at the Petition of Right, which was the commencement of the assertion of our great liberties, and the Bill of Rights, which was the recognition of those liberties, and to tell him, as lawyers knowing the laws of England, whether any of those Acts touched the prerogative of the Crown. Again, they were told that 400 years had elapsed since the exercise of this prerogative, and that consequently it had been brought into desuetude, and had become extinct. This was a novel doctrine in the House of Lords; it was asserted by great legal authorities; but he wanted to know what other legal authorities would say about it. He wanted to ask those learned lawyers whether, according to the law of England, there was any period of time which barred the prerogative of the Crown? Such an objection coming from that House seemed to him to be peculiarly ungraceful. They were now consulting for their own privileges; and they were asked to declare that the prerogative of the Crown should be limited, shorn of some of its powers, and that the mere lapse of time should be a bar to its exercise. What was the law which that House and the nation recognised with respect to the lapse of time in enforcing the claims of Peers? By the law of the land, no length of time could bar a Peer from claiming his rights in that House. This principle had been asserted by the House most unqualifiedly. In one case it was alleged that a lapse of 315 years, during which the peerage had been in abeyance, barred a Peer from coming into that House; but all the law and learning of the House rose to protest with one voice against such a doctrine, and to declare that, according to the laws of this country, there was no length of time which would constitute such a bar. Such being the case, it would be peculiarly ungraceful in them to go out of the way to assert and maintain that lapse of time should be a bar to the exercise of the Royal prerogative. Such a course was unworthy of the House of Peers—unworthy of those who existed by virtue of the prerogative. As a question of law, he should like to know upon what grounds and principles it was contended that the exercise of this prerogative was barred. He could not see why the prerogative of the Crown should not be placed on as favourable a footing as the privileges of that House. At all events, let them place themselves in a condition to give an opinion upon the subject. He particularly regretted that this question should have come before the House of Peers. It was their undoubted right to prevent unauthorised strangers from entering their chamber; but they might carry the principle to an extreme. Was it ever heard that any body had the right of questioning the exercise of that authority by which itself existed? He could not but think their Lordships were little aware of the difficulties into which the House was about to plunge. The House was in a false position—in a position in which it never ought to have been placed. He had had no share in such a result, but he felt the deepest regret that anything like a contest should take place between the House of Lords and the Crown. As a loyal subject of his Sovereign, he objected to the slightest abridgment of the Royal prerogative. It was not consonant with the principles of that House—it was against their feelings and their hearts to contest the prerogative of the Crown. Believing that the liberties of the country, the exercise of the Royal prerogative, their Lordships' privileges, the privileges of Parliament, and the liberties of the people, were all bound up together, and that one could not be shaken without weakening the others, it was with deep regret he saw the House of Lords engaged in such a conflict. Let them, at all events, not take a plunge in the dark. Let them ascertain what the law of England was on this question by consulting the highest authorities to which they could refer. They were not committed to any measure; the step they had already taken was not an irretrievable one; and he warned them not to defer until the time for consideration was past, and repentance was in vain. The noble Lord concluded by *moving*—

"That the following Questions be put to the Judges; namely—

"Is it in the Power of the Crown to create by Patent the Dignity of a Baron of the United Kingdom for Life?

"What Rights and Privileges does such a Grant confer?"

LORD CAMPBELL said, he entertained the most sincere respect for his noble Friend who had just addressed their Lordships, but he felt bound to complain of the course which he had adopted on the present occasion. He did not complain of the Motion of his noble Friend, that the Judges should be consulted, but rather of the manner in which he had brought it forward, for he had taken the opportunity of entering into the whole events of the case, and had made a speech which would have been much more appropriate when their Lordships were considering in Committee the Resolution of his noble and learned Friend. This the noble Lord had done instead of supporting his own Motion; and then, to his great astonishment, his noble Friend had sat down without even telling their Lordships what the questions were which he had risen to propose should be put to the Judges. It became, therefore, his (Lord Campbell's) duty to state to their Lordships what those questions were it was proposed to ask the Judges. The questions were—Is it in the Power of the Crown to create by Patent the Dignity of a Baron of the United Kingdom for Life? And, what Rights and Privileges does such a Grant confer? Now, his noble Friend had not brought forward a single argument to show that those questions were questions which could properly be submitted to the Judges. The Judges were the constitutional advisers of their Lordships' House upon matters which fell within their cognisance, and upon such matters they could be properly consulted; but it was the duty of his noble Friend to show that those questions came within that category. Now, he (Lord Campbell) would take it upon himself to say that, upon subjects like the present, the Judges were not the constitutional advisers of the House. The question was a question of privilege, which must be dealt with by their Lordships themselves. He should not follow the example of his noble Friend by entering into the merits of the question, or in adducing any argument with regard to the Resolution of his noble and learned Friend opposite, which would be proposed in Committee; but there was one topic which he could not refrain from noticing, which had been adverted to by his noble Friend. His noble Friend had suggested that their Lordships should not entertain this question, because, by doing so, they might place themselves in antagonism with the Crown. Now, he had the greatest possible respect for the Monarchy; and would uphold all the first prerogatives of the Crown, properly exercised. But that prerogative might be exceeded; and, if it were, then it became the duty of those who respected the prerogatives of the Crown to see that their exercise was restrained. All the arguments which had been adduced by his noble Friend would apply equally to a patent for a term of years, or for a single night, or during the pleasure of the Crown; but if grants of such peerages were conferred, were their Lordships bound to admit that such grants conferred upon the recipients of them the right to sit and vote in Parliament? The noble Lord upon such a principle would make the House like a Divan under the Grand Senior, or reduce it to the condition of the Senate of a neighbouring country, whose only office was to register the decrees of the supreme power. The exercise of the prerogative of the Crown might be watched, and ought to be watched; and there was a tribunal appointed to decide whether the Crown exceeded or had acted in accordance with its prerogative in matters referring to the creation of Peers, a tribunal recognised by the constitution of the country, and that tribunal was their Lordships themselves. With regard to the creation of a Peer, that House was the tribunal to decide whether the creation was legal; and if they had not that power, the sooner they abdicated their functions the better. Now, with regard to the first question which it was proposed should be submitted to the Judges, was that a fitting question to submit to the Judges? Why, it was a question to which there could be but one answer. There was not the slightest doubt that the Crown could create a Peer for life, or for a term of years, or for the life of another, or during will, or could create any new dignity, and confer it upon any one it pleased. But that was a very different thing from having the power to appoint a legislator—a person to sit and vote as a Member of that House; and the question which their Lordships would have to decide would be, whether a life peerage conferred the right of sitting and voting in Parliament, and it certainly was not necessary to assemble all the Judges to answer a question upon which no doubt existed. The second question was, what were the rights and privileges conferred by a peerage for life? It was not proposed that there should be any argument of their Lordships' House, in the presence of the Judges; but the Judges were to be asked to sit down and write a treatise upon the privileges of a Peer for life. Now, he had that morning looked into *Blackstone*, and he found that the first privilege of a Baron, mentioned by that high authority, was that, in coming to Parliament, he might in passing through any of the King's forests kill a deer, and if the keeper were not there he was to blow his horn, and it might be one of the questions for the Judges whether a Peer for life would be entitled to a similar privilege. The next privilege of a Peer was, that he was the hereditary councillor of the Crown. That could hardly be said of a Peer for life. Did they suppose that all the fifteen Judges would agree upon these questions? Then a question would arise, whether the widow or daughter of a Peer for life would be entitled, on his death, to certain privileges. The noble Lord had said that he should like to know what effect the lapse of time had on the prerogative of the Crown; but there was no such question here. What the Judges would have to do was, to sit down and write a treatise upon all the privileges of a Peer, which would of necessity be a somewhat voluminous publication. He had the utmost respect and reverence for his learned brethren on the bench, who, he believed, discharged their duty in a manner worthy of the highest praise when that duty fell within the limits of their own legitimate functions; but he did not wish to see them taken from their proper sphere, and engaged upon such a task as it was now proposed to allot to them. They might reasonably require, not until the end of the Session merely, but until the meeting of another Parliament, before they could possibly be expected to give an answer to the question. The learned Judges were treated rather sharply in the Bridgewater case for giving their opinion a little hastily, and he thought they ought not to be allowed a less period than seven long years for considering this question. But then came the real question, whether a patent from the Crown to a Baron for his life gave him a right to sit in that House. He should not try to reconcile—which he might easily do—the authorities on this subject, which his noble Friend had a little perverted; but he thought it clear that this was a question of privilege which that House, and that House alone, ought to determine, and on which, he believed, the Judges would refuse to give an opinion. Certainly, if the learned Judges regarded what their predecessors had done, they would refuse to answer the questions which his noble Friend proposed to put to them, and would say it was for their Lordships to say whether the learned Baron ought to sit in that House or not. It resulted from this—that it was a question of privilege depending on the law and custom of Parliament, upon which the Judges had invariably refused to give any opinion. In Thorpe's case, in the reign of Henry VI., the Judges were consulted upon a question of Parliamentary privilege, and he held in his hands the record of what they said. The question arose in the time of that great Judge Chief Justice Fortescue, and he and his brethren acted unanimously—

> "Chief Justice Fortescue and all the justices answered and said that they ought not to answer to that question, for it hath not been used aforetime that the justices should in anywise determine the privilege of this High Court of Parliament; for it is so high and so mighty in its nature that it may make law, and that that is law it may make no law; this is a question of their privilege; and the determination and knowledge of their privilege belongeth to the Lords of Parliament, and not to the justices."

EARL GRANVILLE: What was the question which was referred to the Judges in that case?

LORD CAMPBELL: The question was, whether the Speaker of the House of Commons could be taken in execution when the House was in Committee. He admitted that it was not a question for the admission of a Peer, for now for the first time a demand for the admission of a Peer was made when there was good ground for believing that the patent was in excess of the prerogative. In Talboy's case, in the reign of Henry VIII., the Judges were consulted as to the claim of a commoner, the husband of a Peeress in her own right, to be summoned and to sit in that House in her right. They answered—

> "That the common law dealeth little with titles and customs of chivalry, but such questions had always been decided before the Constables and Marshals of England."

THE LORD CHANCELLOR: Who put that question to them?

LORD CAMPBELL: The King. [The LORD CHANCELLOR: Hear, hear!] And if the Judges would not answer to the King, *à fortiori* they would refuse to do so to a similar question put by that House. Lord Coke in his *Institutes* said—

> "And as every court of justice hath laws and customs for its direction, some by the common law, some by particular laws and customs, so the High Court of Parliament *suis propriis legibus et consuetudinibus subsistat.* It is *lex et consuetudo Parliamenti* that all weighty matters in any Parliament moved concerning the Peers of the realm or Commons in Parliament assembled ought to be

determined, adjudged, and discussed by the course of the Parliament, and not by the civil law, nor yet by the common laws of this realm. And this is the reason that Judges ought not to give any opinion of a matter of Parliament, because it is not to be decided by the common laws, but *secundum legem et consuetudinem Parliamenti;* and so the Judges in divers Parliaments have confessed."

These authorities would prove to their Lordships that it was contrary to the invariable usages and constitutional practice of the country for the Judges to be consulted upon questions of Parliamentary privilege. Justice Blackstone approved—

> "The practice of the Judges in refusing to give any opinion upon the law of Parliament, with which they are not supposed to be conversant."

Chief Justice De Grey said—

> "Courts of justice have no cognizance of the acts of the Houses of Parliament, because they belong *ad aliud examen.*"

Had he not now said enough to show that these questions ought not to be given to the Judges, and that their Lordships ought to proceed upon the Report of the Committee of Privileges, and determine the question for themselves? Several of the Judges had set off for their circuits, and the others would very shortly be dispersed all over the country. With every respect for Lord Wensleydale, he doubted whether he had properly considered this business, or that he could be said to have given a legal opinion upon it. Their Lordships had been told that the Attorney General and the Solicitor General were the constitutional advisers of the Crown. But the noble and learned Lord upon the woolsack had admitted that he had consulted neither the Attorney nor the Solicitor General before this patent had issued. Lord Wensleydale was his (Lord Campbell's) private friend, and was highly honoured and beloved. In what situation was Lord Wensleydale now? In the earlier discussions on this subject noble Lords on the Ministerial bench were eager for despatch—"Let there be no delay," they said, and when it was proposed to make a further search for documents, they opposed the postponement of proceedings for a single day; and they complained of the hardship towards Lord Wensleydale, who was kept in uncertainty whether he was a Peer or not—whether he had a right to sit in that House, or whether he was eligible to sit in the House of Commons. Such a situation was a little unfair to him. He trusted their Lordships would be of opinion that this Motion ought to be negatived, and that their Lordships ought to proceed to the decision of this question.

Lord Campbell

THE LORD CHANCELLOR said, he quite felt the difficulty involved in the last observation of the noble and learned Lord—the House, no doubt, were placed in some difficulty in respect of the proposal immediately under their consideration, by the circumstance that the Judges, or at least the greater portion of them, had left or were about to leave town for the purpose of going circuit. But unless he was greatly deceived, the course on which their Lordships were—let him be permitted to say it—somewhat recklessly hurrying was fraught with so many dangers, that, in spite of all the difficulties and inconveniencies which would attend delay, he begged of them to consider whether they would seriously proceed to a Resolution upon this subject without having first taken the best means of ascertaining the legality or the illegality of the step they were invited to sanction. The question, it was quite true, was not one merely of the legality or illegality of life peerages. Even if it should be established that to all intents and purposes the creation of life peerages was strictly legal, he should still be prepared to admit that those who advised the measure might be obnoxious to the censure of their Lordships. But the country must surely feel that they were proceeding recklessly, if, before they took any step in a matter of such grave importance, they did not avail themselves of every means in their power to ascertain what were the precise rights which such a patent as that legally conferred. His noble and learned Friend the Lord Chief Justice commenced his speech by some amusing suggestions as to the course the Judges would take if such a reference were made to them, and had attempted to show that it would be impossible for them to go into all the points raised by the question, and to define every privilege which was obtained by the holder of a patent of peerage. But the Judges might very properly confine themselves to an examination of the main results of such a patent. Now, one of the first questions which had been put by Parliament to the Judges after he had the honour of occupying a seat on the bench of a common law Court, was the occasion of the discussion of the Canada Clergy Reserves question. The Judges were requested to state whether under the words "Protestant clergy," there were included any ministers except ministers of the Episcopal Church, and if any others were included under those words, who those others were? It was obvious that it would have been not less difficult to supply an exhaustive answer to a question like that, than to give a complete answer to the question—What were the rights of a Peer for life? and, accordingly, in replying to the questions thus addressed to them, the Judges did not think it necessary to go exhaustively through the whole list of the persons comprised, as they thought, under the terms "Protestant clergy;" but they knew in what respect their Lordships required to be informed, and they framed such a general answer as they believed would be sufficient to guide the judgment of Parliament upon the point under its consideration; nor had he (the Lord Chancellor) the least doubt that those learned persons would again be actuated by the same spirit if this question also were referred to them. His noble and learned Friend (the Lord Chief Justice) had taken umbrage at the fact that the first of the present questions was, whether the patent was legal. His noble and learned Friend had scouted the notion of asking such a question. But was that the impression of his noble and learned Friend (Lord Lyndhurst), who first brought that subject under the notice of the House? And if it was, what did his noble and learned Friend mean by the statement in his Resolution—that the patent "purported" to create the right hon. Sir James Parke, Baron Wensleydale for life? It was pretty clear that his noble and learned Friend, at all events, had originally entertained considerable doubt as to the legality of the patent—a view of the case from which he was now willing to recede. The second of the questions set forth in the present Motion was, "What rights and privileges does such a grant confer?" Now, no doubt, the object of that question was to ascertain whether such a grant did or did not entitle the holder to sit and vote in that House. The noble and learned Lord (Lord Campbell) said that that question was one upon which the Judges could give no answer. But he (the Lord Chancellor) said it was a complete fallacy to suppose that that was a matter in which the Judges could not give any opinion; and that it was such a fallacy he believed he could prove to the satisfaction of their Lordships, or, at least, of all those Members of the House who were familiar with legal subjects. It was very easy to see that the Judges might come to a decision which would, for all practical purposes, conclusively dispose of that question. If, for instance, the Judges should say that a person who had obtained such a patent had no right to be tried by his Peers, and had no right to freedom from arrest, it would only be natural to conclude that in their opinion he had no right to sit and vote in that House. But if, on the other hand, the Judges should decide that he had a right to be tried by his Peers, and that he had a right to freedom from arrest, it would only be reasonable to hold that in their judgment he must be entitled to the other privileges of the peerage. At least it would throw a strong burden of proof on those who denied his right also to his writ of summons. He could state a case—not a probable one, he admitted, but still a possible one—in which the Judges might be compelled to adjudicate upon the question then at issue. By a Statute of 24 *Geo.* III. chap. 26, it was provided that if any Member of the House of Commons should become a Peer of Great Britain during the recess, the Speaker should, as soon as he should receive a certificate under the hands of two Members of the House that a writ of summons had been issued to summon such Peer to Parliament, issue his warrant within a certain time to the Clerk of the Crown to make out a new writ. Now, suppose that in such a case as that the Speaker wilfully refused to issue his warrant to the Clerk of the Crown, and in the case of a Member of the House of Commons created a Peer for life, and if he were on that ground indicted for a misdemeanor for disobeying the Act of Parliament, it was clear that the decision of the Judges upon the point whether or not he could be convicted on that indictment would involve the question whether the patent of the new Peer, so to speak, turned him out of the House of Commons by making him a Member of their Lordships' House. It was true that, in Thorpe's case, the Judges declined to interfere with the *lex et consuetudo Parliamenti.* But his point was, that if the Judges were called upon for their opinion on the subject then under consideration, they would not have to decide on the *lex et consuetudo Parliamenti*, for this was not a question of *lex et consuetudo Parliamenti*, but a question of *lex Coronæ*—a case that involved the rights of the Crown. The real question was, whether the Crown had a right to command the services of one of its subjects in the House of Peers, and whether, when Lord Wensleydale presented himself with his writ of summons, the House had a right to say that he should not take his seat among them. Surely, in a case like that, they could not say that the Judges could give no opinion on the question in dispute. In the case which had arisen in the reign of Henry VIII., to which his noble and learned Friend had referred, the question had been put by the Crown itself, whether a particular person had or had not a right to a writ of summons? The Judges answered that that was a question for the decision of the Earl Marshal; and as the Sovereign whom they were addressing was Henry VIII., he (the Lord Chancellor) did not wonder that they had manifested no anxiety to give an opinion on a point connected with his prerogative. But, in real fact, the case was made for him (Lord Cranworth); for it was a question which the Crown had to decide for itself, and the Judges only told the King that the custom was to refer such question to the Earl Marshal and other high functionaries. The noble and learned Lord then referred to Lord Coke's *Fourth Institute.* Lord Coke was quite consistent with himself. He had, no doubt, stated that questions relating to the *lex et consuetudo Parliamenti* were not questions for the consideration of the Judges; but the question whether a person had a right to come into Parliament was not a question of *lex et consuetudo Parliamenti,* but a question of the law of the land. On these grounds he hoped their Lordships would accede to the Motion of his noble Friend (Lord Glenelg); and that they would show to the country that which, let them give him leave to say, the country would not otherwise believe—that they were anxious, before deciding on a question of this importance, to ascertain what was the law with respect to it. He (Lord Cranworth) might feel an undue excitement upon the subject, and he might exaggerate its importance; but if the Motion which his noble and learned Friend (Lord Lyndhurst) had placed on the notice paper for that evening were carried, he protested that he believed it would be the most wilful, the most unprecedented, and the most unjustifiable invasion of the rights of another branch of the constitution that it had ever been his lot to witness. He believed it would be a proceeding for which there was no precedent, and in support of which no recognised principle of the constitution could be alleged. His noble and learned Friend had given notice that he meant to propose that their Lordships should not receive in that House one of Her Majesty's subjects, who might present himself at the bar with a writ from Her Majesty commanding him to give Her his services. Before they adopted such a Motion, he trusted they would well consider the matter, and as a foundation for such inquiry accede to the proposal of his noble Friend, and ask the opinion of the Judges as to the legality of the patent, and the nature of the rights which it conferred.

THE EARL OF WINCHILSEA said, he could not consent to allow precedents drawn from the time of the Plantagenets to be employed for the purpose of destroying the hereditary character of that House. No attempt had been made on the part of the Government to show that any life peerage, such as the one they were then considering, had been granted either in the time of the Tudors, or in the time of the Stuarts; and, above all, they had not attempted to show that any such creation had been made since the Revolution of 1688, which had consolidated the liberties of this country. He trusted their Lordships would not destroy the hereditary character of that House by giving every future Minister the right to create as many life peerages as he might find necessary for the purpose of carrying any particular measure. If this attempt were allowed to pass, what security would they have in case there should arise some arbitrary monarch, who, unlike Her present most gracious Majesty, did not reign in the affections of Her subjects—or some female Sovereign burdened with a connection with some foreign Prince little accustomed to our English rights and liberties—what security would they have, in such a case, that a blow might not be aimed at the independence of their Lordships' House, and so at the continuance or the stability of our institutions?

LORD BROUGHAM said, he should decline altogether following the noble and learned Lord (the Lord Chancellor), or the noble Lord who had made this Motion, into the question of legality, constitutional nature, or expediency involved in this matter. The question before their Lordships was of a very limited nature—it was simply whether they would or would not proceed into a Committee of Privileges and report on the subject referred to that Committee, without referring certain questions to the Judges, or would first take the advice of those learned counsellors? With respect to his noble and learned Friend (the Lord Chancellor), there was one word used by him more than once, and which he (Lord Brougham) was rather surprised to find uttered by him on this occasion, in connection with the unhappy predicament into which their Lordships had been he would not say drawn, but rather driven—and that was the word "reckless." Of all the words in all the dictionaries of the Saxon tongue, that word "reckless" was the last which he should expect to find in the mouth of any of the present Advisers of the Crown in speaking upon this measure of theirs. His noble and learned Friend, as well as his noble Friend the Lord Chief Justice, had reduced the question to this — whether the *lex et consuetudo Parliamenti* were involved in the creation of life peerages; and whether they could frame the questions in such a manner as to compel the Judges to answer as to points upon which the Judges on former occasions had wisely and consistently declined to reply? The question for their Lordships, in his view, was short, simple, and practical — whether, if they chose to ask the opinion, they could get an answer from the learned Judges? By the learned Judges, he assumed, was meant the whole fifteen Judges; but he would remind their Lordships, that fourteen of the fifteen—that was, all except the one who remained in town during the vacation—had either left town or were on the point of leaving it to go the circuits. Could they then get the benefit of these learned persons' assistance? It seemed to him they could not. The point was not like one of those ordinary matters in the practice of the Courts, which twenty-four hours' or forty-eight hours', or say a week's consideration, would enable any Judge to answer satisfactorily. It was a question full of difficulty. It was a question upon which, as they knew, there had been great difference of opinion among lawyers in that House and out of that House. In those circumstances, were they to administer interrogatories to the learned Judges, and call upon them within twenty-four or forty-eight hours to return an answer? If they desiderated the opinions of the Judges ever so much—if they had had ever so many or so good reasons shown them why they should call for that opinion—and his noble Friend's (Lord Glenelg's) reasons, by the way, had been very few and therefore very indifferent ones practically—in point of fact they could not obtain it. The Judges would say this was not an ordinary matter, and they wanted a few months for consideration; it was a matter which did not press, but might stand over until next Session. That would be the inevitable consequence of accepting the Motion of the noble Lord, and putting questions to the Judges. He was a little astonished to hear complaints of the rapid, wilful, and inconsiderate haste of the noble and learned Lord (Lord Lyndhurst), and those who agreed with him in pressing to have a decision on this great and important constitutional question. The noble Lord (Lord Glenelg) complained of their wishing to go on without consulting the Judges, and said they could not take too much precaution against falling into error; and his noble and learned Friend on the woolsack entered thoroughly into the same view—deprecating hasty proceedings, and expressing himself anxious for further inquiry and fuller investigation.

It might be consequently supposed that those two noble Lords, who considered a little delay did not signify compared with the evils of a hasty and erroneous judgment being arrived at, voted the other night for going into a Committee of Privileges; but, if he was not misinformed, though he could hardly believe it, both voted against proceeding further in a Committee of Privileges—one thought it better to proceed in a different way, and the other was for at once rejecting the Motion for inquiry without further consideration:—They would have decided without inquiry: and now, after the House had determined to inquire, had actually in part examined the subject, and were about to go into Committee in order to complete the inquiry, the noble Lords turned round and said, "We cannot go on with it; the best thing is to delay inquiring into the subject; it is too important to be speedily or rapidly settled." He (Lord Brougham) would not enter at length into the argument which had been used by his noble and learned Friend on the woolsack, that this was not a question of privilege, but a question of the prerogative of the Crown. It was true it was a question of prerogative; but it was of the prerogative trenching upon or infringing the privileges of the House, which the House not only could consider, but must consider. According to the argument of the noble and learned Lord on the woolsack, the Crown, *ex mero motu*, without writ or patent, could send down any person to that House; and if their Lordships refused to allow him to take his seat, producing no authority, it would be a question not of privilege, but of the prerogative of the Crown. Would the noble and learned Lord then say, "This is no question of privilege—it is a question of the prerogative of the Crown:—do not put yourselves into collision with your Sovereign?" So that a person having neither patent nor writ might be by the prerogative marched into the House, and the House must suffer him to sit and vote for fear of setting itself against the Crown. He (Lord Brougham) was quite surprised to hear such arguments from any lawyer, especially from a Whig lawyer. Now as to the Judges; no person could entertain greater respect for them than he did; no one was more anxious to have the benefit of their assistance; but there were difficulties in the way of calling upon them in the present instance; and the peremptory refusal of Lord Wensleydale to appear by counsel had aggravated those difficulties, for the Judges would be asked to decide without hearing the case argued, and he was sure that they would themselves be the first to declare that an opinion obtained from them in such circumstances would be worth but little. The Judges could not be invited to that House to listen to the conflicting arguments of noble Lords upon which their opinions were to be taken. He did not deny the competency of the House to call in the Judges, but he contended that to do so in the present instance would be most inconvenient, and they would be required to give an opinion without having the ordinary benefit of hearing the arguments upon the case. There were many objections to the Motion of the noble Baron, but he had only referred to one or two in addition to those mentioned by the Lord Chief Justice; they were, however, quite sufficient to justify him in opposing the proposition which was now made, and to which he hoped and trusted the House would not listen.

Earl GRANVILLE: I hope your Lordships will not be alarmed by the books before me, nor fear that I am about to trouble you at any great length. I can assure your Lordships I shall confine myself exclusively to the point before the House, although I must say I never heard a more unjust charge than was made by the noble and learned Lord who has just sat down against the noble Baron who made this Motion as to having wandered from the point. The noble Baron certainly touched upon many points, but they all bore strictly upon the subject before the House. I really think it is too much to expect, in discussing a matter of this kind, that my noble Friend should wholly ignore and put out of sight the point to which the Committee was about arriving, and he had an undoubted right to refer to a notice upon your Lordships' Minutes. The noble and learned Lord also said that four of the law Lords in that House were agreed in opinion against the opinion of the noble and learned Lord on the woolsack. I will go further than the noble Baron (Lord Glenelg), and say that upon the question of the legality of Lord Wensleydale's patent we have a right to claim a majority of the law Lords on our side. I agree that the noble and learned Baron opposite (Lord St. Leonards) has been consistent; he has never given any opinion upon the point, he has never, to my knowledge, given an opinion in favour of the legality of life peerages. My noble and learned Friend (Lord Lyndhurst) carefully abstained from saying anything upon it; and I am not surprised that he should have done so, for he acted in a judicial character only last year upon a question of a life peerage—a Scotch peerage—and the noble and learned Lord on that occasion put this question to the counsel, "It was usual formerly to grant life peerages in England; is it so in Scotland?" Now, it would have been irreconcilable with the character of the noble and learned Lord for consistency if he had got up now and said it was perfectly illegal. The noble and learned Lord who just addressed us (Lord Brougham) has expressed an inclination to believe that the patent is strictly legal. As to my other noble and learned Friend (Lord Campbell), he stated in his place as a Peer, in opposition to another plan which had been proposed, that it was within the prerogative of the Crown to grant life peerages. The noble and learned Lord also, in that delightful book which has been already quoted—the *Lives of the Chancellors*—in which in the life of Lord Eldon he gives a qualified approval as to the expediency in some cases of granting such peerages, has given his undoubted opinion that such is within the prerogative of the Crown. I think I have made out a case to show that implicit reliance cannot be placed upon the opinions of noble and learned Lords, and when they come to this House with a violent and unusual resolution your Lordships must be guided upon the point of legality or illegality by the opinions which they have already given. The noble and learned Lord (Lord Brougham) has expressed his surprise at the course which has been taken upon going into Committee. I must say I think it was a most undesirable step to take at all, and I own I experienced some slight consolation for the part we have taken when I found by chance this morning a protest in the Townshend case, signed by Lord Cottenham and other Peers now in the House. The first sentence of that protest is, "Because the Bill is an invasion of the prerogative of the Crown and the rights of the subject—of the prerogative of the Crown as adjudicating upon the titles of Peers without reference from the Crown, or leave given for that purpose." [Lord CAMPBELL: That was a question of illegitimacy.] I read this to show that Lord Cottenham objected to this particular Bill, which must have received the sanction of the House of Commons, and would have to be assented to by the Sovereign before passing—that it affected the power of the Crown, no reference by the Crown having been made, or leave given. The only conclusion I can draw is, that, *à fortiori*, that noble and learned Lord would have objected to our resolving ourselves into a Committee of Privileges without the leave of, or a reference from, the Crown. I hope my noble and learned Friend the Lord Chief Justice will believe that in appealing from himself to himself, I do so to bring the weight of his learning and knowledge to bear upon the case I offer to your Lordships; but in a case heard in a court of law, the noble Lord, referring to the Banbury case, in which there was a charge of murder, and Lord Banbury pleaded in bar that he was a Peer and entitled to be tried by his Peers, "that plea," said the noble and learned Lord—"was held to be bad, and properly so, *quia coram non judice*—their Lordships not having had the case referred to them by the Crown, without which they had no jurisdiction." These are some consolations for our objections to the Committee. But I do feel strongly that bygones should be bygones, and, once being in Committee, we must all unite to try and come out as creditably as possible. An objection has also been made by the Lord Chief Justice that the precedents are against the Motion of my noble Friend. I must say, the precedents quoted by him were demolished by the noble and learned Lord on the woolsack, and the noble and learned Lord who followed him did not attempt any rejoinder. I think there are precedents the other way. In Cruise's *Book of Dignities* I find these cases:—Mr. Longville, in 1640, claimed the barony of Grey de Ruthyn. That case was referred to the House of Lords, and a question was put to the Judges with respect to the succession. Another case he might mention is the Clifton case, in which the Judges, on being consulted, declared that the said person, by virtue of the said writ of summons, and his sitting in Parliament accordingly, was a Peer and a Baron of this kingdom, and his blood thereby ennobled; secondly, that his said honour descended from him to Catherine, his sole daughter and heir, and successively after several descents to the petitioner as lineal heir of the said Lord Clifton; thirdly, that therefore the petitioner was well entitled to the said dignity. A third case is the barony of Fitzwalter, in 1668, when the two Chief Justices and Chief Baron Hall were consulted, and agreed that "the half blood was no impediment to the descent of a dignity to an heir general," with which opinion the King, who was present, being satisfied, Mr. Mildmay got the barony. These are all cases in point to prove that the Judges have been consulted upon questions of this kind. Reference has also been made to a Bill which enabled King William to delegate certain powers to his Queen during his absence abroad. This was referred to the Judges, and Chief Justice Holt decided that, without an Act of Parliament, the Sovereign could not exercise such powers. Surely, my Lords, this affords another reason why your Lordships should refer the present matter to the Judges. To my great astonishment, the noble and learned Lord (Lord Brougham) stated that, if your Lordships were to call upon the Judges to advise you upon the question, they could not do so, because they would be deprived of the assistance of counsel; and because, in M'Naghten's case, one of the Judges objected to the opinions of Judges being asked without their having an opportunity of hearing counsel. I was surprised to hear that, because I well remember that objection was overruled by every one of the remaining Judges; and Lord Brougham, Lord Campbell, Lord Cottenham, Lord Wynford, and the Lord Chancellor, laid it down that the House of Lords had an undoubted right to have the opinions of the Judges on abstract questions of existing law. The noble and learned Lord also alluded to the delay which would be occasioned by referring the matter to the Judges, and, in doing so, I thought he proved more than was necessary for his case. He referred to the circuits, and to the terms and vacations with which the noble and learned Lord is much more conversant than I am, and he endeavoured to show that it would be impossible to get the opinion of the Judges during this Session. Surely it is idle to urge such an argument, which would be a bar to your Lordships ever putting any question to the Judges. When the noble and learned Lord says that it ought to take the Judges seven years to discuss the question, it is due to the noble and learned Lord to suppose that he spoke it humorously. But, my Lords, I do think that if we are able in seven days to arrive at an opinion upon the matter, notwithstanding that the opinions of noble and learned Lords are inconsistent with one another, and, in some instances, even inconsistent with themselves—if within that period we are expected to dispose of so great a question of jurisdiction and prerogative, surely the Judges might reasonably be expected to be able to come to a decision within the period of the Session. The noble and learned Lord has said that Her Majesty's Government, in the first instance, wanted to have the question decided without going into Committee at all, and that we are, therefore, very inconsistent in wishing to interpose any delay. But I think, my Lords, the course we are pursuing is perfectly justifiable. We ourselves entertain no doubt about the legality of the patent and of the writ issued by the Queen. But when your Lordships overrule us, and bring us into a Committee, and when you propose to adopt a course which is utterly unusual, and altogether without precedent, I do not think you have any right to turn upon us and accuse us of causing delay when we show a desire that your Lordships should seriously deliberate upon the question thus brought before you, and use every means in your power to come to a satisfactory arrangement. My Lords, are there no points raised of importance? The noble and learned Lord says that the first question proposed to be asked the Judges was useless, because he could assure your Lordships that no doubt exists as to the Queen having the power to make a Peer by patent for life. But, as the noble and learned Lord has on another occasion expressed a different opinion, it is possible that he may reconsider the more recent opinion he has pronounced, and at some future time give an opinion diametrically opposite. Therefore I should like to have the opinion my noble and learned Friend has this evening expressed confirmed by the learned Judges of the land. This, to me, my Lords, appears to be a point of great importance; for, although the Queen has the power to create a Peer for life, yet it may be argued and indeed decided in the course of this Session that such a dignity does not confer a right to sit in this House. Yet, my Lords, in the Third Report of the Lords' Committee on the Dignity of the Peerage—a Report known to have been drawn up by that great lawyer, Lord Redesdale—it is stated that—

> "Whatever may have been formerly the constitution of the legislative assemblies of the realm, the dignity of Peer of the realm, from the time the present constitution of those assemblies was clearly established until the union of England and Scotland, gave to the possessor of that dignity, as one of its inherent rights, the character of a Member of such assemblies."

If the Judges should confirm this opinion, we should then have not only their judgment, but the opinions of Lord Redesdale and my noble and learned Friend; so that the case would appear to be absolutely decided. I will refer your Lordships to a case which I met with very providentially. It was first brought to notice by the noble and learned Lord who began this debate, and nothing can be more fair than to show what was the result of it. The Peers, having refused to take the advice of the Judges, and having decided quite contrary to the law, were obliged, seventy years after, to call in the assistance of the Judges, and they then gave quite a different decision. I hold in my hand a book of some authority. I am going to quote Mr. Hargrave—a passage this time really written by him, and not a note which he never wrote and never saw. It refers to the case of Sir Charles Knollys, who claimed the Banbury peerage. Mr. Hargrave says—

> "Though this claim was finally rejected, yet it appears that a great number of Peers—twenty of them—protested against the decision. Such a circumstance goes far to induce the great probability that had it not been refused to hear the Judges the claimant would have had their opinion both on the facts and the law of the case in his favour."

My Lords, I now come to another question. I certainly do not hold the doctrine that this House is servilely to support the prerogative of the Crown in whatever way that prerogative may be exercised; but I do say, that when you are dealing with a prerogative of the Crown in a manner that goes to the very root of that prerogative, and when I consider that in the exercise of your own privileges in questioning that prerogative you are taking an unprecedented and unusual step, I think that, although the act itself may be right, and may be required by the necessity of the case, yet it is decent, with regard to the Crown, it is respectful to the other House of Parliament, and it is showing due consideration to the feelings of the country, that, before coming to so strong a decision, you should make it appear that you have neglected no single means of informing yourselves upon the law affecting the question. I will call to the attention of your Lordships a case in which your Lordships' predecessors took great steps with regard to the privileges of your Lordships' House, and with a view to strengthen and extend those privileges. There is hardly any one of your Lordships who will not agree in thinking that it was fortunate they were defeated in the attempt. I allude to the peerage question. It passed this House twice, but was defeated in the House of Commons by the efforts of that great and sagacious statesman Sir Robert Walpole. The House may sometimes take an erroneous view of its own interests. Your Lordships have been entreated not to prevent the House coming to a decision by any unnecessary delay; but, my Lords, whatever may be the evil of delay, even for a short duration, it is not to be compared with the evil of having hastily, and without the fullest and maturest deliberation and information, come to a decision upon so important a question. I shall, therefore, vote with the greatest satisfaction for the Motion of my noble Friend, and conclude by requesting your Lordships to support the proposition for referring this matter to the Judges.

On Question, their Lordships *divided*:—Content, Present 62; Proxies 49—111. Not Content, Present 97; Proxies 45—142: Majority 31.

Resolved in the *Negative*.

List of the CONTENT.

PRESENT.

Lord Chancellor
ARCHBISHOPS.
Canterbury
York
DUKES.
Argyll
Roxburgh
Wellington
MARQUESSES.
Ailesbury
Breadalbane
Clanricarde
Lansdowne
Townshend
EARLS.
Abingdon
Aberdeen
Albemarle
Bessborough
Burlington
Cowper
Craven
Devon
Effingham
Elgin
Ellesmere
Fitzhardinge
Gosford
Granville
Harrowby
Meath
St. Germans
Somers
VISCOUNTS.
Enfield
Falkland
Sydney
Torrington
BISHOPS.
Chester
Manchester
Salisbury
Worcester
BARONS.
Arundel
Ashburton
Byron
Camoys
Cremorne
De Mauley
De Tabley
Dufferin
Erskine
Glenelg
Keane
Lilford
Manners
Milford
Monteagle
Mostyn
Overstone
Panmure
Poltimore
Saye & Sele
Stafford
Stanley of Alderley
Sudeley
Wodehouse
Wrottesley

PROXIES.

DUKES.
Devonshire
Leeds
Sutherland
MARQUESSES.
Anglesey
Bristol
Donegal
Headfort
Huntley
Normanby
Westminster
EARLS.
Camperdown
Clare
Cork
Denbigh
Ducie
Fingall
Gainsborough
Glasgow
Kintore
Leicester
Lindsay
Minto
Morley
Portsmouth
Radnor
Scarborough
Stair
Suffolk
Yarborough
Zetland
VISCOUNT.
Massareene
BISHOP.
Peterborough
BARONS.
Crewe
Dorchester
Dunfermline
Godolphin
Harris
Holland
Howard de Walden
Howden
Londesborough
Lovat
Lurgan
Methuen
Monson
Portman
Rossmore
Stuart de Decies
Vaux of Harrowden

List of the NOT CONTENT.

PRESENT.

DUKES.
Beaufort
Buccleuch
Buckingham
Manchester
Montrose
Somerset
MARQUESSES.
Bath
Drogheda
Salisbury
Winchester
EARLS.
Abergavenny
Bathurst
Beauchamp
Cardigan
Carnarvon
Cawdor
Chesterfield
Cottenham
Darnley

De Grey
De Lawarr
Derby
Desart
Donoughmore
Eglintoun
Egmont
Ellenborough
Enniskillen
Erne
Grey
Hardwicke
Harrington
Home
Lanesborough
Longford
Lonsdale
Lucan
Malmesbury
Mornington
Orkney
Pomfret
Romney
Sandwich
Seafield
Selkirk
Shaftesbury
Sheffield
Stanhope
Strathmore
Verulam
Wilton
Winchilsea

VISCOUNTS.

Canterbury
Doneraile
Dungannon
Falmouth
Gage
Hawarden
Hill
Lifford
Melville
Sidmouth

BISHOPS.

Exeter
Rochester

BARONS.

Abinger
Bateman
Berners
Blayney
Brougham
Campbell
Castlemaine
Clarina
Colchester
Colville of Culross
Congleton
Delamere
Denman
Dinevor
Downes
Dunsandle
Feversham
Forester
Grantley
Kenyon
Kilmaine
Lyndhurst
Polwarth
Rayleigh
Redesdale
St. Leonards
Sandys
Sondes
Southampton
Templemore
Tenterden
Walsingham
Wynford

PROXIES.

DUKES.

Hamilton and Brandon
Marlborough
Northumberland

MARQUESS.

Ailsa

EARLS.

Bandon
Buckinghamshire
Beverley
Bradford
Clancarty
Courtown
Crawford
Ferrers
Guilford
Harewood
Howe
Huntingdon
Lauderdale
Leven and Melville
Limerick
Macclesfield
Mansfield
Onslow
Orford
Poulett
Stradbroke
Tankerville

VISCOUNTS.

Bangor
Combermere
St. Vincent
Strathallan

BARONS.

Berwick
Blantyre
Bolton
Braybrooke
Clonbrock
De Saumarez
Farnham
Gray
Hawke
Heytesbury
Northwick
Plunkett
Ravensworth
Rodney
Sinclair

PAIRS.

FOR.	AGAINST.
Strafford, Earl	Glengall, Earl
Clifden, Viscount	Cadogan, Earl
Grafton, Duke	Digby, Earl
Lovelace, Earl	De Ros, Lord
Ribbesdale, Lord	Ely, Marquess
Auckland, Earl	Waterford, Marquess
Leinster, Duke	Middleton, Lord
Hereford, Bishop	Warwick, Earl
St. Asaph, Bishop	Hopetoun, Earl
De Freyne, Lord	Crofton, Lord
St. David's, Bishop	Mountcashel, Earl
Suffield, Lord	Rutland, Duke
Elphinstone, Lord	Talbot, Earl
Durham, Bishop	Rosslyn, Earl
Clarendon, Earl	Cloncurry, Lord
Ripon, Earl	Northumberland, Duke
Conyngham, Marquess	Bayning, Lord
Norwich, Bishop	Gloucester, Bishop
Bedford, Duke	St. John, Lord
Waldegrave, Earl	Cathcart, Earl
Spencer, Earl	Exeter, Marquess
Carlisle, Earl	Aylesford, Earl
Kinnaird, Lord	Ranfurly, Earl
Fortescue, Earl	Mayo, Earl
Carew, Lord	Downshire, Marquess
Foley, Lord	Exmouth, Viscount
Belhaven, Lord	Douglas, Lord
Hatherton, Lord	Dartmouth, Earl
Leigh, Lord	Willoughby de Broke
Strangford, Viscount	Stamford, Earl
Durham, Earl	Willoughby de Eresby
Stourton, Lord	De Lisle, Lord
Petre, Lord	Manvers, Lord
Dormer, Lord	Bantry, Lord
Rivers, Lord	Cleveland, Duke
Chichester, Earl	Richmond, Duke

COMMITTEE FOR PRIVILEGES—THE WENSLEYDALE PEERAGE.

Committee for Privileges to examine and consider the Copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life (presented to the House on Monday the 4th instant), and to Report thereon to the House.

Mr. THOMAS EDLYNE TOMLINS was called to the bar and examined by LORD LYNDHURST, as follows:—

Have you examined the Records of the Rolls Court?

I have examined them.

For what period?

From the first of Richard III., inclusive, to the end of the reign of Queen Mary.

Have you examined them with care and attention?

With as much care and attention as I could.

How many cases of peerage are upon those Rolls?

I cannot precisely recollect.

About the number?

Seventy or eighty.

Have you found any instance of a life peerage among them?

Yes; in the 25th of Henry VIII.

What case is that?

The case of Maurice and Donacius O'Brien, upon whom was conferred the title of Earl of Thomond for life, in the 35th Henry VIII.

A grant of the Earldom of Thomond:—Is there not also a grant to Maurice of the Barony of Inchiquin, to him and his heirs male?

I cannot recollect. I tried to ascertain, but I was told it had been taken to the House.

Has it been laid on the table of the House?

I believe it has.

Have you found any other instance but that?

None.

Have you found time to examine the Rolls down to the date you mentioned?

No, I have not.

Have you been industriously engaged in it since you began the examination?

Yes, day by day, without any intermission.

Have you found no other instance of a grant for life during the whole of that period?

No.

Lord LYNDHURST: I may inform your Lordships that, with all his industry, the witness has not been able to carry the examination beyond the reign of Queen Mary.

The LORD CHANCELLOR: I do not know whether it may be convenient to my noble and learned Friend that I should state that I and my Friends raise no objection on the score of further search being made for these grants. We know of none except that we know of many, I believe eighteen grants to women, and a great many for life, with remainder to collateral branches. I have not the particulars of these, and have not made any search. I do not think it necessary.

Lord LYNDHURST: My Lords, I am not sure that I shall be able adequately to perform the task which I have undertaken,—whether my strength will be sufficient for that purpose; but having undertaken that task, I shall perform it to the utmost of my power. I shall confine myself as strictly as possible to those matters which appear to me to bear directly upon the matter now before your Lordships, and which, I think, will enable your Lordships to form a correct opinion upon this important constitutional question. I shall not, I hope, find it necessary to take up very much of your Lordships' time, because the subject has been so fully discussed already, and because there are so many of your Lordships who are intimately acquainted with every branch of the subject.

In the first place, I find it necessary to direct my attention to the subject of the jurisdiction of your Lordships on this question. I should have been satisfied to have kept silent upon that subject, resting on the circumstance that your Lordships have affirmed your jurisdiction by consenting to refer the subject to a Committee of Privilege, were it not that my noble and learned Friend opposite has upon more than one occasion denied that jurisdiction, and, permit me to say, has denied it in a tone and manner which I did not think at the time very respectful to your Lordships; for he intimated, obscurely I admit, but still in a manner intelligible to me, that your Lordships' decision, whatever it may be, will be entirely unavailing. The other House of Parliament, my Lords, stands in a more favourable situation than we do when questions of privilege are raised. The Speaker of the other House of Parliament is the guardian of the privileges of the House and of its authority; and, if those privileges are invaded, he is there for the purpose of defending the character of the House. I think it extraordinary that the noble and learned Lord, having recommended a measure which almost all your Lordships have considered an improvident and rash measure, should now, when we stand forward to condemn it, deny that we have anything to do with the subject, and to declare that our censure of it will be altogether unavailing and without any practical result; that we have no jurisdiction in the case, that it is *ultra vires* of this House, and that as it touches the prerogative, we cannot give effect to the opinion which we may form upon it. But, my Lords, there is something even more extraordinary than this. A learned person, who has never had a seat in this House, but is waiting to have your Lordships' doors opened to admit him:—who knows nothing of your Lordships' privileges and your rights—who has never had an opportunity of becoming conversant with them—he tells us dogmatically that we are doing that which we have no right to do, and that whatever judgment we come to in his case will be unavailing; and he instructs my noble and learned Friend opposite to communicate his opinions to the House for the purpose of influencing and controlling our proceedings. But, my Lords, if this opinion is well founded, there is an end to the independence of your Lordships' House. The Minister for the time being may trample upon your rights and privileges, and you will lie prostrate before him. But, my Lords, I undertake to state and to prove, in opposition to the opinion of the noble and learned Lord, that there is no foundation for the opinion which has thus been expressed. My Lords, a case has been put before your Lordships which, if it be well considered, is decisive as to the jurisdiction of your Lordships; but I will advert to that case to show that this privilege which we are now considering is admittedly part of the independence of your Lordships' House. My Lords, everybody knows that an alien has no right whatever to sit in your Lordships' House. At the same time everybody knows the Crown has a perfect right to confer a peerage on an alien. Suppose that an alien had obtained a writ of summons and presented himself at your Lordships' bar, are your Lordships, knowing that he has no right to enter your House, and that if he did so it would be a violation of the law—are you quietly to suffer him to take his seat without interference? Are we all to be passive spectators of the violation of the law, and to be co-operators with him in the violation of the law? Is not the very statement of such a case sufficient to satisfy your Lordships, beyond all doubt, that you have a right to investigate the title by which a Peer claims admittance into your Lordships' House? I will put another case equally striking. It has been said by Lord Coke—I know not on what authority—that the Crown cannot grant a peerage for years; and he gives a reason for it which every lawyer knows—a reason extravagant and absurd. But suppose that a person created a Peer for a term of years comes to the bar and brings his writ of summons. Suppose your Lordships look at the patent and find that it contains a peerage for years, are you to admit him to take his seat, and suffer him to violate the law, and to become, indeed, co-operators with him in the violation of the law? That would be abrogating your right; and would it not be your duty to prevent him from taking the oaths and his seat among your Lordships? My Lords, look at the form of proceeding. When a person comes to the bar with his patent of creation and his writ of summons, what is the first step that is taken? The first step is to read the patent. Why is that patent read? For what purpose is it read, if your Lordships are to exercise no opinion with respect to it? Or, is it not read that your Lordships may have an opportunity of considering its validity and of acting according to the opinion you may form respecting it? I consider these cases very decisive as to your Lordships' authority and jurisdiction. My Lords, it is the right and duty of your Lordships, and of every assembly summoned in a similar manner, to see that the assembly to which they belong is properly constituted. If a writ of summons to which a party is entitled is withheld, your Lordships have a right to insist that it shall be issued. If, on the other hand, a party appears at your bar with an invalid patent, your Lordships have an equal right to prevent his admission into this Assembly. In both cases the right is the same, and it is your duty as well as your right to see that the House of Peers is properly constituted. It is asked, how are these rights to be enforced? I think my noble and learned Friend opposite has hinted that we have no means of enforcing them. My Lords, I will explain that in a few words. If a writ of summons is improperly withheld, your Lordships can insist upon its being issued. You may address the Crown for that purpose, if you think proper. If that address to the Crown is unavailing, there is a remedy that in a remarkable case has been resorted to, and which was effectual to attain its object. The Peers in Parliament in that case refused to proceed to business until the writ of summons was issued, and until the House was properly constituted; and the historian who records this fact says that the means adopted were so effectual that the King was induced to issue the writ of summons, and that the abuse of which they complained never occurred again. That is a remedy when the writ of summons is withheld. On the other hand, when a party has obtruded himself upon the House, in which he has no right to sit, the remedy is equally plain. It is your duty to direct your officers to refuse to administer the oaths, or allow the party to take his seat. So much for that part of the question.

Now, my Lords, with respect to the precedents in the case. My noble and learned Friend no doubt remembers he told us there was only one precedent adduced—the case of the Hamilton and Brandon peerage. I think that your Lordships can hardly have forgotten the kind of triumphant air with which he stated that he would soon dispose of the authority of that case. I was curious to know by what means my noble and learned Friend could get rid of the obligation of that precedent. I followed him throughout his argument, and he concluded his speech, leaving the obligation of the authority of that case wholly untouched. What was the case? A peerage of Great Britain had been granted to the Duke of Hamilton, a Scotch Peer. The question was, whether that peerage was valid or invalid. It was contended that a Scotch Peer since the Union could not receive an English peerage. It was argued that such a peerage was quite contrary, both to the language and spirit of the Act of Union. The question was discussed with great zeal and earnestness. If your Lordships look to the division, you will see that the discussion attracted great attention, and that the House came to the conclusion that the peerage was invalid. The party who thought he was entitled entered a protest, which goes into the minutest particulars of the objections taken. The question in this case is, not whether the decision of the House was right that the peerage was invalid, but as to the form of proceeding and the course adopted by your Lordships in having upon your own authority investigated the subject and decided upon your own privileges. During the whole of that discussion, amid all the zeal and warmth and energy with which it was debated, not one single observation was made against the course of procedure. I have looked minutely into that protest, and I have found that, although every possible objection was taken, not one single objection was taken as to the authority of the House, or to the course of proceeding that was adopted on that occasion. For seventy years that decision was acquiesced in; but it was then decided that the judgment was invalid, and that the peerage was good. The decision of the House was reversed. But even then, when it came on again for discussion, not a single objection was taken to the course of proceeding, but the judgment pronounced by the House was reversed. How has the noble and learned Lord destroyed that precedent? In the Brandon case the question was, on two separate occasions, raised in a very marked manner as to the control of this House over the writ of summons. What course did the House take on that occasion? It referred the question to the Committee of Privileges. On two occasions petitions were presented to the House, and in both they were referred to the Committee of Privileges, which investigated the title of the claimant. The result was, that the House was not satisfied with the title, and upon the report of the Committee the petition was on the first occasion dismissed. There is another case to which I am particularly desirous to allude, in consequence of some reference having been made to it by the noble Lord the President of the Council; I allude to the case of the Earl of Banbury. One of the claimants to this peerage had the misfortune to be engaged in a duel, and came by petition before your Lordships' House, claiming to be tried by his Peers. The House referred the case to the Committee of Privileges to investigate his title. They said he had not made out his claim to be a Peer, and dismissed the petition. The question, in another shape, came before the Court of Queen's Bench, and Lord Chief Justice Holt took upon him to say that this House had no jurisdiction in the matter:—he said the case was *coram non judice*, and that we had no authority. Now, my Lords, I am anxious to point out the erroneous conclusion arrived at by Lord Holt on this occasion, because I believe my noble and learned Friend, and other noble Lords, have placed considerable reliance on his decision. Nothing could be more erroneous in principle than that decision was. It is clear that you had a direct jurisdiction where an application was made to you by a person claiming to be a Peer. It is for this House only to say whether such a person should be tried by his Peers or not. It is also a clear point of law, to the accuracy of which every lawyer will subscribe, that where any tribunal has a jurisdiction in a principal matter, it has also a jurisdiction incident to it over every correlative matter that belongs to it. It is clear, therefore, that Lord Holt's opinion, if he really expressed it, was erroneous, for the House had clearly jurisdiction in this case as to the principal matter—namely, whether the person claiming had a right to be tried by his Peers, and, having that jurisdiction, they had a right to inquire whether the claimant was a Peer or not. Perhaps I should hardly have ventured to express this opinion had it rested on my authority alone, but it is confirmed by one of the highest legal authorities that ever sat in your Lordships' House—I mean Lord Redesdale. I shall read an extract from an opinion given by

Lord Redesdale in the Banbury case—not the Banbury case to which I have just alluded, but another which came subsequently before the House. He said—

> "This Resolution"—that is, the Resolution with respect to the application to be tried by his Peers, which was refused, as I have stated—"passed as it was with great solemnity, ought in my opinion to have all the force of a judicial decision. It was denied by Lord Holt. No doubt can be entertained of the jurisdiction of the House, for surely it had a right to determine whether the petitioner was entitled to be tried as a Peer, and this could not be done without ascertaining whether he was legitimate."

Again—

> "I think Lord Chief Justice Holt was mistaken, if what fell from him is correctly reported, otherwise the Crown might refuse a writ in a subsequent Parliament, to any Peer now sitting in the House."

Again he says—

> "I cannot approve of the opinion of Lord Holt in this case. The House acted with great propriety. It had been said that the Resolutions of the House on the petition were extra-judicial; that, the object of the petitioner not being to establish the legitimacy of the claimant, the House had nothing to do with it."

Now, I apprehend it is upon that opinion of Lord Chief Justice Holt, who stated upon that occasion that the House had no jurisdiction in the matter, that my noble and learned Friend (the Lord Chancellor) has relied in saying that we have no authority to decide this question. I have stated what I consider to be the principle that justified the decision of the House on this case. I have shown that that decision was impeached by the authority I have mentioned—namely, Lord Holt; and I think I have shown that the decision at which he arrived was erroneous; and this is one of the cases by which my noble and learned Friend is guided on this occasion. Several other cases might be cited from the Journals, all of which go to establish the fact that this House has a right, on application or petition, to be admitted by a writ of summons, to inquire into the title, and pronounce a judgment accordingly. [The LORD CHANCELLOR: What are the cases?] My noble and learned Friend will find the cases in the Journals of the House. One of them is that of the Earl of Lincoln, who came to the bar with a writ of summons. There was some reason to object to that writ; it was suggested that he was not entitled. And what did the House do? It referred the matter to the Committee of Privileges, and directed the Committee to examine into his title and pedigree. The Committee accordingly entered into an examination of the patent and the pedigree of the claimant, and, having reported in his favour, Lord Lincoln was allowed to take his seat. I could quote other cases, but I am afraid I should not have sufficient strength to go through them. I may allude to one case, however, in which the son of a Peer was called to this House by one of his father's baronies during the lifetime of his father. He died in the lifetime of his father, and the question was, whether his son was entitled to succeed to the barony without the intervention of the Crown. It was submitted, without any intervention of the Crown, to the Committee of Privileges, which decided in favour of the grandson's claim, and the claimant took his seat accordingly. All these cases show that where a person is entitled to a seat in this House, and the Crown does not interfere to assist them, he may petition the House for a writ of summons. The House, through the Committee of Privileges, investigates the claim, and acts accordingly. We know that particular persons have been disqualified by Act of Parliament from sitting in either House. In any of these cases the Crown has a perfect right to grant a peerage to the individual, but that grant of peerage does not give him a right to sit in your Lordships' House. If he should be summoned, your Lordships would immediately investigate the case, and say to him, "You have no right to sit here: we refuse to let you be sworn and take your seat." Indeed, from all the cases I have referred to, the matter appears to me to be so clear that my noble and learned Friend cannot possibly give a satisfactory answer to what I have brought forward. I say, then, on the authority of the decisions I have referred to, that in principle we have a perfect right to proceed with this case, notwithstanding the peremptory tone in which the noble and learned Lord has denied it.

My Lords, leaving this part of the case, to which I have adverted at such length in consequence of the peremptory opinion expressed by my noble and learned Friend opposite, I will now proceed to the consideration of the other and more material part of the question. A great deal has been said about the authority of Lord Coke. We see him through the haze of distant time, which magnifies his proportions; but I admit he was a great lawyer. At the same time, I am bound to state, what is well known to every one conversant with the subject, that he was never considered a great authority on Parliamentary or constitutional law. Here, again, I do not wish to rely upon my own personal opinion alone. I will read what Lord Redesdale, an eminent authority on a subject of this kind, says of Lord Coke. Lord Redesdale writes:—

> "I have a great respect for the memory of Lord Coke, but I am ready to accede to an assertion made by some of his contemporaries, that he was too fond of making the law instead of declaring the law, and of telling untruths to support his own opinions. Indeed, an obstinate persistence in any opinion he had embraced was a leading defect in his character."

And, speaking of a certain dispute in which Lord Coke was engaged with Lord Ellesmere, he says—

> "This dispute furnishes us with a very strong instance of his forcing the construction of terms, and making false definitions, when it suited his purpose to do so."

Such is the character given to Lord Coke by a noble and learned Lord who deservedly stood high for legal knowledge in the opinion of your Lordships and of the country, and I believe he was so held by many of his contemporaries. In the view which I take of Lord Coke I am supported by corresponding facts. I may recall to your recollection the many important instances in which, with respect to the creation of peerages and other questions, his judgments have been since reversed. I stated two of them upon a former occasion, and could add many more if it were necessary for my purpose. But first let us consider the *dictum* of Lord Coke upon which so much stress is laid. The noble Earl opposite (Earl Grey) states, in one of his intended Amendments, that the right of the Crown to create peerages for life rests upon the highest legal authority, which is supported in substance by many corresponding instances. It has sometimes happened—not unfrequently indeed—that intelligent persons not conversant with legal inquiries are apt in questions of Parliamentary or constitutional law to mistake show for substance; and I am bound to say that my noble and learned Friend opposite on a former occasion did produce his authorities, or his seeming authorities, with so much confidence and with so plausible an air that it was well calculated to mislead the noble Earl. But I will show, before I sit down, that all these pretended authorities depend upon the *dictum* of Lord Coke. We in the profession of the law all know that when an opinion is cited in a court of justice, it is over and over again asked, however eminent the authority may be, what authorities, what cases does he produce in support of his opinion? Lord Coke cites no decisions—no instances—in support of his *dictum;* while I will undertake to satisfy your Lordships, with a clearness amounting almost to demonstration, that in no case, without the authority of Parliament, has the Crown created a Peer for life so as to enable him to sit in this House. I pledge myself to prove it only short of demonstration, always going upon the cases before us. Lord Coke, then, laid down the doctrine we have heard, citing nothing to support it. Who was the next authority adduced by my noble and learned Friend opposite? Chief Justice Comyn. What was the nature of his evidence? He is the author of a digest of the law; but his digest is nothing more than a collection of cases and decisions arranged under different heads. What has he done bearing upon the present question? He has inserted, I believe, under the head "Prerogative," or some similar head, this very *dictum* of Lord Coke, to which he puts the name of Lord Coke and the page, but he makes no observation upon it whatever. Do you call that an original authority? Was Chief Justice Comyn called upon to discuss and consider the question? His business was simply to insert what he found in Coke as the opinion of that learned person. So much for that authority. But we come next to Justice Blackstone. My noble and learned Friend opposite almost smiled when he appealed to the authority of Blackstone. What did Blackstone do? He extracted the opinion of Lord Coke and inserted it in his popular work; but he never entered into the question, never discussed it; he assumed it upon the bare authority of Lord Coke. Such are the authorities produced by my noble and learned Friend. They do not support his opinion; they merely quote the *dictum* of Lord Coke, adding nothing themselves. But then my noble and learned Friend brings forward a curious authority—the most curious, indeed, ever attempted to be palmed off on any audience—founded upon an omission by Sir Matthew Hale. Sir Matthew had a volume of *Coke upon Littleton,* in which he was in the habit of making notes from time to time on the margin; but there happens to be no note on the passage relating to life peerages; and, therefore, my noble and learned Friend comes to the conclusion that Sir Matthew Hale was entirely of the opinion of Coke, and so did not think it necessary to make a note. Will my noble and learned Friend repeat his argument drawn from the omission of Sir Matthew Hale? But Selden is said to be an authority. He was cited as such by the Lord President of the Council. But he does not carry the case a bit further; for he simply says that peerages were generally granted as inheritances, but in some instances they had been granted as estates for life. That is perfectly true; but look at the cases to which Selden refers. One is the Countess of Buckingham, a woman; another the Marquess of Dublin, whose case is upon your Lordships' table. The Marquisate of Dublin, though it was a peerage for life, was created by the authority of Parliament. It has nothing to do, therefore, with the question at issue. My noble and learned Friend has also referred to Lord Redesdale in support of his argument; but there he is equally at fault. Lord Redesdale states, almost in the words of Selden, that peerages are generally granted as inheritances, but that they have been granted for life. Unquestionably they have, as proved by the cases on your table; but I will show that a peerage for life has in no instance been granted except upon the authority of Parliament. Most, if not all the cases which my noble Friend has stated are founded solely on the *dictum* of Lord Coke, whose authority has been questioned. I referred on the last occasion to a note as the note of Mr. Hargrave. Mr. Hargrave edited the first part of Lord Coke's book. Mr. Butler, a man equally learned, or, perhaps, more learned in constitutional law, edited the second part. This note is in the early part; and, in looking at it I supposed it was the production of Mr. Hargrave. It turns out to be the production of Mr. Butler. It was inserted in the nineteenth edition, edited by Mr. Butler, and the publisher stated that Mr. Butler had added the notes which were marked by capitals. This is one of those notes, and it combats most effectually the doctrine of Lord Coke. Mr. Butler said that it was in the very nature of the peerage to be hereditary, and he did not believe a single instance of a person sitting in this House under a peerage for life could be found. As far as my own researches go I can vouch that there is no such instance, except where the peerage was created by the authority of Parliament. My noble and learned Friend (the Lord Chancellor) refers to Lord Shaftesbury and Lord Nottingham, and he says Lord Shaftesbury was not a good lawyer. I admit the education of Lord Shaftesbury was of a character to prevent his being a good lawyer; but he was a great Parliamentary and constitutional authority, and his opinion would be entitled to great weight. My noble and learned Friend read a short extract from Mr. Macaulay's *History*, with reference to the character of Lord Shaftesbury, stating what I have stated; and here, my Lords, I am tempted to throw a little sunshine upon this dull discussion, by quoting the words of Dryden, descriptive of Lord Shaftesbury—

> "In Israel's court ne'er sat an Abethdin
> With more discerning eyes, or hands more clean,
> Unbrib'd, unsought, the wretched to redress;
> Swift of despatch, and easy of access.
> Oh! had he been content to serve the Crown
> With virtues only proper to the gown,
> Or, had the rankness of the soil been freed
> From cockle, that oppress'd the noble seed,
> David for him his tuneful harp had strung,
> And Heaven had wanted one immortal song."

It was not Lord Shaftesbury who alone pronounced the decision in the case to which reference has been made; Lord Nottingham, also, took part in it—one of the greatest Chancellors that ever sat in the Court of Chancery. Permit me to make this observation upon Lord Coke—that Lord Coke wrote 200 years ago; and if I know anything of his character and turn of mind, had Lord Coke written in the present day, after 200 more years had passed without the creation of a peerage for life, he would have said desuetude had destroyed and taken away the prerogative, and it was one which could not now be exercised.

It is not a very inviting task I am about to perform, but I must direct your Lordships' attention to those instances in which peerages for life have been created. The first case referred to in the papers on your Lordships' table is that of the creation of a foreigner, Guichard D'Angle. He had no right, nor could he by the law of the land sit in Parliament. An alien can never sit in either House of Parliament. It is clear, therefore, he never sat; and it is not only clear he never sat in Parliament, but a few months after the creation the patent, or charter of appointment, was cancelled—vacated, as was stated in the margin. He died a few years afterwards;

but summonses were issued subsequently, that being the ordinary act of the clerks of the House, who often issued summonses after the death of the persons to whom they were directed. A very curious comment is made upon this case by my noble and learned Friend. He says this foreigner was created Earl of Huntingdon for life, and the charter referred to another charter, providing a certain pecuniary grant to maintain the dignity, and, though "vacated" is written in the margin, that it referred to the other charter. If any of your Lordships look at the place where the note is written, I feel confident you must come to the conclusion that it relates to the charter upon which the note is subscribed. A very curious and ingenious device seems to have been resorted to by translating "*isti*" in the note as "those," though afterwards in the body of the charter, it is translated, as it should be, "these." I venture to assert that the marginal note relates to that charter, and that charter alone, and that the peerage was vacated. The next charters are two, which I shall take as one, the Marquis of Dublin and the Duke of Ireland—titles which were granted to the same person. But by looking into those charters, it will be found that the limitation for life relates not to the honours, but to the estates granted for the purpose of supporting those honours; and, moreover, it is distinctly stated that the charters were passed with the assent of the Lords Spiritual and Temporal and Commons in Parliament assembled. These words, though in a charter, have been decided by the highest legal authorities to give the document effect equal to an Act of Parliament. [Lord CAMPBELL: He was also Earl of Oxford.] My noble and learned Friend reminds me that this Peer was Earl of Oxford; but if it had not been so, no one who knows anything of the law of the country will care to deny that if these charters were creations of peerages for life, they were passed with the assent of Parliament. I need not refer to all the cases, for I believe my noble and learned Friend will agree with me that these significant words are to be found in all the patents or charters creating peerages for life. I do not find any assent to that statement from the noble and learned Lord opposite.

THE LORD CHANCELLOR: About half of them.

LORD LYNDHURST: I will show that the whole of them are. Take the case of the Duke of Lancaster, which was a grant of the Duchy of Aquitaine for life; but that was made by the King, not in his character as King of England, but as King of France, and homage was to be done him as King of France. That also was expressly confirmed by the authority of Parliament. In the case of the Duchess of Norfolk, also, there was the concurrence of Parliament, although being a woman that case is not a precedent. The Duke of Bedford and Humphrey Duke of Gloucester were the King's brothers. They were created for life; but the charters expressly provide that it was with the authority of Parliament. In the case of the Earl of Cambridge, there were no means of knowing exactly whether that peerage was for life or in fee; but there is every reason to believe that the creation was made with the authority of Parliament; for there is a short memorandum in which it is stated that the Dukes of Bedford and Gloucester, and the Earl of Cambridge, were all commanded to take their seats in the same Parliament and by the same authority. So, again, Thomas Holland, the King's uncle and Earl of Dorset, was created Duke of Exeter for life in Parliament. The last case to which I shall refer is that of Sir John Cornewall, who was created Baron Faunhope for life. The circumstances of this creation are somewhat different from the others, and on that account it did not require that the authority of Parliament should be expressly set forth in the charter. Your Lordships are aware that when a writ of summons is directed to a party, and that party appears, and is allowed to take his seat, that confers a title to him and his heirs. The object of the writ of summons is to have the party personally before Parliament, so that he may be clearly identified. But when the King is present in Parliament personally, and the party appears, a summons is unnecessary, the object being accomplished. Sir John Cornewall appeared in the Parliament when the King was present, and the King invested him with the robe and other insignia, and directed him to enjoy all the honours, dignities, and privileges of the other Barons. Here there was no charter used; there was nothing to show and support the title assumed, but the Parliamentary Roll and the Parliamentary records describing the ceremony of investiture. I have now gone through all the cases bearing upon this point; and your Lordships will observe that in no instance is there an estate for life created in a peerage without the consent of Parliament directly expressed or implied. When, therefore, the noble Earl (Earl Grey) in his Resolution talks about no peerages for life having been created for 400 years, and, as an inference, leads the House to believe that the creation of Baron Wensleydale for life is reprehensible, surely, when he finds that in no instance has an estate of dignity for life been created by the Sovereign without the consent of Parliament, the only conclusion at which he and all of us must arrive is that what is now attempted to be done never was done at any period of the history of this country. What, then, is there for the Government to rest their justification on? Nothing, absolutely nothing:—there is not a shadow, not a straw to save my noble and learned Friend from sinking. I have before observed, and I would enforce it upon your Lordships' minds, that long-continued usage is the basis and principle of our laws and our constitution. It is upon that our whole system depends. Look at the succession to the Crown. It is hereditary; but the descent does not follow the rules in ordinary cases, but depends entirely upon long-continued usage. The privileges and rights of Parliament also rest upon the same basis—the hereditary constitution of your Lordships' House rest on the same basis. The succession to the Crown itself depends upon the law of usage; the rights and privileges of the Queen's Consort and of the Prince of Wales—though the latter, in his character of Duke of Cornewall, derived his title and estates from the statute law—depend on the same principle. If you break in upon that principle, you destroy it. I exhort your Lordships to consider well what may be the consequences before you consent to any invasion upon this long-established law of usage. Let your Lordships remember that the constitution consists of three estates—of King, Lords, and Commons—united in the State, but each independent of the other, and producing harmonious action by the balance of their powers. But I will put it to your Lordships whether it is likely that this harmony can be continued, or this balance of power preserved, if one of the Estates can exercise such a power as is now asserted against the other? Will not the exercise of such a power, by the Crown, overthrow the balance and destroy the harmony of the whole; and when that is accomplished, what becomes of the purity, freedom, and independence of our boasted constitution?

It has been urged as a kind of justification of the measure we are now considering, that it has become a matter of necessity, for the purpose of the due and proper exercise of the judicial power of this House and the due administration of justice. Give me leave to tell your Lordships that, if there be any defect in that tribunal, you have a remedy in your own hands. About two or three years ago I ventured to point out the course which might be pursued in that respect, and referred to the issue of "writs of assistance," by which the House could call in common law or equity Judges to assist them; and if some of the Judges of Scotland were made Privy Councillors, they may also be called in to assist in the judicial business of this House relating to that portion of the kingdom.

But, my Lords, the principle upon which I proceed—the old constitutional principle—is, that I will give the Crown no power that is capable of being abused, unless some great and overruling necessity can be shown to exist. In the present case, my Lords, no such overruling necessity has been shown to exist. I look with all constitutional jealousy, and not with confidence, to those who are the depositaries of power. I remember it was over and over again said by one of the most illustrious statesmen England ever produced, that jealousy, and not confidence, was the maxim on which the British constitution was based. I believe the noble Marquess opposite (the Marquess of Lansdowne) is a decided, uniform, and constant adherent to that principle. Jealousy and not confidence is the eternal governing principle of the British constitution. It is true, my Lords, that the danger of any undue exercise of its prerogatives by the Crown may at present be remote; but how long the present state of things may continue, how long it may be before a storm may arise, when important questions may start up, and the passions may be aggravated and excited, no one can venture to foretell. A day may arise when an arbitrary monarch, who may be desirous of increasing his prerogative, may again sit on the throne, and I am therefore anxious, my Lords, to guard against any such danger. We all remember, in the reign of James II., the conspiracies of that monarch, who by cabals was most unconstitutionally plotting the destruction of the living constitution. My Lords, the time has been when there have been men who have had the determination to establish an arbitrary monarchy. We know that James II. determined to repeal the Test Act, and to violate the constitution for the purpose of obtaining a pliable House of Commons; but when he obtained it the question arose how he should deal with the House of Lords. I will read an extract from Mr. Macaulay's *History*, which is pertinent to the present question, and will serve to show what difficulties may arise against which it is our duty to guard ourselves beforehand. He says—

> "By such means the King hoped to obtain a majority in the House of Commons. The Upper House would then be at his mercy. He had undoubtedly, by law, the power of creating Peers without limit; and this power he was fully determined to use. He did not wish—and, indeed, no Sovereign can wish—to make the highest honour which is in the gift of the Crown worthless. He cherished the hope that, by calling up some heirs apparent to the assembly in which they must ultimately sit, and by conferring English titles on some Scotch and Irish Lords, he might be able to secure a majority without ennobling new men in such numbers as to bring ridicule on the coronet and the ermine. But there was no extremity to which he was not prepared to go in case of necessity. When in a large company an opinion was expressed that the Peers would prove intractable, 'Oh, silly,' cried Sunderland, turning to Churchill; 'your troop of Guards shall be called up to the House of Lords.'"

I think, my Lords, this will show that it is wise to devise guards against such attempts being made at a future period, and that it may not be unnecessary even to strengthen the rights and privileges of your Lordships' House. At least, your Lordships will take heed how you suffer the well-recognised and constitutional law of usage to be departed from. But without going back so far as the reign of James, we have a nearer and yet more striking experience to guide us, in the fate of the citizen King (Louis Philippe). For the sake of securing a little momentary popularity, that unfortunate monarch sanctioned the introduction of life Peers into the Chamber of Peers of France. And with what result? He soon found that the defence and barrier which should have defended him in times of difficulty and danger had been destroyed by the course he had pursued, that the equilibrium of the State was disturbed; his throne fell from him, and he found himself alone, deserted by those he had elevated, and surrounded only by a few false friends and insidious advisers. He fled disguised, and died dethroned and an exile.

I have now, my Lords, performed the task I have undertaken, and I have, I trust, fully warned your Lordships of the dangers that lurk beneath the proposed creation of life peerages. I have now only to *move*, That the Committee do agree to the following Report—

> "The Committee have, as directed by the House, examined and considered the Copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life; and they report it as their Opinion, that neither the said Letters Patent, nor the said Letters Patent with the usual Writ of Summons issued in pursuance thereof, can entitle the Grantee therein named to sit and vote in Parliament."

Earl GREY: Though I fear, my Lords, that I shall incur the charge of presumption by attempting to move an Amendment to the Resolution of the noble and learned Lord (Lord Lyndhurst), I am induced to take the course of which I have given notice by the strong sense I entertain of the danger that may arise and the very serious evils that may result from adopting the Motion of the noble and learned Lord, while it also seems to me desirable that the objections to that Motion should be brought under your consideration by some Member of your Lordships' House entirely unconnected with Her Majesty's Government, and who is not prepared to go the length of approving the measure which has been adopted by them, and is now in question. I am relieved from the necessity of following the noble and learned Lord through a great portion of his speech. I will not touch at all upon the question as to whether any clear precedent can be quoted for the admission of a commoner into this House by a grant of a peerage for life. The noble and learned Lord has convinced me that there is more doubt upon this point than I had supposed, but I do not consider it one which is necessary for us to decide. I will also abstain from touching the question whether Her Majesty has been rightly advised to grant this patent, or whether danger would arise from establishing practically the custom of granting life peerages. The noble and learned Lord at the end of his speech forcibly warned your Lordships against the danger of allowing the hereditary principle to be broken in upon. To a certain extent I agree with the noble and learned

Lord; but if I went to the full extent—if I agreed with him that the prerogative had been improperly exercised, and that there was extreme danger in allowing the practice of granting peerages for life to be established—this would afford no ground for adopting the present Resolution, unless the noble and learned Lord can satisfy the House that it is not merely improper and inexpedient that this patent should issue, but that it is in excess of the power of the Crown. That is the only question. The two questions of whether it was right to exercise the prerogative and as to the existence of the prerogative are totally distinct. The noble and learned Lord himself well illustrated that difference but the other night, when he told us that if the Crown were advised to create a hundred Peers simultaneously it would not be illegal, but certainly would be unconstitutional. That distinction was a sound one. Any such exercise of the prerogative would afford ample ground for passing a vote of censure on the Government, it would even justify the other House of Parliament in impeaching, and your Lordships in finding guilty of a high crime and misdemeanor, the Ministry which had advised such an abuse of the power of the Crown. Still, the act would not be illegal, and those hundred Peers so improperly created would have a right to take their seats in this House, and your Lordships could not refuse them admission. So, in this case, the argument used in order to show that it is wrong to revive an obsolete prerogative of the Crown, and to prove the great danger of granting peerages for life, would be strong if it were brought forward in support of a Motion to the effect that this House ought to censure the Ministers for the advice they had given to the Crown, or of a proposal that the House should adopt some measure to prevent such an abuse for the future. If this had been the course which the noble and learned Lord proposed to pursue, I should admit the validity of his argument. But that argument goes for nothing in support of the present Resolution, unless he can also show, not merely that it has been wrong thus to revive the exercise of an obsolete prerogative of the Crown, but that the prerogative so claimed does not legally exist, and that the act which has been done is in excess of the legal powers of the Crown. Has even the noble and learned Lord, with all his extreme ability, his great knowledge, and long experience, succeeded in showing this? or has he even ventured unequivocally to declare his opinion against the legality of the creation of a life peerage? Let me remind your Lordships that this point is one which ought not to be lost sight of, and the speech of my noble Friend below me (Lord Glenelg) has shown admirably how very grave a step it would be for this House to take upon itself to contest the Royal prerogative, unless it can clearly prove its illegality. I repeat that the attempt to establish this proposition has entirely failed. Notwithstanding the speech of the noble and learned Lord opposite, there is a consistent stream of legal authority from the time of Lord Coke to the time of Lord Redesdale, all affirming that the power belongs to the Crown. I will not go over ground which has been so fully occupied by my noble and learned Friend below me (the Lord Chancellor), but I cannot help saying that I think it a most extraordinary mode of attempting to destroy the value of these authorities by telling your Lordships that they have all blindly followed Lord Coke. Now, I cannot believe that such men as Blackstone, Selden, Sir Matthew Hale, and Lord Redesdale would blindly follow Lord Coke—the authority of such men is not thus to be got rid of. The noble and learned Lord has himself told you how very high is the authority of Lord Redesdale upon questions of this kind, and that upon questions of Parliamentary law there is no authority higher. Now, can your Lordships believe that, when there was referred to a Committee, presided over by Lord Redesdale, the question relating to the dignity of a Peer, his Lordship, entering, as he did, into this most important investigation with great learning and extraordinary patience, is to be regarded as having merely followed the authority of Lord Coke? I really think this is a position which cannot for a moment be established; yet, in his most able report upon the Dignity of a Peer, Lord Redesdale assumes, as a matter undoubted and clear, that the opinion of Lord Coke was correct. I cannot help thinking that, after an opinion of this kind, given by a Committee of your Lordships' House, printed by your Lordships' authority, remaining for thirty years unquestioned, if the law was doubtful before, this amounts to something very like a final adjudication in the matter. Then I come to the question of analogy and inference. Now, surely, if we look into this subject, and consider it in that light, there are very strong grounds for believing that the Crown possesses this prerogative. In the first place, by common acknowledgment, the Crown possesses the right of creating peerages limited either to heirs general or to heirs male; and it possesses still further the right of limiting it more closely, and of saying that it shall descend only to the sons of the grantee by a particular marriage. The Crown has repeatedly exercised the right of granting a peerage in remainder; and when it does that, unless my information is altogether incorrect, the Crown makes two grants—a grant to the person who immediately holds that peerage of a peerage for life, and at the same time a grant to some other person as a matter of reversion and to his heirs after him. Now, I want to know, does the fact of a separate and distinct grant to another person make any difference to the law upon this subject? If I may give to a certain person a certain thing, and another thing at the same time to another person, is it not an extraordinary conclusion to say that I must give both? Is not the less included in the greater? And if I may give a life peerage, and, at the same time, give to a totally distinct person the same peerage in reversion, with the power of transmitting it to his heirs, I am surely entitled to grant it without that. I can easily imagine that if a grant in reversion had never been attempted it might have been held to be illegal, but I cannot understand how you can argue that this grant of a reversion can make a difference in the grant of a patent for life. Both authority and analogy, then, are in favour of the possession of this power on the part of the Crown, and I maintain that you have precedent also for the exercise of the power, because the Crown has granted peerages for life in a very considerable number of cases, and even up to a comparatively recent period, is admitted. No doubt these peerages, especially the later ones, have generally been granted to women; and as women are excluded from this House, of course their right to sit here never came in question. But is it not a somewhat arbitrary assumption to say that, because these peerages were granted to women, they are no precedents for peerages for life? I must wholly dissent from that doctrine. Remember, I am not now considering the expediency of using this power, because then the fact that these peerages have been latterly confined to women would be of some importance; but when I am considering the dry law as to whether the Crown possesses this power or not, then the question of whether these persons were enabled by patents of this kind to take their seats here becomes of very much less importance. How does the case stand? Peerages have been granted to women so lately as the reign of George II. Now, these peerages, I believe, were never contested. If one of these ladies had been guilty of an offence, she would have been tried by the House of Lords, and not by a jury; and my noble and learned Friend (the Lord Chancellor) reminds me that two of them were actually summoned to George III.'s coronation. These were, therefore, peerages to all intents and purposes. Now, if these same patents of peerage had been issued in the very same words to a man, have you any proof that the Peer thus created would not have been entitled to a seat in Parliament? That is what you have not yet proved, but that is what you must prove before you are entitled to reject these cases as precedents in settling the law of the question. I cannot believe that merely filling up the blank with the name of a man instead of a woman would make the document illegal; and if not—if you admit that the document would be legal, and that a peerage could be so created—then, I say, we have it on the authority of Lord Redesdale's Committee that it is incidental to the character of a Peer of the United Kingdom that he should be a Member of this House. My noble Friend the Lord President of the Council quoted from Lord Redesdale's Report a passage to this effect, and I had selected (though I will not now trouble your Lordships with it) a similar passage from the earlier Report of 1817. But then you attempt to destroy the value of this testimony by saying that commoners were never admitted to sit in this House upon grants of peerages for life. Even, however, upon that point I cannot help saying, that the noble and learned Lord, in his very able speech, failed to make out his case. I admit that the majority of life peerages at an earlier time cannot be quoted, inasmuch as they were made by the authority of Parliament; but I do not think he made out that the case of Sir John Cornewall did take place with the authority of Parliament. He made use of a most ingenious argument to show that the Cornewall peerage was not a peerage by patent, but that it was equivalent to a writ of summons, and therefore that it created a peerage with remainder to his heirs. The argument was highly ingenious, but at the same time I do not think it can take away the effect of the written words before us. Here we have the actual patent printed from our rolls, and with that patent before my eyes I must regard this as a creation by patent; and being so, with no remainder, it furnishes a precedent for the present creation. [Lord LYNDHURST said, there was no entry of a patent on the rolls, but simply of the appearance in Parliament.] I cannot verify my statement from memory, in the face of the noble and learned Lord's assertion; but, leaving this, I will now return to the argument I was before pursuing. I have endeavoured to show to your Lordships that, even setting aside this case, the power possessed by the Crown rests, in the first place, upon authority, next upon analogy, and then upon the actual exercise of the power of creating peerages for life. I believe that the only authority against this prerogative is an obscure and anonymous note in *Hargrave and Butler's Notes on Coke upon Littleton.* With regard to the question of authority, the noble and learned Lord opposite has not ventured to deny the legality of this exercise of the prerogative by the Crown; and several Members of your Lordships' House, themselves great authorities, have expressed their opinions upon the subject, and I will remind your Lordships that only one noble and learned Lord (Lord St. Leonards) has ventured to declare in so many words that this creation is an excess of power on the part of the Crown. I have listened, my Lords, to the noble and learned Lord who has just sat down, and I have heard, I believe, every word which has fallen from his mouth; but in the whole of his able argument I perceived that he endeavoured very ingeniously to show that this exercise of the prerogative cannot be supported by precedent; but he did not even attempt to show that there was any positive authority in support of the opinion that it is illegal. The noble and learned Lord has carefully avoided that point, and knowing as I do his great ability, I consider that the fact of his carefully avoiding pledging his opinion upon that part of the question, does, in fact, amount to an admission that he feels that he is unable to contend with the difficulties of the case, and to show that there has been an excess of power on the part of the Crown. I would wish to recall to the attention of your Lordships that, upon the first night when we debated this question, the noble and learned Lord not only carefully abstained from denying the legality of this patent of creation, but in reality he implied the reverse, for in the able speech which he made upon that occasion, he mixed up together the questions of expediency and legality, and endeavoured to create an impression against the patent as being an improper exercise of the prerogative of the Crown, but at the same time he implied that his opinion was in favour of its being strictly legal. My noble and learned Friend the Lord Chief Justice, on that occasion, only went so far as to say that he believed, when the question came to be argued, the legality of this creation would not be established. Another noble and learned Friend of mine (Lord Brougham), who formerly held the Great Seal, went still further, for he frankly acknowledged that such creations, in his opinion, were strictly legal.

LORD BROUGHAM: I only said that I was inclined to consider them legal.

EARL GREY: Very well; my noble and learned Friend was inclined to believe their legality. Now, against all this authority we have one noble and learned Lord opposite, who states that it is his distinct opinion that the Crown has not the power of making these creations. This being the case, let us consider the arguments upon which those rely who deny the validity of this patent. Now, my Lords, I think, when we come to consider the subject carefully, those arguments resolve themselves into two heads — disuse or non-exercise of the power of the Crown, and the assumption which we heard the other evening, but which has not been repeated to-night, that the power of transmitting the dignity to his heirs is essential to the character of a Peer. With regard to the non-exercise of the power of the Crown, I concur with the noble and learned Lord, and I agree, with the majority of your Lordships, in thinking that the Crown should not be advised to exercise powers which have been long in abeyance; but I do not believe that, when such a power has been maintained by the Crown to so late a period as the reign of George II., when all the authorities go to show that those powers may legally be exercised by the Crown, the circumstance of non-exercise alone can be sufficient to deprive the Crown of powers which it at one time enjoyed. To do so, something more, such as an express Act of the Legislature, or some formal declaration that the power of the Crown in this respect had ceased to exist, would, I think, be necessary. With regard to the other argument, I confess that I do not think that any weight can be attached to it. This being the case, I think that I am justified in calling upon your Lordships to reject the Resolution which has been moved by the noble and learned Lord, but to agree to the Amendment which I shall presently propose. I will just remark that in that Amendment I do not ask your Lordships to confirm the validity of patents of this nature, and still less to affirm the expediency of granting them; but, on the contrary, if your Lordships agree to my Amendment, I have given notice of my intention to move further Resolutions expressing opinions as to the expediency of the grant which has been made, not very dissimilar from those entertained by the noble and learned Lord opposite, and, I believe, by the majority of your Lordships. All that I ask your Lordships to do is to come to the determination that it is not right, upon doubtful and uncertain grounds, to refuse to admit the prerogative of the Crown; I call upon your Lordships to abstain from deciding upon such very doubtful grounds as have alone been adduced in favour of that conclusion, that the Crown has exceeded the authority which belongs to it, and from taking, upon that assumption, the strong step of refusing to permit Lord Wensleydale to take his seat in your Lordships' House in obedience to the writ of summons which he has received from Her Majesty. This, my Lords, is all that I venture to ask you to do; and I call upon you, before acceding to the Resolution which has been moved by the noble and learned Lord, to consider how serious are the objections to such a course, and how great are the danger and inconvenience likely to arise from it. Let us beware that in resisting this exercise of the prerogative of the Crown we do not go beyond our functions, and incur the imputation of having stretched our own power to an illegal extent. I can conceive nothing more dangerous for this House than for it to go one hair's breadth beyond its legitimate power. Your Lordships, as the hereditary branch of the Legislature, are especially interested in maintaining the prerogative of the Crown; and I would caution your Lordships to take care that in denying the power of the Crown to make this creation you do not strike a blow at those foundations upon which your own privileges rest. There is one other point to which I would invite your Lordships' attention. Your Lordships should remember that the prerogatives and privileges of the Crown are held by it for the benefit of the people, who are interested, therefore, in maintaining those privileges and prerogatives, especially as they regard this House of Parliament. The representatives of the people may, therefore, deem it their duty to question the course pursued by your Lordships, if it should be carried further. The House of Commons has always shown a great jealousy of encroachment on the part of the House of Lords, and, if that House should arrive at the conclusion that you are overstepping your legitimate authority in refusing to allow Lord Wensleydale to take his seat, it is impossible to foresee what may take place; but I can see that there are many ways in which a most dangerous collision might be brought on between this and the other House of Parliament. Many who may admit the inexpediency of the exercise of this prerogative, may nevertheless assert its existence, and maintain that only Parliamentary enactment can destroy it. If we admit it to be necessary to restrict the prerogative of the Crown on the ground that it has been abused, still we have no right to proceed alone to take any steps for that purpose. No new restrictions can be put on the powers of the Crown except by legislation, and we are not entitled either to legislate by our own authority, or to establish by it new regulations which can only be legally imposed by an act of the whole Legislature. Look, then, what a dangerous precedent will be established if we take upon ourselves to refuse to allow Lord Wensleydale to take his seat on the grounds now before us. If your Lordships could put it as a clear matter of law, as in the case of a writ of summons to some person clearly disqualified by law, then I admit that the noble and learned Lord would be justified in asking your assent to this Resolution; but for your Lordships on doubtful grounds to assume this large authority to yourselves is, in my opinion, very dangerous. A noble Earl (the Earl of Winchilsea) who spoke in a preliminary debate said, if I correctly understood what fell from him, he believed that the Crown possessed the power of creating a life peerage, but that he objected to its exercise, and that he should vote for the noble and learned Lord's Resolution; not because he thought that what has been done is illegal, but because he considers the prerogative of the Crown to have been improperly exercised. That, in my opinion, would be a dangerous precedent. Another majority in this House may say, at some future time, that hereditary Peers have been created in too great numbers, and that the peerage has been given to improper persons, and, on these grounds, may take upon themselves to refuse to admit persons who come to this House with those patents in their hands. That is precisely the abuse, great though it may seem, that the noble Earl tells us he is going to commit in this matter—and to commit, too, with his eyes open. I can easily conceive a most improper grant of an hereditary peerage, which would justify the impeachment of those who advised it; but does not every man see that if you refuse to admit a Peer for life on the ground of its being an improper exercise of the prerogative, you may refuse to admit those whom you might consider to have been created Peers improperly, although they might have hereditary grants, and thus virtually establish in this House an absolute, irresponsible, and uncontrollable authority in the State. When the House of Commons commits an abuse, there is a remedy in an appeal to the people; but if a majority of the House of Lords, on such grounds as those I have mentioned, refuses to admit a person summoned by the Sovereign to his place among you, from that moment a majority of this House will become utterly irresponsible, and the whole balance of the constitution will be destroyed. Such are the serious consequences which will result from adopting the Resolution of the noble and learned Lord, unless it can be shown, beyond doubt or controversy, that the issue of a patent of life peerage is beyond the strict legal power of the Crown. My Lords, upon these grounds I move as an Amendment—

"To leave out all the Words after the Word 'Opinion,' for the purpose of inserting the following Words; namely—'That the highest Legal Authorities having concurred in declaring the Crown to possess the Power of creating Peerages for Life, and this Power having, in some Cases, been exercised in former Times, the House of Lords would not be justified in assuming the Illegality of the Patent creating the Right Honourable Sir James Parke Baron Wensleydale for Life, and in refusing upon that Assumption to permit him to take his Seat as a Peer."

[The noble Earl had also given the following notice.

[If the above Amendment should be agreed to by the Committee, then to move the additional Resolutions:—

["1st. That although several Grants of Peerages for Life are recorded to have been made in favour of Females up to a comparatively recent Period, no Precedent has been found within the last Four Hundred Years for the Admission of a Commoner to the House of Lords by the Grant of a Peerage for Life:

["2nd. That the Grant of a Peerage for Life to Lord Wensleydale being thus unsupported by any recent Precedent, it is expedient that the House should declare its Opinion, that, as a general rule, Her Majesty ought not to be advised to make use, without the Consent of Parliament, of any of the Prerogatives which may still in strict Law belong to the Crown but which cannot be shown to have been exercised except in remote Periods of our History, when the Constitution was in many respects unsettled; but that, having regard to all the Circumstances of the Case, the House, in declaring this Opinion, may properly abstain from expressing Disapprobation of the Conduct of Her Majesty's confidential Servants in advising the Grant of a Peerage to Lord Wensleydale for Life:

["3rd. That the Grant of Peerages for Life might in some Cases be of Advantage both to the House of Lords and to the Public, but that the Practice of granting such Peerages would be peculiarly liable to Abuse unless guarded by some precautionary Regulations:

["4th. It will require further and mature Consideration to determine what Step it will be proper for the House to adopt in order to prevent the Patent granted to Lord Wensleydale from being drawn into a Precedent in favour of creating Peerages for Life, and in order to establish adequate Securities against Abuse if such Creations are hereafter to take place."]

EARL STANHOPE said, that if this were a merely legal question, implying great knowledge and study of the law, he certainly should not have presumed to speak. But now a new scene was opened; the Amendment moved by his noble Friend opposite had brought the constitutional bearings of the question fairly before them, and their Lordships would therefore, he hoped, forgive him if he desired to address to them a few remarks. He must say, in the first place, that he had viewed with very great regret the precipitation with which Her Majesty's Ministers had acted upon this question. He gave them the fullest credit for good intentions, and he entirely acquitted them of having any sinister designs against that House; but at this critical period of our foreign affairs, when all parties in that and the other House of Parliament had acted with so much praiseworthy moderation and forbearance towards the Government, what necessity was there for their flinging this apple of discord among their Lordships? Was it wise, without having ascertained the opinion of the law officers of the Crown, to revive a prerogative of such doubtful legality—and certainly, at least, so long disused? With respect to the question of legality, he must say that he was much impressed with the argument against this prerogative on the ground of desuetude. We must all feel that, after such manifold changes in the constitution of the country, the exercise of the prerogative, after so many years' disuse, in the creation of a life peerage, was, in its practical effect and bearing, though it might not be in its legal effect, the creation of a new prerogative. Compare this to another branch of the prerogative, far more recently exerted, the right of withholding the Royal Assent to a Bill which had passed in Parliament. This, at least, was an undoubted prerogative of the Crown. Mr. Macaulay gave several instances of its exercise in the reign of William III.; but it had never once been used during the milder rule of the Princes of the House of Hanover. But, clear and certain as it was that this prerogative belonged to the Crown, would any measure arouse more general astonishment and indignation than that the Minister of the Crown should now, under almost any circumstances, advise the Sovereign to refuse the Royal Assent to any Bill that had passed both Houses? If that were the case with regard to an undoubted prerogative, what could be said to the revival of such a questionable prerogative as the one now under discussion after the lapse of 400 years? The noble Earl, in one of his additional Resolutions, to be moved if his Amendment should be agreed to by the Committee, has frankly admitted—"That, although several grants of peerages for life are recorded to have been made in favour of females up to a comparatively recent period, no precedent has been found within the last 400 years for the admission of a commoner to the House of Lords by the grant of a peerage for life." Now he (Earl Stanhope) could not but think that after so long a disuse of this prerogative it was no longer part of the legal prerogative of the Crown. He did think that, if their Lordships looked to the changes of policy which had taken place in all our institutions, civil and religious, it was impossible on constitutional grounds to allow that a precedent derived from such remote and turbulent times as those in which this prerogative had been exercised was just and admissible. Undoubtedly it might be a fair question to discuss whether another course might not be taken—whether their Lordships might not allow this patent to pass, and then take securities against the abuse of the prerogative for the future. He could so far go along with some noble Lords opposite as to admit frankly that, if life peerages were guarded against abuse and limited in number, very considerable advantages might accrue to that House by their introduction. They would thus avoid the evil of the present practice; a great Judge or legal functionary with a large life income being called up to the House, with no hereditary patent, and being succeeded by his son as an indigent Peer. Now, independence should always remain an essential element of the constitution of the House; it was difficult, in a station of high rank, to retain independence without competency of fortune; and he feared that if indigent peerages should be created in large numbers, their successors would no longer maintain that independence which had hitherto, taken as a whole, characterised the Members of their Lordships' House. These indigent Peers would be found too frequently crowding the antechambers of the Sovereign or the Ministers in quest of places in the Court or State, not as steps in any noble career of ambition, but only to eke out the means of maintenance. Moreover, their Lordships must remember that high judicial functionaries formerly possessed the power of making provision for their families which they no longer enjoyed. A strong instance of that kind was afforded in a Peer held in high respect by all their Lordships—he meant the Earl of Roden—who was descended from a Chancellor of Ireland, who died exactly a century ago, namely, 1756, and yet, even after that lapse of time, Lord Roden was still in possession of a salary or pension of large amount, to cease only with his own life, in connection with the official services of his ancestor. Now, whether for good or evil, it was plain that no such opportunities of providing for a Judge's family would be in future found. Admitting it, then, to be his opinion, that under proper limitations considerable advantage might be derived from the creation of life peerages, he might be asked why he opposed the patent of Lord Wensleydale? His reply would be that it seemed to him that without some limitation the dangers of abuse and the facility given to the Minister to increase his power by such creations would be so enormous as much more than to counterbalance and outweigh all the advantages that could be derived from the practice. They must consider that in any attempt to overrule the decisions of their Lordships' House the greatest facility for doing so would be afforded by the expedient of life peerages. The creation of life peerages would therefore not only put that power into the hands of the Minister, but it would probably be not unfrequently exercised, because the reply to any objections raised would be that the injury, if injury there existed at all, would not be permanent, but only temporary. Not only so; but, when one Minister had been in office, and had created some ten or twelve of those life peerages, his successor might very naturally say he was not to be overruled by the life Peers of his predecessor, and would create a batch of ten or twelve more Peers to restore his majority, while a third batch might be created by another Minister to overrule the decisions of the other two. So that there would be no end to the progressive increase; and great inconveniences and even danger might therefore evidently attend the practice. It was difficult to refer to this part of the subject without remembering the precedent of 1832, on the occasion of the Reform Bill, when the King consented and the Prime Minister resolved to create a large number of Peers. He thought this precedent suggested some useful lessons which ought to be borne in mind on the present occasion. It was well known that Earl Grey, when he resolved to adopt that measure in 1832, did so with the utmost repugnance and regret, and only under the pressure of what he believed to be an overruling sense of duty. Now, could it be doubted that the expedient of life peerages presented itself to his mind as the easiest mode of settling the question? Then, if Earl Grey did not upon that occasion adopt the creation of life Peers, but threatened to resort to a different measure, to what other cause could they ascribe this, but to his conviction that it would be not only unconstitutional but even illegal? From Earl Grey's own views on that occasion we might also deduce the thought that only the most extreme exigency could justify the creation of Peers in large numbers to overrule the decisions of the House; and, if so, their Lordships ought not to grant to Ministers any new or greater facilities for a power so liable to be abused. The question to consider was, whether there was anything either in the propositions of the Ministry, or the Amendment of the noble Earl (Earl Grey), which gave any security against abuse if they were allowed to advise the exercise of a prerogative so long disused. He confessed he could see none, and he advised the House to be cautious before they allowed such a power to be in the possession of Ministers, with the simple pledge that it would be used with moderation. The patent of Lord Wensleydale was a simple natural exercise of the prerogative, unguarded by any limitations for the future. The weapon so long ready and disused was here again sharpened up for use and drawn from the scabbard—it was unsheathed—it was brandished in their Lordships' faces, and there was no necessity beyond the moderation of the holder when or how that scabbard should be resumed. Then, did the Amendment of the noble Earl afford them any greater security against abuse? In that Amendment he found no security whatever, his noble Friend having contented himself with the statement that the further exercise of the prerogative was not to be recommended. It might perhaps be beneficial to see peerages for life introduced if they were strictly guarded by provisions limiting the total number and likewise the number that could be made in any one year, and also the qualifications on which they should be founded. It might also be possible to strengthen the judicial tribunal of their Lordships by adopting a suggestion, which he thought worthy of consideration, for attaching peerages to great official positions, such as that of the Judge of the Admiralty Court, the Master of the Rolls, and other great legal functionaries—so that there was a possibility of obtaining the required addition of legal strength without resorting to the creation of Peers for life. If, however, a system of life peerages, without stint or limitation, were once fully established, they might consider it as the beginning of a fundamental change in the constitution of their Lordships' House. Now, before they consented to any such fundamental change in the constitution of that House, he entreated them to look at what had occurred in all other monarchies where attempts had been made to establish constitutional Government. It would be found that in all these cases the Second Chamber had always been the main difficulty. There had been no difficulty with respect to the establishment of the Royal authority, investing it with the great prerogative of mercy and justice, peace and war. The elective Chamber, who would be framed with ease, whether on a most restricted franchise, as was the case in France ten years ago, or whether, even on universal suffrage, as was also the case in France at a more recent period. All this was no hard task. But to make a Second Chamber, standing between the Crown and the elected body, was a problem which had baffled and bewildered the ablest statesmen on the Continent. If they gave the nomination to the Crown, they doubled the Royal authority. If they lodged it with an elective body, the popular principle was too predominant, and there was a further force given to those hidden democratic impulses which it was desired to restrain and to control. In almost every case the Second Chamber was a failure, and the wisest statesmen on the Continent had come to the conclusion that a House of Peers could not be created at once any more than an old oak can be created; that, in fact, it could not be created, and could only grow. If he were to give testimony of peculiar weight on this subject, he would quote an opinion on the English House of Lords, pronounced by a man as eminent for his genius, whether in peace or war—the great Emperor Napoleon. The following was an extract from a work published by a Member of their Lordships' House (Earl Fortescue), then known as Lord Ebrington. The noble Earl relates some remarkable conversations which, in December, 1814, he had with Napoleon in the Island of Elba:—

> "Napoleon said that he considered the House of Peers as the great bulwark of the English constitution, which he thought would be overturned if there were in the country materials for making another such assembly equal in all respects to the present. But in France, he added, 'I could make you forty senates quite as good as the one which I did make.' And Napoleon then went on to point out the great additional strength obtained by combining in the House of Commons the heads of the commercial as well as of the landed interest, forming together what might be termed, in the widest as well as truest sense, the aristocracy of the country.'

The experiment of making another House of Lords failed even when attempted by the great genius of Cromwell, and most certainly it would not succeed in meaner hands. He did not know how long their Lordships' House might be able to resist the perils which, like all human institutions, it must occasionally encounter; but of this he was certain, that if it were once overthrown it could never be reconstructed in this country with the least share of real influence and power, or with the least prospect of permanent stability. And when he heard some persons out of doors talk of ours as only a territorial constitution, and inveigh against that House as representing nothing beyond the landed interest, he would venture to remind its censors that under our constitution, territorial though it might be, the authority of that House had been found consistent with the widest development of trade and commerce the world had ever yet seen, and that while it had continued to flourish the merchant fleets of England had traversed every sea, her colonies had been raised on almost every coast, and her gigantic manufactures had ministered to the wants of nearly every quarter of the globe. Seeing, then, the importance of maintaining the constitution of that House, and seeing that the power of creating life peerages was not checked or controlled by any securities, he thought he was fully justified in supporting the Resolution of his noble and learned Friend. He did not, however, think he should have been justified in supporting it if his noble and learned Friend had failed to prove that the patent was not valid. But it appeared to him (Earl Stanhope) his noble and learned Friend had made out his case; and, having established that the patent was not legally valid, it was open to the House to consider whether they should pass the patent, and take securities against the abuse of the prerogative. For the reasons he had stated he did not think that course safe, and, therefore, without doubt or hesitation, he should give his vote for the Resolution.

He would stop there if it were not that he thought himself bound in justice not to conclude without one observation upon another subject. He desired to speak with perfect courtesy; but, at the same time, he thought himself bound to speak with perfect frankness. He could not say he was persuaded that the appellate jurisdiction of the House of Lords was altogether in a satisfactory condition. He said that with the most perfect respect to the noble and learned Lords who administered that jurisdiction. He admired the ability and integrity of those noble and learned Lords; but he regarded the system itself to be in some degree defective. There was one part in particular of the appellate jurisdiction so utterly repugnant to anything like sound reason that he did not think it could long exist after it had been fairly exposed—he meant the part required to be taken in it by the lay Members of the House. When they considered that lay Peers were summoned day by day—one Peer to hear the evidence, another to hear the argument, and a third to assist in the judgment, and that those Peers had no share whatever in the decision to be given, and could not possibly form any opinion upon purely legal questions, he thought they would see how necessary it was that the system should be changed. It might be that no wrong was inflicted; but that part of the system was in reality a mockery and farce, and nothing more—they could not desire to retain it. Other faults—other defects—might, perhaps, in other parts also, be pointed out, but while he thought the system ought to be changed, he thought there were means—and some had been indicated that very night—of putting the appellate jurisdiction in a more satisfactory state without resorting to the perilous remedy proposed by Her Majesty's Government. He repeated, he should vote for the Resolution of his noble and learned Friend; and he thought the House owed his noble and learned Friend gratitude for having on two occasions called attention to the subject, and for the manner in which he had conducted the discussions on the question. There were two things in the House at present which were without parallel in ancient or modern times. His noble and learned Friend was the only instance of a statesman past fourscore able to take a leading part, as he had done, with eloquence and effect, in the discussion of a great public question, affording them the promise of many more years of active usefulness. Nor was there an instance, beyond that on the Treasury bench, of a statesman who had sat in the Councils of his Sovereign at the distance of half a century. He alluded to the noble Marquess (the Marquess of Lansdowne) who was a colleague of Mr. Fox in the Cabinet of 1806, and who now occupied a seat in the Cabinet of 1856. He was sure he gave utterance not merely to his own feeling, but to the feeling of every Member of their Lordships' House, when he expressed his earnest hope that both those eminent and venerable Peers might continue for many years to come, in any difficult emergency, to assist the deliberations of the House with their public spirit, their wisdom, and their eloquence.

THE DUKE OF ARGYLL said, that, as many of their Lordships might be disposed to concur in the mild and courteous censure cast by the noble Earl who spoke last upon the Government for having at such a time and in such a conjuncture of public affairs thrown an apple of discord into the House, he felt that a word of explanation was due from the Government upon that point. It was because the Government concurred, to a certain extent, but only to a certain extent, in one of the concluding observations of the noble Earl with respect to the present unsatisfactory condition of the appellate jurisdiction of their Lordships' House that they advised Her Majesty to create a life peerage in favour of Lord Wensleydale. Her Majesty's Ministers, however, did not concur in the language held out of doors as to the inadequate manner in which the appellate jurisdiction of the House had been of late administered; but they were of opinion that that jurisdiction should immediately be strengthened to a certain degree, and a precedent revived, not set, by which, from time to time, future Governments might be enabled to maintain it undisturbed. On those grounds, without entertaining any doubt as to the legality or constitutional character of the step, they determined on giving a life peerage to a Member of the bench who, it had been admitted on both sides, would add greatly to the judicial strength of the House. He wished it to be distinctly understood on the part of the Government that they had no conception whatever they were raising a question of constitutional law. [*Cheers.*] Noble Lords opposite seemed to think it a great triumph to have gained that admission from the Government; but, he would ask, how could the Government entertain any doubt on the subject when they found every great judicial writer from Coke downwards declaring, as a matter beyond dispute, the power of the Crown to create life peerages? But that was not all; for they found the most eminent legal Members of that House, now their opponents, laying down the same doctrine. It had been made a charge against the Government that they did not consult the law officers of the Crown. Did that accusation come well from men who, a few hours ago, refused to consult the Judges? He would admit to the noble Lord opposite that, if the Government had entertained the least doubt upon the strict legality of their proceedings, it would have been natural on their part to consult the law officers of the Crown; but they had no doubt whatever as to the prerogative, and it would have been unusual to consult the law officers upon the expediency of the measure. Upon the policy of a measure he never heard that any Government ever consulted the law officers of the Crown, and in this instance it never occurred to them that any legal point was involved. He cordially concurred in many of the observations in the speech of the noble Earl who had just sat down; but he was sure their Lordships must see that the whole drift of it was in reference to the expediency of this course, and would never justify voting for such a Report as was recommended to the Committee by the noble and learned Lord (Lord Lyndhurst). Let them see the position of the House. They were not disputing about the policy, or debating upon the possible dangers which might arise out of this measure. It was admitted that nothing could justify the Report unless it could be proved that the course adopted by the Government was illegal—not illegal in the sense of being opposed to the statute law, but illegal in the sense of being at variance with the constitutional law of the country. To-night they had refused to consult the Judges of the land—unwisely as he thought, because, if they could not have put the direct question to the Judges, they might have obtained their opinion on questions surrounding it. They had been long accustomed, and he hoped the custom would long continue, to defer to the legal Members of the House on all questions of pure law; and it was true that on the present question the legal Members of the House were opposed to the course pursued by Her Majesty's Government. But this was not merely a legal question—it was a great constitutional question; and there was one privilege they possessed, not as Peers of Parliament, but as Englishmen, which they would never delegate to any man or set of men—namely, the right of judging whether a measure were constitutional or not. Every Englishman was able, or ought to be able, to judge upon that question. The constitution of England was not written in law like the constitution of the United States; it was the air they breathed—the very atmosphere in which they lived from childhood. Every one, therefore, on a constitutional question might exercise a free discretion and a free opinion, untrammeled by the opinions of the legal Members of the House, though treating them with deference and respect. He would further say that circumstances had taken place in the course of the debate which should make their Lordships regard the advice of the legal Members with peculiar distrust. The very question which, on the Motion of the noble and learned Lord, the House had referred to the Committee of Privileges was a question avowedly expressing a doubt of the legality of the patent. They were to examine and consider the copy of the letters patent "purporting" to create the right hon. Sir James Parke, Baron Wensleydale. What was meant by inserting the word "purporting?" It was meant to indicate that Lord Wensleydale had no right to sit except by his right to the barony, and to express a doubt as to the legality of the patent creating him Lord Wensleydale. That argument was supported by the language of the noble and learned Lords, who, during the debate, invariably spoke of Lord Wensleydale as their "right hon. Friend;" and it was not until the admission was wrung from them by the noble Marquess (the Marquess of Lansdowne) that they admitted, what nobody at present denied, that he was Baron Wensleydale, and that it was not a patent purporting to create, but actually creating him a Baron. He thought that was a circumstance which must somewhat contribute to diminish the authority of these noble and learned Lords upon the point then at issue. There was another point which he would mention, and he trusted he should not be misunderstood; he trusted, above all things, he should not be supposed to mean the slightest degree of disrespect to the profession of the law, with one exception the noblest profession to which men could devote their powers; but a question of policy had throughout been interwoven with a question of law. It had been mentioned in the previous debate that one consideration of policy was the position in which this precedent would place the legal profession for the future. He should sympathise fully with the objection to this measure if he believed, as the Chief Justice believed, that it was intended that no more lawyers would be raised to that House with hereditary peerages; and a feeling had thus been naturally created among them unfavourable to the present exercise of the prerogative of the

Crown. But he believed that that impression was utterly unfounded, and for his own part he should regard it as a great public calamity that no more lawyers were to take their places in that House with hereditary peerages. It could not, however, be concealed that there was a very strong professional feeling bearing on the expediency of the measure; but however justifiable that feeling might be, it ought not to influence their judgment. They ought to come to the consideration of the matter free from all considerations of policy or professional pride, and simply as regarded law and precedent. His noble Friend who spoke last said that the noble and learned Lord (Lord Lyndhurst) appeared to him to have made out a strong case against the validity of this patent. He ventured to say that, not only had the noble and learned Lord not made out the invalidity of the patent, but he did not profess to have made it out. The validity of the patent, as far as regarded conferring the dignity of Baron, was admitted; and they had this further admission, that a writ by itself was valid to give a seat in that House descendible to heirs. But it was said the writ in this particular case did not give a seat because the patent conferred the barony for life; so that, in fact, the invalidity of the writ rested upon the validity of the patent. If Lord Wensleydale's grandson claimed a seat on the ground of the writ, the patent would be quoted to prove it prevented inheritance. The Government was said to have no precedents except those of hundreds of years ago; but the noble and learned Lords had no precedent at all for the course they asked the House to adopt. He asserted, on the authority of others, that there was no instance on record of their Lordships having refused to allow a man to come in by virtue of a writ of summons from the Crown except upon the ground of personal and legal incapacity. The precedents did not form the whole case or the strength of the case for the Government. They proceeded on the authority of analogous instances of peerages being limited in every possible way, and they contended that the limitation for life was in perfect consistency with all documents and authorities on the subject. It had been contended that the prerogative of the Crown with reference to the creation of life peerages, not having been exercised for several hundred years, had fallen into desuetude and had lost its validity—that the Crown had, in this respect, lost its prerogative. He opposed in answer to that argument the well-known maxim that the power of the Crown is not lost by prescription — *nullum tempus occurrit regi.* Without admitting that the power had not been exercised within a comparatively recent period, they had a right to assume that, even if the power had not been exercised, it had not ceased to exist. It was one of the great sources of pride to this nation that, even in times of revolution and excitement, precedent was looked to as a guide. It had also been argued that the constitution of this country had been so greatly altered by the Revolution of 1688, that any precedent drawn from times anterior to that date could not be held conclusive with reference to the exercise of the prerogative of the Crown—that all right not sanctioned at the Revolution had practically ceased to exist. He was astonished at the doctrine. He maintained the exact contrary, and would quote the authority of the greatest living historian, Mr. Hallam, who wrote respecting the Revolution of 1688—

> "Except in the article dispensing prerogative we cannot say, on comparing the Bill of Rights with what was proved to be law by statute, or generally assumed to be law on the authority of the best writers, that the Revolution did not take away any legal power of the Crown, or enlarge the limits of popular or Parliamentary privilege."

Many quotations had been made from the last two volumes of Macaulay, but he would quote from one of the finest passages in a volume published some years ago, regarding the effects of the Revolution:—

> "The change seemed small—not a flower of the Crown was touched—not a single new right was given to the people. The whole of the English law, in the opinion of the highest authorities—Holt, Maynard, and Somers—remained exactly the same after the Revolution as before it."

That utterly contradicted the doctrine that what was not expressly sanctioned at the Revolution had ceased to be lawful. He maintained the exact converse, and contended that what had not been expressly condemned at the Revolution was still in full force. He regarded as of the highest value the principle that we should be permitted to go back to past times in our history, and to draw thence precedents intrinsically good, although they might have been forgotten. He believed that in the most ancient precedents might be found from time to time materials for renovation, and he could not help thinking that the course advocated by those who supported the Resolution of the noble and learned

Lord was one which struck a fatal blow at the principles of our constitution.

Lord BROUGHAM :* I can truly say that I exceedingly lament the necessity of addressing your Lordships at some length upon the present occasion ; and if it affords you any satisfaction under the fatigue of entering into a legal argument at this very late hour of the night, that I suffer under it with you, that the misfortune is common to both parties, this comfort you assuredly may have. But great as may be my reluctance, the task imposed on me—it may be said on us—is unavoidable. Independent of the reference so often made to the events of 1832, and my share in them, it becomes necessary to explain the grounds upon which my opinion has undergone some change since I was first called upon to consider the question of constitutional law, the only question now before us ; and I owe it not more to myself than to your Lordships, to the Government, to the great subject itself, to state these reasons without reserve, amply sufficient as I deem them to justify me in asking from you an entire concurrence in my noble Friend's Motion (Lord Lyndhurst) now before you. With much of the noble Earl's statement (Earl Grey) who moved the Amendment, I entirely agree ; with his wonted acuteness, and with the fairness and distinctness, which as much as his great ingenuity, ever distinguishes my noble Friend's speeches, making it easy to perceive how far we can concur and where our difference begins, he has most correctly asserted that this House can never assume to decide upon the exercise of the Royal prerogative in granting peerages while these grants are within the power of the Crown, according to the constitution that is sanctioned by the law of the land. For us to sit in judgment upon the manner in which the prerogative has been exercised would be the greatest violation of the constitution, would be a manifest usurpation upon the Crown, an unlawful interference with the Royal prerogative, an interference as much beyond our rights and privileges, as would be the Sovereign's assuming to sit in judgment upon our exercise of any function, or use of any privilege which is ours by law, the right for example to decide in this case. The only question then which can now arise relates to the existence of the prerogative claimed. If the Crown has the right by the constitution, that is by the constitutional law of England, to create life Peers, we have no title whatever to deny the validity of the peerages conferred in the exercise of that right, any more than we should have to deny the validity of the most extravagant, nay preposterous use of the unquestioned privilege of bestowing hereditary peerages. We might complain of such an abuse—we might visit with censure the advisers of it; but the validity of the grants, how lavish, how culpable soever, we should not have the shadow of a title to contest. I therefore entirely agree with my noble Friend that the question is narrowed to that of constitutional law. It is whether or not the prerogative extends to the granting life peerages as well as hereditary—with the right of sitting in Parliament? Are such peerages legal or not by the constitution of this country? Are they allowed by the *lex et consuetudo Parliamenti?* Upon this question, when first it was propounded to me, I admit that my opinion inclined, and even strongly inclined, towards the view taken by some, perhaps by most lawyers in favour of the prerogative. At a great distance from all the authorities, whether of records, or text writers, and especially excluded by that distance from all communication with my learned brethren whom this unfortunate circumstance made it as impossible for me to consult, as it was easy for my noble Friends opposite, among others, the noble Lord on the woolsack; deprived by necessity of the benefit of their opinions, as my noble Friend (Lord Chancellor) was deprived by his own choice, voluntarily abstaining as he did, even from the ordinary course of hearing the law officers of the Crown—I had inclined towards the legality of the act done, though I felt, and even expressed to certain of the Ministers, the utmost possible reprobation of it upon grounds of expediency, upon constitutional grounds. But when I came to examine the question closely, with full access to all the records, and decisions, and dicta of judges, and opinions of text writers; when I scrutinised the reasons given for these opinions ; when I examined all that had ever been done in exercise or supposed exercise of the alleged prerogative ; when I examined the historical as well as legal questions, and surveyed the circumstances of the country, and the frame of the constitution at the periods of the supposed use of the power in question —the doubts I at first felt were multiplied and strengthened until I found that the prerogative had been assumed to exist without any proof whatever, one writer following another blindly and without the least inquiry; that the pretended right rested upon no foundation at all; that it never was really exercised; that if it could be said even to have been enjoyed, it had long since ceased to exist; that the only instances of its exercise were brought forward on gross misstatements of the fact, and that even if truly represented, they belonged to an age when the constitution and its laws were wholly different in every respect from those under which we now have the happiness to live.

It is fit that we keep in view while arguing such questions, the difference between legal and constitutional. They are entirely mistaken who, with a great authority upon subjects of law amendment, of Mr. Bentham, maintain that unconstitutional has no definite sense—that it means whatever anybody for any reason has any dislike of. Now what is illegal cannot be constitutional; but things may be quite legal and yet unconstitutional—that is, inconsistent with the principles, and as it were the spirit of the constitution, tending to an infraction of its laws; or raising an obstruction in the way of their execution; or leading to the making of new laws inconsistent with its nature and fabric. Thus a lavish and needless creation of hereditary Peers for an improper purpose would, though quite lawful, be utterly unconstitutional. A creation of life Peers with seats in this House, would, as we maintain and are ready to prove, be contrary to law, however limited in number, and however unobjectionable as to the persons thus ennobled. There is but one way of determining whether any prerogative belongs to the Crown, or any privilege to either Houses of Parliament. We must recur to the exercise of the alleged right in past times, and more especially in good times, when the constitution was settled—the law fixed and known. Nothing can be conceived more useless than to cite instances of what the Sovereigns did under the Heptarchy, in the Saxon times, or in the Anglo-Norman reign—aye, or somewhat later, in the times of the Plantagenets, when the bounds were so ill traced between the different powers in the constitution. We cannot, indeed, safely rely on instances in the reigns of the Tudors. But it turns out upon full inquiry that even the Plantagenets and the Tudors never exercised the right in question. There is not one solitary instance of a commoner created a Peer for life, and owing his seat in Parliament to that life grant, without the assent of the other two estates as well as the Crown—that is without an Act of Parliament. Even admitting the instances given, the last is four centuries ago, in the reign of Henry VI. But when examined, it proves to be no instance at all.

To that alleged case of life peerage I will come at once. It was relied on by my noble Friend opposite (Lord Grey), and it forms the chief, indeed the only ground of the argument urged in favour of the prerogative from its exercise. But we find upon examination that it unites in itself every objection which can be urged to such precedents of the prerogative. First of all, it is assumed that the patent to Sir John Cornewall was for life, but there are no words of limitation whatever in the grant; so that, instead of giving a peerage for life, it is altogether void for want of any apt words. Such, at least, is Lord Coke's statement of the law in the very passage on which so much reliance has been placed. *Co. Litt.* 16 b. Indeed, as this was the second creation by patent, there is every reason to suppose that the grant was, as in the first, Beauchamp of Holt, which was in the eleventh of Richard II. really given as that was to the heirs male of the body. Again, suppose it to have been intended as a life creation—Sir John never was summoned to Parliament by his title, but only as John Cornewall, Chevalier; and as he died soon after without issue, the nature of the grant never could be brought in question. But suppose this objection removed, and that there had been an express grant of peerage for life, and a sitting in Parliament under that grant—my noble Friend will not require more lavish concessions—what does the case prove? Absolutely nothing; for it was a dignity conferred—not by the Crown, but by Parliament. This is beyond all doubt clear. The grant purports to be in the presence of, and by the assent of, the great men in Parliament assembled. I hear it said, that the Commons are not named; but no more are they in some of the statutes, best known as such. It has been held by all the authorities, that merely setting forth a grant to have been made in Parliament is sufficient to prove it a statute. Nay, the omission of all mention of the Commons does not prevent it being a statute, as we know in sufficiently notable instances. The Statute of Westminter, the third, for instance, commonly called the Statute of *Quia Emptores*, and on which the whole system of copyhold tenure rests, by the prevention of subinfeudation—that Act, 18 *Edw.* 1 (Statute of *Quia Emptores*), purports to have been made at the instance of the Magnates—the greater Barons. Yet whoever doubts it being a statute? This gift, if of a life peerage, therefore, was by Act of Parliament, not of the Sovereign, and no one dreams of denying that Parliament could make such a creation.

Last of all, suppose this instance, admitted to be the single one, of a commoner ennobled for life with power to sit in Parliament—suppose, for argument sake, this solitary instance was by the prerogative, and not by Parliament—I ask what possible weight such an act of Royal power can have when done in such an age? The constitution had not early in the fifteenth century, nor for long after, been moulded into its regular form. In those days there was no exact distribution of the powers among its different branches. But especially the Sovereign was constantly exceeding the supposed limits of his prerogative. For examples of such excesses, as we should now call them, in that day they excited little discontent, perhaps caused no surprise; we need not go back to the century immediately succeeding the Norman conquest. A century and a half later we find King John, just before the great charter was extorted by the Barons, not the Commons, the hereditary Peers not occupants of seats for life, summoning a kind of Parliament, composed of four knights from each shire, to meet and confer with him at Oxford, probably in order to check the Barons by a little Parliament of his own. His son made equal stretches of authority during his long and troubled reign. But after the great charter had been once and again confirmed, and when the Government might be supposed to have settled into somewhat of a more regular form, we find no less a Sovereign and law giver than Edward I., our English Justinian, as he has been so generally termed, sending a Commissioner by his own mere authority, one John de Kirby, round to all the cities and towns of the realm to explain to the people the Royal wishes. What he was sent for appears next year, when more money was wanted; for a Parliament was then holden at Shrewsbury, and grants obtained, and all the moneys which Kirby had collectedwere deducted from the levies now legally imposed. This levying of the money by the King's mere authority was in 1283, only two years before the famous statute of Westminster 2nd (Stat. *de Donis*). No doubt the Statute *de Tallagio non Concedendo*, made a few years afterwards, prohibited all such levies; but they had been forbidden long before, nay, long before Edward's time, and the Statute *de Tallagio* was only declaratory of the old and common law. Nor do I expect to hear it contended that all prerogatives exist which have ever been exercised, and never put down by statute. I have mentioned the stretch of Royal power in levying taxes. But there were other usurpations in those days, since the date of Cornewall's peerage as well as before, and which are admitted to have been usurpations, though they never have been declared such by Parliamentary authority. Observe how little the Crown regarded the rights, the uncontested rights, of Parliament itself. We have all heard of the Lack-learning Parliament, the *Parliamentum indoctum*, as it was more learnedly called, just as we may have heard of a *Parliamentum supradoctum*, or *perdoctum*, in later times, from the great *copia peritorum*, which it has exhibited. That of Henry IV., in 1404, was summoned by writ, which the King issued without any authority whatever, commanding that no man of the law should be chosen Knight of the Shire. This illegal command was obeyed, and the consequence was that no lawyer sat, the boroughs having apparently taken the hint from the counties; and Lord Coke, as we all know, observes on this Parliament that "never a good law was made thereat." But though no one can show any statute depriving the Crown of the right thus to control elections, yet no one will now maintain that such a prerogative is vested in it, or ever was by law. A prerogative just as illegal, but much more frequently exercised, was that of enfranchising and disfranchising boroughs, to which my noble Friend (Lord Campbell) in his learned and constitutional speech adverted, a prerogative not only claimed but exercised in comparatively recent times. For I find that Queen Elizabeth, of her own mere will, issued writs to many boroughs which never before had returned members; that she added no less than sixty-two to the Commons, and at a time when the ordinary attendance was not above 250. The boroughs thus made Parliamentary by the prerogative, were small places under the complete influence of Peers and courtiers, and she thus introduced into the lower House about one-fourth of its attending Members. Then does this prerogative now exist? If it has ceased, is there any statute abolishing it? The refinement to which some have had recourse, of citing the Act of Union with Scotland, as forbidding by implication any enfranchisement when it fixes the number of the Commons, will not do; for then we must admit that the Crown could by law exercise this power at and after the Revolution. But nothing whatever being said against it in the Bill of Rights, is abundant proof that it had wholly fallen into disuse—or rather that it never existed, but was universally admitted to be an usurpation. I might fatigue your Lordships and myself with numberless other instances to show the folly of having recourse to ancient times for the proofs of prerogative. But I will confine myself to one, and it is a remarkable proof how little in these ages the limits of power of the different branches of the Government were fixed in practice. It shows that the Crown dealt with the acts of the Legislature as arbitrarily as with the proceedings for its formation—with the rights of Parliament as with those of its constituents. It was the constant practice after prorogation, actually to alter the statutes passed during the Session, by directions of the Sovereign, by Orders in Council, and without either the previous authority of the two Houses themselves, or their subsequent confirmation of the changes made. The alterations were usually by the Privy Council, at the time of proclaiming the Act. This extraordinary practice was forbidden by two ordinances, apparently of Parliament, in the reign of Edward II., one in 1311, the other in 1322. Let it be remembered that in those times of high prerogative, when the Royal power was stretched to the uttermost, and seemed to set all other powers at nought, not a single instance can be found of the prerogative now contended for. The notion of changing the nature of the peerage from hereditary to lifehold, seems never to have entered the mind of any of these all but absolute Princes. I then ask those who maintain this prerogative as legal to tell me if they are ready to assert that every right which was once or twice exercised in those days; nay, even every right which was almost habitually exercised, and which no statute has declared illegal, still exists in the Crown? Are they prepared to affirm that the Sovereign could now lawfully issue writs to boroughs or withhold those writs, or could recommend, nay, require certain persons to be elected to the other House, and a whole class of persons to be excluded from the returns? It is denied, and justly denied, that any exercise of the prerogative as to peerages is proved; but I put the question, supposing for argument's sake, that there were proofs of such an exercise.

I have been dealing with the case of Sir John Cornewall, because it is the one mainly, indeed almost solely, relied on by my noble Friends opposite. As to the others, they have been disposed of tonight unanswerably by my noble and learned Friend who moved the Resolution, and in the last debate, by the elaborate and conclusive examination of the pretended instances by my noble and learned Friend near me (Lord St. Leonards). Except that of D'Angoulesme (or D'Angle), who was made Earl of Huntingdon, 1 Richard II., who was an alien, and who never sat, or could sit, by virtue of the creation for life, all the cases cited were either those of persons who had other peerages, and therefore, did not sit by virtue of their creation for life, as De Vere Earl of Oxford, made Marquess of Dublin; or creations in Parliament, that is by statute, which, indeed, De Vere's also was; or Foreign Peerages like Acquitaine, which was also a creation in Parliament, and given to John of Gaunt, who was already Duke of Lancaster, with the usual remainder to the heirs of his body; or like that of Aumerle given to an Earl by hereditary right, and regarded in England as a foreign and merely honorary dignity. The Thomond case, which is the latest, must also be classed with the foreign Peerages, for it was Irish; and this House could have no power whatever to interfere. It was an Irish Peerage too, bestowed at a time when the English pale comprised but a small part of Ireland. You will find it stated by Dr. Henry in his elaborate and accurate history, that only a few districts on the east coast, opposite to England, were under the English dominion the rest of the country being in the hands of the rude natives. But further, this peerage was granted along with a Barony in the usual terms, and thus the right to sit, if we can speak of sitting in an Irish Parliament at that time, was given, not by the grant for life, but by the grant to the taker and the heirs male of his body. But if reliance is still placed upon that instance, I beg your Lordships to consider by whom, and in what times of the Constitution it was bestowed. It was by Henry VIII., and in the year 1543. Suppose it had been an English peerage, so as to give this House the undoubted right of objecting to the party sitting, what chance was there of the right being exercised against that cruel tyrant, the paroxysms of whose ferocious temper were even more unrestrained than the caprices of his unbridled lust? During the whole of his arbitrary reign, there is not one single instance of a protest against any of the measures which he forced through Parliament, recorded in your Journals. The grant referred to (Thomond) was made after such outrageous acts as his slavish Parliament had passed under the influence of habitual terror, that, for example, of 1529, releasing him from all debts contracted during the last six years, and declaring the securities void though in the hands of third parties; the law of the Six Articles, called by Protestants the bloody Act, condemning to death whoever denied the doctrine of transubstantiation and other tenets, which the tyrant happened then to hold; above all, the Act giving the force of a statute to whatever proclamation he might choose to issue, with any penalty annexed to the disobedience of its commands. This Act vesting absolute power to the Crown (which another of those statutes had given him the power of bequeathing by will) was passed in 1539, and the Thomond peerage was bestowed while it was in full force, in 1543. So that the Thomond case is the exercise of the prerogative, when the Crown was invested with unlimited power; and, after all, it is but an assumption of power to create a Peer for life with rights in Ireland, in England none whatever. It is true, the disgraceful statute of the Six Articles, and that giving the King's proclamations the force of law, were repealed by the Parliament of his successor as soon as the tyrant had ceased to oppress his people. But where is the Act restraining the Crown from dictating to the people in the choice of their representatives? Are the advocates of high prerogative prepared to assert that prerogative because the same Prince freely exercised it, and without opposition at the time, as without even a declaratory prohibition since? Not only did he, by withholding his writ, disfranchise ancient boroughs, and by issuing it, enfranchise new ones, but there remain his orders to the sheriff to elect a gentleman of his Privy Chamber "as Burgess of Parliament, with the fees and wages thereunto appertaining." Whosoever would assert such exercise of the prerogative as enables the Sovereign to pack this House with Life Peers, his dependants, under the name of Peers of Parliament, must be prepared to admit the similar prerogative to pack the other House with his dependants, under the name of the people's representatives.

Now as there is no instance of the prerogative being exercised, I mean the prerogative which alone is in question, of giving a Commoner the right to sit in Parliament by a peerage for life, and which leaves the precedents of peerages to women wholly out of the case, on what other grounds do the advocates of the right rely? On one authority only, that of Lord Coke; because all the writers who have followed have been ruled by that dictum of his alone, and have blindly followed one another without the least inquiry either into the soundness of his opinions, or the grounds on which it rests. For the authority of that great lawyer I entertain, in common with all my noble and learned friends, the most profound respect when he gives you his opinion upon any of those chapters of the law with which he was familiar, and which he had well studied. Upon the law of Parliament his authority is of very much less weight—upon that *lex et consuetudo Parliamenti* which he has himself described as *ab omnibus quærenda, à multis ignorata, à paucis cognita.* It cannot be admitted that he has proved his belonging to the latter class.

First, let us look at the reasons on which the dictum is founded. Are they so sound and so consistent as to render the opinion itself a safe guide? There is no little doubt whether or not he really refers to peerage with all its incidents, or only to nobility, to the honour of the dignity without its privileges, especially its Parliamentary privileges; but assume that it does, and that it is an opinion in favour of the prerogative—observe his reasoning. There may be Peers for life but not for years: and why this distinction? Because he says it would go to executors and administrators. Would it indeed? Suppose a grant for five years to *A.* if he shall so long live. Surely this peerage for years could never pass to *A.'s* executors or administrators, because it must cease to exist on his death. So a peerage like that of March, granted by Edward IV. to his son, in 1479, to him and his heirs during the king's pleasure, would by the negative pregnant raised in Lord Coke's opinion be valid, because it never could go to executors; and accordingly they who rest their contention on that great lawyer's authority can have no answer to the pretension which may be set up for a further stretch of the prerogative, and must admit that the creation of a Peer to sit in this House during the pleasure of the Crown is valid. Indeed a man may, by this reasoning of Lord Coke, be sent here to take his seat and vote in one debate, because were he to die on the morrow nothing could pass to his personal representatives. It must further be remembered that there is a singular looseness and inaccuracy of expression in the other parts of the passage relied on. Lord Coke says distinctly that a writ calling any one to Parliament gives the party a fee-simple in the barony, which it assuredly does not. It is a common, but only an elliptical expression, that such a writ with sitting gives a barony in fee, instead of the more correct expression of fee-tail. But Lord Coke is by very far more incorrect; and not elliptically so, but by specification. He says fee-simple, whereby is intended a barony that would go to heirs general, and would be indeed alienable and devisable. It is true that he afterwards seems to qualify this, and restrict the generality to what he calls heirs lineal. But it cannot be denied that the whole passage indicates want of full consideration, and leads to doubt, if we have the deliberate and corrected opinion of the author.

If, however, we go to the other instances of this great man's known and manifest errors upon matter connected with the law of Parliament, we shall find the most conclusive reasons for rating his authority much lower upon such questions than upon any of the ordinary ones of which he treats—I may even go so far as to say lower than that of any other celebrated lawyer, for none have fallen into more remarkable errors. Thus he lays it down as clear Parliamentary and constitutional law, that privilege is only ousted in case of treason, felony, and breach of the peace. Hence, according to him, no Peer or Commoner could be imprisoned under sentence of a competent court, for such offences as perjury or libel, without breach of the peace; and yet we know that privilege gives no such protection. Indeed Members of your Lordships' House have been imprisoned for the latter offence. So, according to the same authority, no Peer or Commoner could be committed for criminal contempt of court. Yet this has frequently been done, and, after full inquiry in Parliament, has been held perfectly lawful, against Lord Coke's authority, cited freely in support of the pretended privileges. Again, as if, whenever he touches on constitutional points, he were fated to go wrong and to mislead us, he affirms that William the Conqueror could not succeed to the Crown by inheritance, because he was a bastard, his father being married to his mother after his birth, and so the issue not legitimated by the statute of Merton, which is only declaratory of the common law; whereas, every one knows that his legitimacy or illegitimacy was wholly immaterial, because he was not of the blood of the first purchaser, being, were he ever so legitimate, only related to the Confessor by the marriage of his aunt, and having no more title by inheritance than George IV.'s issue had to the Crown of Denmark, because his aunt Queen Matilda had married the Danish King. But a yet more remarkable error of Lord Coke is committed by him respecting the succession to the Duchy of Cornwall. The Prince's case is one of his most celebrated Reports, and amongst the most elaborate. But he there lays it down as clear law that the first born son alone, being heir apparent, succeeds to the duchy, and that if the eldest die without issue and leave a brother surviving, he, though he be heir apparent, cannot take the duchy, because he is not the first born. This great lawyer was probably misled by a little of that pedantry, the vice of the age, and in which he somewhat amply shared, to hold *primogenitus*, in the Charter admitted to be an act creating the somewhat singular and anomalous succession of this estate as confining the inheritance exclusively to the first born. But it has since been always held clear that the eldest son, not born but living, if heir apparent, takes the duchy. Lord Hardwicke, who, in the case of *Lomax* v. *Holmden* (1 Ves. Sen.) apparently felt so much awe in declaring Lord Coke entirely mistaken, was so far influenced by the power of his name, like my noble and learned Friend opposite and others, not indeed like them so far as to follow blindly, but so far as to make full and searching inquiry, and to examine the acting under the statute, as I now require your Lordships to consider the precedents respecting life peerages. He found that there was not a pretext for supposing Lord Coke right in his doctrine; and added, that he had been as entirely wrong in his statement of the facts as in his conclusion of law. For Lord Coke enumerates many instances of the descent of the duchy; and among others, the case of Henry VIII., who could not succeed, he says, because his brother Arthur was the first born; and therefore, he says, Henry, though heir apparent on Arthur's decease without issue, never took the duchy. But nothing can be more contrary to the known fact. Lord Bacon, in his *History of Henry VII.*, well acquainted, officially well acquainted, as he was with the whole circumstances, states, that Henry did take the duchy as Prince of Wales and heir apparent; and it is certain that he exercised all the powers, and enjoyed all the rights of the Duke of Cornwall, though only second son of Henry VII. This was fully discussed and decided on the decease of Prince Henry, in the reign of James I., when Charles took the duchy in 1613. The Rolls of Parliament show similar instances in Henry IV.'s reign, soon after the erection of the duchy, and again in subsequent reigns. It is somewhat remarkable that Mr. Justice Blackstone, in his Commentaries, follows Lord Coke into this error, as he does on the subject of life peerage; at least, he cites the Eighth Report, and the Prince's case, without taking any notice whatever of the mistake committed by his authority—an example of the manner in which writers are apt to follow one another, and authorising a considerable deduction from the weight due to the learned commentator's statement respecting the subject now before us.

I think, then, we are fully entitled to conclude that these text writers following one another have been led into a manifest error by Lord Coke, who had very carelessly considered the subject. No one can doubt that his opinion would have been against the prerogative had he examined its history, and found no precedent whatever for its exercise. This must needs have been the conclusion of one who so habitually argued from precedents, and only went wrong when he decided without examination of the facts, or from haste or inadvertence mistook or misstated them.

But let me now ask your Lordships to cast your eye back upon the origin of all peerage in the tenure of land; for this will afford important light to guide us on the present question. The right to sit in both Houses of Parliament, that of the greater barons, your predecessors here, and of the lesser barons, the original of the Commons, was from the holding of land, and depended upon that holding; yet barony by tenure, though unquestionably not only existing in the most ancient times of our Constitution, but probably the only species of barony then known, has long ceased to exist. The question of its legal existence was raised in the Berkeley case, and as my noble and learned Friend (Lord Campbell) stated, had been then argued by me at your Lordships' bar, when, as he said, Lord Eldon expressed a very clear opinion that there was no longer such title to a seat in this House; and there was the same opinion given, but more solemnly, by Judges of the greatest eminence in the reign of Charles II., though not sitting in any court of law. All lawyers are, however, now agreed that there is no such thing as a barony by tenure. Then how has it ceased to be good in law? That which was the ordinary, probably the only kind of barony, has become obsolete, has fallen into entire desuetude, without any statutory declaration or enactment, without any judicial decision, without any judgment or resolution of your Lordships; for the Berkeley case never was decided, and the older opinion to which I have referred was not the determination of a court. But that opinion well deserves our attention, for it demonstrates the effects of disuse in extinguishing a prerogative allowed once to have existed; and puts to flight all the arguments of those who now contend that if life peerages ever were granted (which however we utterly deny, and have indeed disproved), the power of conferring them could not be lost by desuetude. I refer to the case of the Fitzwalter peerage before the King in Council. A writ of summons had been claimed by Mildmay as heir general by blood, and adversely by Cheke as entitled to his barony by tenure of land. The question was referred to the three Chiefs, Kelyng of the King's Bench, Vaughan of the Common Pleas, and Sir M. Hale, Chief Baron, with the Ancient Serjeant and the Attorney and Solicitor General. The case was fully argued before them, and they pronounced a clear opinion in these words: "Barony by tenure hath been for many ages discontinued, and is not in being, and so not fit to be revived,"—but those great Judges go further, and add—"nor to admit of any pretence of right of summons thereupon." And the writ of succession was accordingly issued, not to Cheke, who claimed by tenure, but to Mildmay, who claimed by blood. In truth, when the question of any alleged prerogative arises, the use of, or acting upon, the pretended right is of the very essence of the case. There is not, there cannot be, any other rule to go by, any other guide to follow. If the right is exercised by the Crown without dispute, in the face of the other Estates of the Realm, who have an interest and a power to resist it, and who yet submit to it, evidence is afforded of its supposed legality, at least in the times when the unrestricted exercise took place; and this evidence is the stronger, the greater the number of instances, and the longer the period during which the unopposed assertion of the right continued. But a prerogative that never was exercised, or if ever, yet in times where no power existed capable of opposing it, nay, even if exercised when it might have been resisted, but has for centuries been wholly abandoned (and I am putting the case as strongly against my own argument as possible) such a prerogative is gone for ever, and as entirely gone as if it were admitted never at any time, or in any circumstances to have been known. Our whole constitutional law is founded upon this principle; there is no other limit whatever to the prerogative, and but for this principle, the Crown possesses every prerogative which has not been put down by the positive enactments or express declarations of statute.

But barony by tenure is not the only peerage that has fallen into disuse, and is allowed on all hands no longer to exist. The husband of a baroness, in her own right, used formerly to be summoned by writ, and had a right to the summons, sometimes in her lifetime, sometimes after her decease, as baron by the courtesy, if she had issue by him inheritable to the peerage. My learned friend Mr. Fleming, by whose industry my noble Friends and myself benefited so largely in our search for precedents, has furnished me with a list of no less than seventeen such peerages in the fifteenth century, between the reigns of Henry IV. and Richard III. But above two centuries ago it was settled, though without any decision of this House, that such peerages had, like those by tenure, no longer a legal existence. Nothing, then, but the lapse of time and entire disuse of the right prevented my noble and learned Friend (Lord Campbell) from sitting in this House *jure uxoris* six years before his own elevation to the peerage; yet he never dreamt that he had any such title to a writ of summons, because peerages of that description had fallen into desuetude.

I hear in some quarters a perversion of the maxim *omne majus continet in se minus;* as if the power of granting peerages inheritable implied that of granting peerages for life, taken to be the lesser dignity. There cannot be a greater fallacy; the maxim has here no kind of application. The life peerage is not less than the hereditary; it is a wholly different thing; the two do not stand in the relation of greater and less; the hereditary and life peerage are, in contemplation of constitutional law, different things. They who argue that the Crown can make a life peerage because it is less than an hereditary, must hold that still more it can make peerages for years or at pleasure, because this holding at pleasure is the most feeble of all estates. But though less with respect to the enjoyment of the guarantee, it is in fact greater with respect to the power of the grantor, upon whom it makes the grantee more dependent. If the question of greater and less arises upon the dependence of the Peer, and not upon the extent of his enjoyment, undoubtedly the relation of greater and less is inverted, and the lesser enjoyment answers to the greater exercise of power.

The question now before your Lordships is merely one of constitutional law. After full and anxious consideration, we deny the prerogative to call Commoners to this House for life. This has nothing whatever to do with conferring the dignity, the honour for life, as a mere dignity without a seat in Parliament. That may be legal, or it may not; your Lordships here have nothing to do with it, any more than the Crown or the other House of Parliament can have to do with the decision of the point now before us. I have heard, and with no little astonishment, of an apprehension entertained that there may be some offence given elsewhere if we decide this point of law against the alleged prerogative. Offence to the Crown is of course utterly out of the question. But so, I think, is offence to the other House, which is accused (I can call it nothing less than an accusation) of a disposition to take up the subject. Wishing to avoid all expressions which might even by possibility wear the semblance of disrespect—I will not say I defy them, but only I foretell that they will not do anything so absurd. Prediction is oftentimes dangerous to the prophet's credit, because it leaves him at the mercy of events. Yet will I, from my great respect for that body, venture confidently to predict that if we only exercise our own privileges with combined temper and firmness, asserting them when imperatively called upon, but in no way going beyond them; so will that illustrious assembly, the other House, avoid exceeding the bounds of theirs. Nothing can be conceived, I was about to say, more monstrous, but rather let me say more truly ridiculous, than their coming to any resolution touching our determination of this question, which regards our own rights and privileges alone. As well might we think of interfering with their decisions upon the rights of election, or the title to seats in that House.

The question before your Lordships is of very great moment, and I rejoice that it has been so fully and so temperately discussed. That the constitution would receive an irreparable injury by the unrestrained practice of creating life peerages is admitted on all hands, even by those who support the Amendment. I therefore, as a friend of the constitution, and a supporter of this House's independence and just rights, as maintaining the rights of Parliament against the encroachments of the Crown, am well pleased that a strict investigation of the case has proved the prerogative to have no legal existence, because I had far rather that the alleged right were shown not to exist, than only trust to it not being abused. I hope, therefore, that your Lordships will now decide against the alleged prerogative, maintaining the peerage of England as in its essence hereditary, and resolving that our Government shall henceforth, as heretofore, consist of an Hereditary Sovereign, Elected Commons, and Hereditary Peers.

THE LORD CHANCELLOR said, that important and interesting as this question in some respects was, he could not but feel that at that late hour of the night—past midnight—and on the second occasion of debate, he could not hope to command the attention of their Lordships for more than a short time; but at the same time he felt it his duty to state distinctly what he considered to be the law on the subject, and in what respects he considered their Lordships would act erroneously if they proceeded to exercise functions that did not belong to them, and the exercise of which he believed would be infinitely more dangerous than the creation of a peerage for life, even though there might be no precedent for such a creation for more than 400 years. His noble and learned Friend who introduced this question stated that he (the Lord Chancellor) had erroneously represented that there was no precedent for the course their Lordships were now taking; and he said that the Brandon case did not differ from that under discussion. Now, the two cases were not at all analogous. In the Brandon case the House came to the conclusion that in point of law a Scotch Peer was incapacitated from sitting as a British Peer, and consequently that he could not take his seat in the House in that character. Now, he (the Lord Chancellor) had never said it was not competent for the House to inquire whether a person presenting himself at their bar had any personal disqualification which prevented him taking his seat—for instance, if he were an alien, or if she were a woman. The question in the Brandon case was, that the Crown had conferred a British peerage on a person incapable of being a British Peer, not whether a person presenting himself with a writ of summons should or should not be admitted; for the Duke of Brandon was already sitting in that House as Duke of Hamilton, and that was a matter into which the House was fairly entitled to inquiry. If the question was at all analogous, and if it was a settled point in law that no Baron of the Exchequer, or no person who had been a Baron of the Exchequer, could be created a Peer, then the Committee would be acting right in declaring that Lord Wensleydale was incapacitated from taking his seat in the House, and in so doing they would act strictly in accordance with the precedent set them in the Brandon case. His noble and learned Friend (Lord Lyndhurst) divided his address into several parts: first as to the jurisdiction of the House; then as to the legality of the patent; and lastly, as to the expediency of granting it. As to the jurisdiction, his noble and learned Friend had quoted cases from the Journals of the House to show the legality of the present proceeding; but in his opinion those cases proved just the contrary. His noble and learned Friend referred first to the Banbury case. In that case, it was moved, that there being a person sitting in that House as a Peer, who, it was imagined, had no real right to do so, it was ordered that this person be heard at the bar by counsel. Now, the terms of the notice taken of this matter in the Journals might lead them to suppose that the House instituted proceedings in it *proprio motu*, and that was the impression produced by the statement of his noble and learned Friend; but, in reality, this was not the case. The first entry in the Journals was dated July 13, 1660, when there was no Parliament properly so called, for the Long Parliament was dissolved in March, 1660, and then writs were issued summoning a Convention Parliament. The Peers, finding the doors of the House open, walked in and took their seats, and there were sons of Peers who claimed to be admitted. Letters were also sent to Peers to take their seats, and he supposed one might have been sent to the person claiming to be Earl of Banbury. About six weeks after the Restoration this person was found sitting in the House; and the Peers, believing he had no right to be there, instituted an inquiry into his case. He was not there by virtue of a writ of summons, but by virtue of claiming to be Earl of Banbury. Parliament was dissolved, and a new one summoned in 1661, but it was not till 1669 that they found the next inquiry taking place into the matter of the Earl of Banbury. The House then referred it to a Committee for Privileges to examine into the claim of the Earl of Banbury to have a writ of summons, as directed to the late Earl of Banbury. In this instance a petition was directed to His Majesty. It was by His Majesty's order that the inquiry took place, and afterwards all that occurred was in consequence of that petition. The only case which seemed to have any semblance of authority was that of the Earl of Lincoln. What were the facts? On Wednesday the Earl of Lincoln presented his writ. No notice was taken of it until it was too late, and consequently the House would not go into an inquiry that day. But he supposed they had some notion that it was not the real Earl of Lincoln, for a reference was made to his pedigree the next day, and on Friday he was admitted to take his seat, everything having been found to be right. That was no authority for what his noble and learned Friend opposite proposed—namely, that the House should come to a vote that a certain subject of Her Majesty could not sit there by virtue of a writ summoning him to Parliament. There had been great confusion in the argument on the law relating to the patent. It was supposed that the patent had something to do with a seat in that House. Nothing of the kind. When a Peer was created by patent, he first presented his patent at the bar, and then his writ; but the presentation of the patent was made only because the House had a right to know what constituted its membership. If anybody upon the roll of Members was not summoned by writ, the House had a right to interfere, and to present a remonstrance to the Crown, praying that a writ should issue. So much the House might do *proprio vigore*, and in such a case the legitimate and only constitutional mode of proceeding which the House could adopt was, to resolve not to proceed to business till the House was full. But the patent, even after it was enrolled, was not that which entitled a Peer to sit in the House. He sat because he had received a writ from the Sovereign to attend in Parliament, and it was perfectly indifferent whether he had a patent or not—if he had received a writ he was bound to obey; and there were instances in troublous times where persons had been heavily fined for not doing so. Two cases of that kind occurred at the time of the Gunpowder Plot. Such being the case, even supposing the patent granted to Lord Wensleydale to be as illegal as he supposed it to be legal, would their Lordships, because they thought the patent illegal and that the Government had acted rashly and unconstitutionally, seek a remedy by doing that which he defied them to prove had ever been done since that House was established—by passing a Resolution not to admit one of Her Majesty's subjects who came there in obedience to Her writ, commanding him to give Her his assistance and advice in Parliament? Would they, because they thought the granting of this patent rash and unconstitutional, seek redress by doing that which he defied anybody to prove since the House was a House had ever yet been done? Till that was finally determined, he could not believe that their Lordships would be led into so disastrous a course. A person who possessed a good patent was entitled to a writ of summons; but if he had a writ of summons, he was entitled to a seat in that House whether his patent was good or bad. It was unfortunate that in the reference to the Committee of Privileges, there was no hint of that which they were now going to report. The reference was to examine the copy of letters patent purporting to create Baron Parke a Baron of the United Kingdom for life, and to report thereon to the House; but what his noble and learned Friend proposed was, to declare by a Resolution that neither the letters patent, nor the letters patent with the writ of summons issued in pursuance thereof, could entitle Baron Parke to a seat in Parliament. That was not a legitimate result of the reference. Suppose Her Majesty thought fit to supersede this writ and to issue another; would their Lordships, *toties quoties*, refuse to admit him—would they say that Lord Wensleydale should never sit in that House under a writ from the Crown? It was, indeed, the most extraordinary defiance of the prerogative he ever heard suggested. Their Lordships had no more right, if a person presented himself at the bar, not being a minor, an alien, or otherwise disqualified, with a writ issued by Her Majesty, to refuse to admit him, than the other House to refuse to admit a person presenting himself with a return from Yorkshire. It was precisely the same thing, save that in the House of Lords, every individual Member had a writ directed to him personally, while for the House of Commons writs went forth to different functionaries in the county, directing that Members should be returned. It was for the Crown alone to say, he repeated, to whom it should issue writs to sit in the House of Lords—save that it was bound to issue such writs to all who were, by patent or otherwise, Peers. There was no appeal from that. If the Crown should be so ill-advised as to refuse a writ improperly, there was one remedy, which the noble and learned Lord had accurately stated — the legitimate and only constitutional mode of proceeding was, for the House to resolve that it would not proceed to business until the House should be "full." But if their Lordships resolved that they would not receive Lord Wensleydale, if he should present himself with a writ, they would be usurping a function which did not belong to that House, and for such an usurpation, the House could only not be called to account, because there existed no means of punishing or calling in question the conduct of either branch of the Legislature. If he were asked, what remedy there would be against the House of Lords in such a case, he could only reply that it was a case which the constitution had not provided for, because the constitution had not supposed it possible that such a case could ever exist, for constitutionally it was not conceived that the King could do wrong, or that either branch of the Legislature could do wrong; but that this would be a wrong and a violation of all law he had not the slightest doubt. There was not even any case approaching to it, unless it were that in such an instance as that of the Earl of Lincoln, the House had, by its Committee of Privilege, taken upon itself to arrest or delay for a very short time the execution of the writ. He (the Lord Chancellor) felt that this was more important to the constitution than the question of life peerages itself. With regard to the legality of the peerage, the subject was exhausted, and he would therefore merely recapitulate the grounds upon which he contended that it was lawful. Lord Redesdale said the presumption was, that the fountain of honour could measure out that honour in any proportion it thought fit. Lord Coke's authority had been sneered at as if it were nothing. He understood that to Lord Coke was mainly to be attributed the formation of the Petition of Right, and he could hardly imagine that a man who had watched, like Lord Coke, the progress of the constitution was to be no authority on constitutional law. He maintained that Sir Matthew Hale supported Lord Coke, because, although Sir Matthew Hale had made comments on those parts which required comment, there was no note on this particular passage in *Coke upon Lyttleton*, as if he thought it beyond question. Comyn only took the *dictum* of Coke; but he stated it, because he considered it correct law, and all the lawyers who had ever written on the subject had taken the same view. With regard to the ancient patents of life peerages enumerated in Lord Redesdale's appendix, the noble and learned Lord (Lord Lyndhurst) had said, that they were all conferred with the authority of Parliament; and he (the Lord Chancellor) said, about half of them. What he meant was, that the *assensus* of Parliament had no reference to the peerages for life; it was given to hereditary peerages as well as to peerages for life; in some cases the grants were stated to be made *per ipsum regem*, and in others *per ipsum regem et totum concilium in Parliamento*. He contended that the grants of peerages, though made in the presence of the Lords Spiritual and Temporal and the Commons, were not Acts of Parliament. In the last year of the reign of Richard II. a great number of grants were made, with the assent of the Lords Spiritual and Temporal and of the Commons; but in the first of Henry IV. an Act was passed repealing these Acts of the previous reign. The Duke of Norfolk, who had received one of the grants so repealed, supposed his peerage was gone, and he reverted to his minor title of Earl. About twenty or thirty years afterwards there was a dispute between that Earl and another Earl as to precedence. The question was referred to a tribunal to determine; and the tribunal, not feeling it very easy to decide, and finding that he had been created, in the last year of Richard II., Duke of Norfolk, submitted that such creation put him clearly over the head of his competitor. It was then said that the grant was done away, because all the Acts were repealed by the Act of Henry IV. The lawyers contended that Peers were not created by Act of Parliament, but by the King in Parliament; and that distinction was established to be good. He thought it necessary to revert to that point, though, in his view, it was a very small one. He relied for the legality of these peerages on the fact that all the greatest lawyers had invariably treated them as lawful, and that though there had been no creation of Peers for life such as that of Lord Wensleydale, there had been creations for life with remainder over to others and creations of women as peeresses for life, which clearly established the right. The only question was the propriety of exercising the prerogative. He thought the apprehension that it would be abused was the most extraordinary he had ever heard suggested. How, he would ask, was it more easy to swamp the House of Peers by the creation of life peerages than by the creation of hereditary peerages? If a Government wished only to adhere to the strict letter of law, it was the easiest thing possible to create Peers for life, with remainder to some other Peer or his heirs, so that the number of hereditary Peers would not necessarily be augmented. He did not mean to say that any Ministry would be bold enough to adopt such a course upon any large scale, but he mentioned the circumstance as proving that the prohibition of life peerages would not prevent the evil which it was supposed they were intended to produce. It was true the prerogative of creating life Peers might be abused, but so might every prerogative. The only check which existed applied to that as to every other step of a Government—the pressure of public opinion. He could not admit the argument which had been made use of—that use might be turned to possible abuse. That great convenience might ensue to the country from the occasional introduction of life Peers had not been disputed; but, because that useful exercise of the power of the Crown might by possibility be abused, it was argued that it ought never to be exercised. The question was whether, if such a course was, as he believed it to be, legal, was it advisable on the present occasion to exercise the legal prerogative for the purpose of adding to the judicial strength of the House? For the reasons he had mentioned he felt bound to oppose the Motion of his noble and learned Friend, who, he hoped, would, after what had taken place, at least strike out from his Resolution so much as related to Lord Wensleydale, and leave the terms general, and not personal, as they were at present.

On Question, Whether the Words proposed to be left out shall stand Part of the Motion?

Their Lordships *divided:*—Content 92; Not Content 57: Majority 35.

List of the CONTENT.

PRESENT.

DUKES.

Beaufort
Buccleuch
Manchester
Montrose

MARQUESSES

Bath
Drogheda
Salisbury
Tweeddale
Winchester

EARLS.

Abergavenny
Bathurst
Beauchamp
Cardigan
Carnarvon
Cawdor
Chesterfield
Darnley
De Grey
Desart
De La Warr
Derby
Donoughmore
Effingham
Eglintoun
Egmont
Enniskillen
Erne
Galloway
Hardwicke
Harrington
Home
Lanesborough
Lichfield
Lonsdale
Lucan
Malmesbury
Mornington
Orkney
Pomfret
Romney
Sandwich
Seafield
Selkirk
Sheffield
Shaftesbury

Stanhope
Strathmore
Verulam
Wilton
Winchilsea

VISCOUNTS.

Canterbury
Doneraile
Dungannon
Falmouth
Gage
Hawarden
Hill
Lifford
Melville
Sidmouth

BARONS.

Abinger
Bateman
Berners
Blaney
Brougham and Vaux
Campbell
Castlemaine
Clarina
Colchester
Colville of Culross
Congleton
Delamere
Denman
Dinevor
Downes
Dunsandle
Feversham
Forester
Grantley
Kenyon
Kilmaine
Lyndhurst
Polwarth
Redesdale
Rayleigh
St. Leonards
Sandys
Sondes
Southampton
Templemore
Walsingham
Wynford

List of the Not Content.

PRESENT.

Lord Chancellor

ARCHBISHOP.

Canterbury

DUKES.

Argyll
Roxburgh
Somerset

MARQUESSES.

Ailesbury
Breadalbane
Clanricarde
Townshend
Westminster

EARLS.

Abingdon
Albemarle
Bessborough
Burlington
Cottenham
Cowper
Craven
Elgin
Gosford
Granville
Grey
Harrowby
Ilchester
Kingston
Meath
St. Germans
Somers

VISCOUNTS.

Enfield
Falkland
Sydney
Torrington

BISHOPS.

Chester
Manchester
Salisbury

BARONS.

Ashburton
Byron
Camoys
Cremorne
De Mauley
De Tably
Dufferin
Erskine
Glenelg
Lilford
Milford
Manners
Monteagle
Mostyn
Overstone
Panmure
Poltimore
Saye & Sele
Stafford
Stanley of Alderley
Ward
Wodehouse
Wrottesley

PAIRS.

FOR.	AGAINST.
Ellenborough	Lansdowne
Exeter, Bishop	Devon
Rochester, Bishop	Worcester, Bishop
Buckingham	Fitzhardinge
Tenterden	Arundel
Longford	Sudeley
Jersey	Dunfermline
Richmond	Chichester

Resolved in the *Affirmative;* Then the original Motion was *agreed to;* and the said Report to be made to the House.

PROTEST.

"Dissentient,—1. Because the order of reference not having directed any inquiry whether a writ of summons would entitle Lord Wensleydale to sit and vote in this House, the Report of the Committee for Privileges purports to decide a question not submitted to them.

"2. Because, according to the uniform opinions of the highest legal authorities for above two centuries and an half, the Crown has the prerogative of creating a Peer for life with all the privileges of the hereditary peerage, except that of transmitting his honours to his descendants.

"3. Because the creation of a peerage for life with a limitation in the patent to collateral relatives has been common even in modern times, and no such patent would have been valid if the prerogative contended for did not exist.

"4. Because any subject of the Crown who has received a writ of summons to this House is entitled to take his seat according to the exigency of his writ, and there is no principle or precedent warranting the House in refusing to admit him.

"Cranworth, C.
"Sundridge,
"Granville,
"Stanley of Alderley,
"Lansdowne,
"Harrowby,
"Panmure,
"Glenelg,
"Breadalbane,
"Sydney.

"Die Veneris, Feb. 22."

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 22, 1856.

Minutes.] Public Bills.—1° Aldershot Camp; Oath of Abjuration.
3° Turnpike Trusts Arrangements; Commons Inclosure.

THE LOSS OF THE "NERBUDDA"—QUESTION.

Mr. G. H. MOORE said, he wished to put a question to the First Lord of the Admiralty with regard to the reported loss of Her Majesty's ship *Nerbudda*, off the coast of Africa, in June last. He had been told by the relatives of officers who were on board that ship, that the first information they had received of the disaster was contained in *The Times* of August last, and that no official report had been issued from the Admiralty either to the public, or to those more immediately interested. Great surprise and great pain had been caused by the absence of any official information as to the loss of a ship containing 180 souls, and he therefore requested the right hon. Baronet to state whatever details had reached him upon the subject.

Sir CHARLES WOOD said, he was very sorry to say, that all the accounts he had received were of a completely negative character. The only information in the possession of the Government was, that the *Nerbudda* had been sent to the eastern coast of Africa, and had never since been heard of; but of course the Admiralty would not be justified in making any public statement on the subject until the last chance was gone. He could not, however, entertain the slightest hope that the *Nerbudda* had not foundered at sea. The Admiralty knew that she had not gone into any port of Madagascar, and, in fact, the only information they possessed was, that there was an absence of all information.

POSTAL COMMUNICATION WITH IRELAND—QUESTION.

Mr. GROGAN said, he begged to ask the hon. Gentleman the Secretary to the Treasury, whether any and what steps since the issuing of the Minute of the 19th of October, 1855, had been taken by the Government to facilitate and improve the postal and passenger communication between London and Dublin? Whether the hours of departure from and arrival at these cities respectively of the mails, and the time to be employed on the journey, had been decided on; whether any tenders for the performance of this service had been called for by the Government; whether any tenders for this service had been sent in to the Government; and what was the present state of the negotiations on this subject?

Mr. WILSON said, that some measures on the subject had been taken since the issuing of the Minute. He had received a deputation from the Chambers of Commerce of Dublin and Belfast, with a view of considering how far the hours it was intended to fix would be convenient with regard to Ireland. A form of tender was now being prepared according to the hours fixed on with the deputation, and when the tender was ready (which he hoped would be the case in a few days) it would be transmitted to the railway companies.

ST. PANCRAS WORKHOUSE—QUESTION.

Mr. PERCY said, he would beg to ask the right hon. President of the Poor Law Board, whether a Report had been presented to the Government on the state of the St. Pancras or St. Marylebone workhouses; and whether he would lay such Report on the table of the House?

Mr. BOUVERIE, in reply, said, that in November last, one of the ordinary inspectors under the Poor Law Board had made a Report with regard to St. Pancras workhouse. In consequence of that Report, he had appointed a medical gentleman as a temporary inspector to inquire into the management of the establishment. He should state that the St. Pancras workhouse was under the direction of a local Board appointed by a local Act, and not under the immediate control of the Poor Law Board. He had lately received the Report of the medical inspector, which described the state of things in the workhouse to be horrible. He had directed the Report to be forwarded to the local authorities, and he hoped they would take steps to apply instant and urgent remedies to those evils.

Mr. PERCY said, he wished to know whether the Report would be laid on the table?

Mr. BOUVERIE said, he should have no objection to do so.

OATH OF ABJURATION—QUESTION.

Sir FREDERIC THESIGER said, he wished to put a question to the right hon. Gentleman the Member for Manchester. The Motion with regard to the oath of abjuration could not come on till a late hour, and he wished to know whether the right hon. Gentleman intended to proceed with the discussion?

Mr. MILNER GIBSON said, he had put his notice on the paper in the hope that the House might allow him to introduce the Bill without discussion. He could not reply to the hon. and learned Gentleman without putting another question to him, as to whether he would allow the Bill to be laid on the table, and fix the second reading for such a time as would give fair opportunity for discussion? He wished also to know from the noble Lord (Viscount Palmerston) whether the Government would have any objection to that course?

Viscount PALMERSTON said, that on the part of Her Majesty's Government, he would not object to any course the House thought fit to adopt.

Sir FREDERIC THESIGER said, he considered the suggestion of the right hon. Gentleman a very reasonable one. It was desirable they should see what the Bill was before they discussed it. He therefore would not oppose the Motion.

THE ARMY ESTIMATES—QUESTION.

Sir DE LACY EVANS said, he hoped the Government would allow the House a few days more for the consideration of the Army Estimates, which had been placed upon the paper for that night. They were of peculiar importance; for they were different from former Estimates, and they had not been circulated many days.

Viscount PALMERSTON said, although the Estimates were so far new in form that one body of papers contained what was formerly in different Estimates, yet each part was very nearly the same as it always had been, especially with regard to the Army Estimates. Money being required for the public service, the Government intended to take a Vote on account, and he therefore hoped the House would allow them to proceed with the Estimates.

Sir DE LACY EVANS said, notwithstanding the explanation of the noble Lord, he really must press for further delay.

Viscount PALMERSTON said, he had stated on the first day of the Session the course which the Government intended to take. They proposed to lay on the table Estimates framed for the whole year, on the supposition that the war would continue, but, considering that negotiations were about to begin, they would, in the first place, only ask Parliament to vote a portion of those Estimates relating to matters not affected by peace or war. Those sums having been voted on account, they would be obliged, in case either of peace or war, to come to Parliament for the remainder of the Estimates, and hon. Gentlemen would then have a further opportunity of discussing them.

Sir DE LACY EVANS said, that there was a very important proposition for a certain number of men and animals for the Land Transport service, and probably the Government would allow the House a little time for the consideration of that matter.

EDUCATION—QUESTION.

On the Motion that the House at its rising should adjourn till Monday,

Sir JOHN PAKINGTON said, he would take that opportunity of asking the noble Lord the Member for London, whether he had any objection to give some further explanation of the course he intended to take with respect to his Education Resolutions? He (Sir John Pakington) could not help thinking that the course which the noble Lord intimated last night he intended to take was unusual, and likely to be attended with some inconvenience. At the commencement of the Session, the noble Lord intimated that, in consequence of the difficulty which independent Members felt in proposing Bills, he thought the most convenient course for him to take would be to move Resolutions and call on the House to pronounce an opinion on them; and, when the noble Lord gave his notice yesterday, he (Sir J. Pakington) hoped the noble Lord was going to take that course. But the noble Lord mentioned that on Thursday week he would only make a statement, and not call on the House to pronounce any opinion. Now, that appeared to him to be an unusual course, and might have the effect of creating apprehension among those who took an interest in the subject that the matter would be again indefinitely postponed. All that he desired was, that the House should come to some sound conclusion on the subject, and he therefore wished to know whether the noble Lord had any understanding with the Government as to the further progress of his Resolutions, or in what way he proposed to call on the House to pronounce an opinion on them?

Lord JOHN RUSSELL said, that the right hon. Gentleman had entirely misunderstood what he had stated on the previous evening. He certainly did not intend to state that he did not mean to ask for the opinion of the House on his Resolutions when the proper opportunity came, but that he did not mean to do so on the 6th of March, because, as there were several Resolutions, it would be hardly fair to ask the House to come immediately to a decision on the subject. But, after placing the Resolutions on the table of the House, and of course moving the first one as a matter of form, he should propose to postpone them till a future day. He certainly had no understanding with the Government as to the day when he should again bring them under consideration, but he recollected that, when the late Sir Robert Peel brought forward the Controverted Elections Bill, he (Lord J. Russell), being then in the Government, gave the right hon. Baronet a Government day for the purpose. If, happily, the negotiations at Paris should end in peace, no subject to which the House could turn its attention could be of greater importance than that of education, and he should then, not pressing the Government, of course, to give him a day while urgent business was coming on, which the affairs of the country might render it desirable to be immediately discussed, request the noble Lord at the head of the Government to consent that, at a certain time, those Resolutions should be taken into consideration—discussed from day to day until the House pronounced an opinion on the subject. He trusted that that course would be satisfactory to the right hon. Gentleman opposite, whose wishes he should wish to consult, as he had taken so great an interest in the subject.

LEASES OF CHURCH PROPERTY—QUESTION.

MR. FREWEN said, he would beg to ask the First Lord of the Treasury if it was the intention of the Government to introduce any measure during the present Session calculated to place the lessees of Church property on a more just and equitable footing than that in which they were placed under the existing Acts of Parliament. The House was aware that in some parts of England, especially in Durham, a large quantity of land was held on these leases, which were always for twenty-one years, but they were invariably renewed every seven. Parliament had now interfered, and put a stop to any further renewals, but gave power to enfranchise the tenements on terms to be fixed by the Ecclesiastical Commission, but the terms proposed were in many cases most arbitrary and unjust.

VISCOUNT PALMERSTON said, the House was of course aware that a Committee had been appointed for the express purpose of inquiring into the conduct of the Ecclesiastical Commission, and particularly the manner in which this matter had been dealt with by them. The interests of the people of Durham would be cared for, as the hon. Member for South Shields (Mr. Ingham) was on the Committee. He could give no intimation of what course would be taken until after the Committee had made the Report.

Lord John Russell

THE KING OF OUDE—QUESTION.

MR. OTWAY said, he rose to put a question to the right hon. Gentleman the President of the Board of Control, of which he had given notice. He did not, however, intend to enter into a discussion on the important subject of the annexation of the native states of India. His only object was to elicit some information as to the intentions of the Indian Government with regard to the King of Oude and his dominions. For some time past various rumours had been circulated as to the intentions of the Government on this subject. It was first said that the administration of the territories would be placed in the hands of General Outram, the resident at Lucknow; it was then stated that the revenues of the king would be sequestrated; but the report now was that the king was to be dethroned, and his dominions annexed to the British territories in India. Now that he considered was a subject on which the House ought to have some information. If the sovereign of a country larger and more fertile than Belgium was to be dethroned, and his subjects handed over to the authority of the East India Company, the House ought to know the reasons for such a step. He did not intend to enter into a discussion on the relations between the Indian Government and the native states, but he would read a dispatch written in 1814 by Mr. Ricketts, the then secretary of the Government of India, to Major Baillie, the resident at Lucknow.

> "You are to inform the Nawab that the Governor General will be much gratified if he will show his anxiety for the promotion of British interests by advancing another loan of a crore of rupees. The Governor General is most anxious to know the result of your negotiation, as the Government will be seriously embarrassed if the loan is not obtained."

Major Baillie, in his answer, wrote that he had obtained fifty lacs of rupees with great difficulty, and further stated that—

> "The Nawab is beginning to entertain suspicion of our disinterestedness; some persons are endeavouring to persuade him that our object is to drain him of all his wealth, and when we have plundered him entirely to take possession of his dominions."

He would, then, ask the right hon. Gentleman whether instructions had been sent out to Lord Dalhousie, empowering him to sequestrate or annex the territories of the King of Oude at his discretion; whether any desire had been manifested by the people of that country to come under our dominion; and lastly, when the correspondence would be laid on the table of the House?

MR. VERNON SMITH said, he did not expect that the hon. Member who spoke last would have made a speech of so much importance on the question of the adjournment of the House, but he had no objection to tell his hon. Friend how the question stood, although he was not prepared, nor was it usual to lay a paper on the table of the House before the correspondence to which they related had been brought to a conclusion. The House was, no doubt, aware that, for the last fifty-six years or thereabouts, the state of the kingdom of Oude had occasioned the utmost anxiety to the Government of India; and, to such an extent had these abuses reached during the last summer that General Outram, who was known to be strongly in favour of the rights of native princes, had reported to the Governor General that it was impossible for things to remain in their present state. That opinion was reported by the Governor General to the Home Government, together with a statement of several modes in which it was thought by himself and gentlemen with whom he had consulted that the deplorable state of things might be put an end to. The dispatches on the subject were taken into consideration by the Directors of the East India Company and by the Government, and, after going through the details and difficulties of the questions, and considering the great reputation and long experience of Lord Dalhousie, it was thought that the best course to be adopted would be to give a very large measure of discretion to the noble Marquess in dealing with a matter requiring so much tact and delicacy. The result of that consultation was communicated to Lord Dalhousie on the 21st of November last, but no answer had as yet been received to it except a simple acknowledgment from the noble Marquess of the pride which he had felt in being intrusted with that discretion, and an expression of his determination to take the responsibility upon himself. He added, however, that, whatever course he pursued, he should use every possible means of avoiding all chance of a collision, and that he should have the most scrupulous regard to the feelings and claims of the natives. Thus the question stood at the present moment; but when a more detailed answer had been received from the Governor General, and the correspondence had been brought to a close, he would lose no time in laying it on the table. With regard to the second question put by the hon. Gentleman, as to whether there had been any expression of opinion on the part of the people of the kingdom of Oude as to their desire to be annexed to the possessions of Great Britain, he had to remind the hon. Gentleman that no appeals or expressions of opinion were permitted by the King of Oude to be publicly made, and that it was consequently very unlikely that the Government of India could obtain any clue to the general opinion of the inhabitants on the subject of annexation.

SIR ERSKINE PERRY said, that in his opinion the explanation of the right hon. Gentleman was most unsatisfactory. It was well known that the principles of Lord Dalhousie were in favour of annexing every native state whenever the opportunity occurred; and yet the question of annexing the kingdom of Oude was left to his unfettered discretion. The object of the hon. Member for Stafford (Mr. Otway) was, that the House should decide whether it was an expedient or honourable course that the kingdom of Oude should be annexed, and it was impossible to discuss that question unless the correspondence were laid on the table. The policy of Lord Dalhousie might be the right one, but it was at variance with that of Mountstuart-Elphinstone and Lord Metcalfe. Of late it appeared to be the policy of the East India Company to annex a State whenever it appeared to them that we were in the right; and as that Company always decided that we were in the right, it necessarily followed that they were always in favour of annexation. It had been said when the war against Russia was undertaken, that we had felt it necessary to interfere in order to protect weak States from the oppression of the strong, but he must confess that he had writhed under the eloquent denunciations of the hon. Member for Manchester (Mr. Bright), when he charged this country with having practised towards India precisely the same description of policy which Russia had adopted towards her weaker neighbours. To such a policy he would be no party, and he was, therefore, in favour of getting, on the earliest occasion, full information as to the steps taken by the Governor General of India on this subject.

SIR JAMES HOGG said, he thought it was scarcely fair of the hon. and learned gentleman to anticipate the legitimate opportunity of discussing the subject, which he himself had pointed out, for the purpose of denouncing the policy of one of the most distinguished rulers India had ever known. He hoped the House would not take its idea of Lord Dalhousie's policy from the statement of the hon. and learned Gentleman. He utterly denied the truth of the statement of the hon. Member for Stafford (Mr. Otway) with regard to the monetary transactions of the Indian Government with the King of Oude. Every farthing received from the King of Oude had been received from him in the way of loan, and it had always borne the highest current rate of interest. Every loan had been repaid either in money or by transfer of territory, and if any portion remained unpaid it continued to bear the regular payment of interest just the same as any other loan granted to the Government of India. One reason which had induced the King of Oude to make these loans was, that he was afraid, from the disordered state of his country, that his widows and other members of his family, for whom he was anxious to provide, would be left entirely without support at his demise, and he was desirous in that way of making the East India Company responsible for the payment of a regular stipend to those persons. Such statements as those of the hon. Member for Stafford, injurious as they were to the credit and honour of individuals belonging to the Government of India, ought not to be made except upon good grounds, and unless those who made them were prepared to support them.

Mr. J. G. PHILLIMORE said, he would remind the House that the hon. Member who had put the question had done so on the authority of a dispatch from the Resident at Lucknow to Lord Hastings, which itself disclosed a case of great hardship. The observations of the hon. and learned Gentleman the Member for Devonport (Sir E. Perry), in regard to Lord Dalhousie, had been elicited by the panegyric which had been passed upon that nobleman by the right hon. Gentleman the President of the Board of Control. It appeared to him (Mr. Phillimore), from all he had seen and read, that Lord Dalhousie was inflamed with a dangerous sprit of aggrandisement. He had already entangled us in one most unjust and indefensible war, and was not a person to whom he (Mr. Phillimore) should like a question of this importance to be referred.

Mr. ROEBUCK said, he must warn the House to be very cautious of taking upon trust the ebullitions of virtuous indignation of the hon. Member for Honiton (Sir J. Hogg). That hon. Member denied in that House the truth of the assertion as to the practice of torture in India. Taking that as an example and illustration of the value of the denial of the hon. Gentleman, he (Mr. Roebuck) left him and the House to settle the matter.

CLOTHING FOR THE GERMAN LEGION.

Sir JAMES FERGUSSON said, that in justice to a firm which had been mentioned on the preceding evening as having supplied the defective trousers to the cavalry of the German Legion, concerning which he had put a question to the hon. Gentleman the Clerk of the Ordnance, he must state that he had received from the firm in question (Messrs. Hibbert and Co.) a letter, of which he would read but one passage. That passage was as follows—

> "The name of our firm has been mentioned as the suppliers of the articles. As the charge of inferiority of materials is still unrefuted, we think it right to state that we were not the exclusive contractors for the trousers, and that the number supplied by us, as we are ready to prove, was superior to the received pattern."

He believed he was correct in stating that but a small portion of the clothing was supplied by Messrs. Hibbert and Co., the greater part having been made by other firms. One circumstance which ought to be known was, that the pattern for these trousers was bound with a description of leather called Spanish horsehide. The leather used by Messrs. Hibbert and Co. was of that description, but other firms made the straps of an inferior article called sheepskin.

Motion for the adjournment of the House until Monday *agreed to.*

WAYS AND MEANS—FINANCIAL STATEMENT.

The House having resolved itself into a Committee of Ways and Means, Mr. FitzRoy in the chair,

The CHANCELLOR of the EXCHEQUER rose and said, Mr. FitzRoy, it now becomes my duty to move certain Resolutions, and to lay before the Committee such explanation as is necessary for their information in regard to them. The ordinary practice, when pacific relations subsist between the Government of Her Majesty and those of other independent States, is for the Finance Minister to submit to the House each year one financial statement comprising the revenue and expenditure of the preceding year, together with his estimate of those for the ensuing one. That practice has been found from experience to be convenient to the House, because it places before it at one view the finances of the two years under consideration. I should have been glad if it had been in my power to follow that course in the present Session; but the circumstances in which the country is now placed have left me no option. War imposes necessities upon senates no less than upon generals in the field, and renders necessary a deviation from the ordinary mode of proceeding imperative. The statement which it is my duty to submit to the Committee this evening will be confined to the finances of the present year, and will not trench upon the revenue or expenditure of that which will commence on the 1st of April next. This course, which it is necessary that I should pursue, is at the present moment not unattended with advantages. Although it might have been in some respects more satisfactory to the House that there should have been only one financial statement during the present Session, yet, considering the great efforts which the country has made during the last year, and considering the great expenditure which those efforts have occasioned, it may be satisfactory to hon. Members to learn at an early period of the Session the state of our revenue and expenditure. Uncertainty on a question of this sort must be attended with inconvenience. In friendly quarters it gives rise to apprehensions, in unfriendly ones to hopes; both of which I trust the Committee will find from my statement to be completely groundless. I will now, with the permission of the Committee, recall to its recollection the statement which I made on the 20th of April last, in submitting the budget for the year. The revenue, including new taxes, I estimated at £67,339,000; the loan was taken at £16,000,000, and there was likewise an estimate for Exchequer Supply Bills to the amount of £3,000,000, making the total estimated revenue £86,339,000. The expenditure, as I estimated it on that day, including the payment of £1,000,000 for Ways and Means bills on account of the preceding year,—that is to say, bills to cover expenditure incurred during the preceding year, and £1,000,000 for the Sardinian loan, was £81,899,000. The difference between these two sums was £4,440,000, which was the margin or surplus upon which I had calculated in that statement, so that if the expenditure and revenue had been equal to the estimate there would be on the 1st of April next, a surplus of £4,440,000. However in the supplementary statement which it became necessary for me to make on the 2nd of August last, I stated that in the former calculation I had estimated the total Ways and Means at £86,339,000; but that since that calculation was made I had abandoned an estimated amount of £200,000 from a stamp duty on bankers' cheques, thus reducing the estimated revenue to £86,139,000, and the estimated surplus to £4,240,000. The expenditure, as estimated on the 20th of April, amounted to £81,899,000, but the Committee will recollect that, towards the end of the Session, certain Supplementary Estimates for the military service were laid before the House and voted in Committee of Supply. These Supplementary Estimates amounted to £6,135,000, making a total expenditure for the year of £88,034,000. To meet this expenditure there was, as before stated, the reduced estimate of Ways and Means, amounting to £86,139,000. An additional grant of Exchequer bills and bonds was taken, in consequence of the increased expenditure, amounting to £4,000,000, making a total provision for the year of £90,139,000. The increased expenditure being £88,034,000 there remained a surplus of £2,105,000 according to the last Estimates submitted to the Committee. But this surplus was in a great measure required to restore the balances, which had been assisted at the commencement of the year by Ways and Means bills to the amount of £1,700,000, which were chargeable on the revenue of the current year. The second statement, therefore, presented nearly an equal amount of receipts and expenditure. It now remains for me to state to the Committee how far that estimate has been verified by the result. We are now not very far from the end of the fourth quarter of the year terminating on the 1st of April next, and the statement I am about to submit for the consideration of the House gives an account of the receipts and expenditure up to the latest period, together with an estimate as accurate as circumstances will permit, and derived from reliable authority, of the probable income and expenditure during the unexpired portion of the current quarter:—

ESTIMATED REVENUE AND EXPENDITURE FOR THE FINANCIAL YEAR 1855-6.

Revenue.	Estimated Receipt.	Budget.	Excess.	Deficiency.
	£	£	£	£
Customs	21,600,000	22,450,000	—	850,000
Excise	16,860,000	17,921,000	—	1,061,000
Stamps	6,930,000	6,815,000	115,000	—
Taxes	2,950,000	2,920,000	30,000	—
Property Tax	14,726,000	14,535,000	191,000	—
Post Office	1,141,000	1,438,000	—	297,000
Crown Lands	260,000	260,000	—	—
Miscellaneous	1,100,000	800,000	300,000	—
	65,567,000	67,139,000	636,000	2,208,000
Loan	15,995,000	16,000,000	—	5,000
Exchequer Bills and Bonds ...	6,977,000	7,000,000	—	23,000
	88,539,000	90,139,000	636,000	2,236,000
Deficiency				£1,600,000

Expenditure.		Estimated Payments.	Budget.	Excess of Expenditure.
		£	£	£
Interest of Funded Debt		27,384,000	27,384,000	
Other Charges on Consolidated Fund		1,750,000	1,750,000	
Army	£17,612,000			
Navy	19,500,000			
Ordnance	10,300,000			
Vote of Credit	4,200,000			
		51,612,000	49,812,000	1,800,000
Civil Services		6,606,000	6,506,000	100,000
Interest of Exchequer Bills		650,000	590,000	60,000
Loan to Sardinia		1,000,000	1,000,000	
Ways and Means Bills of 1844-5 paid off ...		1,000,000	1,000,000	
		90,002,000	88,042,000	1,960,000
Deficiency of Income...				1,600,000
Excess of Expenditure				1,960,000
				£3,560,000

I will not trespass so far on the attention of the Committee as to enter into a minute statement of all the causes which have led to this deficiency; but a few explanatory observations may not be out of place. With regard to the Customs, the deficiency in that department of revenue is chiefly referable to the article of sugar. Sugar, tea, and coffee were the articles on which there was an increase of duties last year. With respect to the two latter, the result has corresponded as nearly as possible with the estimate; and it does not appear that the additional duty on these articles of foreign and colonial produce has materially diminished the consumption. As far as tea is concerned, the consumption has actually increased; the quantities entered for home consumption during the last three years being respectively as follows—in 1853, 58,860,000lbs.; in 1854, 61,970,000lbs.; in 1855, 63,454,000lbs. The same result is observable in the article of coffee. The great speculation in sugar arose at the latter end of October and the beginning of November, and was based on the short importations, which, up to the 30th of October, were as follows:—In 1853, 317,000 tons; in 1854, 389,000; in 1855, 281,000; and as the consumption has continued very large, the stocks on hand were reduced to nearly one-half the usual quantity. For the whole year of 1855, as compared with 1853 and 1854, the importations of sugar might be thus stated:—In 1853, 364,000 tons; in 1854, 455,600; in 1855, 367,000. The final deficiency, however, at the close of the year was not so great as it appeared at the end of October. The difference is no doubt chiefly to be attributed to the deficient supply of the article. As for the Excise, the deficiency in that branch of revenue is almost entirely owing to a cause which some Members of the House may not deplore, and which certainly cannot be regarded as a moral evil—the insufficient produce of the duty on spirits. Several circumstances have tended to bring about this result. One was the large drawback repaid on malt in consequence of a change made last year in the mode of taking the duty on spirits manufactured from malt; secondly, the sacrifice of the duty upon certain articles manufactured from spirits; but the main cause was the high price of corn prevalent during the present year. The cost of provisions, cutting as it did into the wages of the working classes, furnishes a complete solution of the deficient result as far as the spirit duty is concerned. Since the 15th of September the average price of corn has not been under 75*s.*, and for six months it was above 80*s.* There is another cause which may have to some extent influenced the price of spirits, and diminished the revenue derivable from that article. This cause is one which has proved beneficial to the distilling trade, and has greatly augmented the demand for barley. A great increase has taken place in the course of last year in the exportation of British spirits which has arisen in consequence of the extensive failure of the wine crops on the Continent. The diminution in the wine produce of the Continent, owing to that heavy failure, has not only diminished the quantity of wine, but also the quantity of brandy, and led to large exportations of British spirits to supply the void thus created, those spirits yielding nothing to the revenue because, being exported from bond to foreign countries, they are, of course, subject to no payment of duty. Under the head of stamps there has been an increase, but, coincident with that increase, there has also been a loss, as was anticipated in my Estimates of last year, amounting to £220,000, from the remission of the stamp on newspapers. That loss has to a certain extent been compensated by the Post Office revenue accruing from the stamps on newspapers passing through that establishment without an impressed stamp. Nevertheless, on the whole, the receipts of the Post Office exhibit a diminution. The direct taxes, the property-tax, and the assessed taxes, have, as the Committee will perceive, yielded more than I estimated they would produce. With regard to the excess in the expenditure, the whole of that excess, within £300,000, has been owing to the Supplementary Estimates which have been either voted in the course of the present Session, or which now lie on the table of the House for future consideration. These Supplementary Estimates are as follows:—

1st. Ordnance.—Deficiency in the amount of the grant for 1855–6	£1,346,023 0 0
2nd. Navy.—Excess of expenditure beyond the grants for 1854–5, on the final closing of the account for that year	204,982 1 5
3rd. Army Medals.—Deficiency on the grant for 1855–6 ...	80,000 0 0
Total...	£1,631,005 1 5

The total amount of Supplementary Military Estimates either voted or to be voted in the present Session, referring to the current year, is therefore £1,631,005. Now, inasmuch as the Committee may desire to know what precise proportion of this heavy expenditure which it has been my duty to detail to them has been occasioned by the war, I shall now briefly show how much of it would have been incurred in an ordinary year of peace, and also how much is to be set down to the extraordinary cause which has been in operation. I have instituted a comparison which I think will place clearly before the Committee the increase in our expenditure so far as it has been hitherto paid, which is attributable to the war. This comparison is furnished by the following

Account of the Payments for Military and Naval Services during the last twenty-two months and a half of the War, compared with such Payments for a similar period during Peace.

Service.	1853–4.	From the 1st of April, 1853, to the 16th of Feb., 1854.	Peace Expenditure in 22½ Months.
	£	£	£
Army, Militia, and Commissariat...	6,415,000	5,664,999	12,079,999
Navy	6,942,769	6,105,596	13,048,365
Ordnance	2,900,000	2,526,591	5,426,591
Votes of Credit	—	—	—
Kafir War	230,000	200,000	430,000
Total	16,487,769	14,497,186	30,984,955

Service.	1854–5.	From the 1st of April, 1855, to the 16th of Feb., 1856.	War Expenditure in 22½ Months.
	£	£	£
Army, Militia, and Commissariat...	8,380,882	14,825,059	23,205,941
Navy	14,490,105	16,799,603	31,289,708
Ordnance	5,450,719	8,902,961	14,353,680
Votes of Credit	1,800,000	3,900,000	5,700,000
Kafir War	—	—	—
Total	30,121,706	44,427,623	74,549,329
	—	Increase ...	43,564,374

Thus it will be seen that the difference between the peace expenditure for twenty-two months and a half preceding the war, and the expenditure for the twenty-two months and a half which the war has lasted — namely, £43,564,374, is, as nearly as can be calculated, the precise sum which the contest has cost the country up to the present day. That sum includes the expenditure for the Army, the Militia, the Commissariat, the Navy, the Ordnance, and all the Votes of Credit granted for those services—in short, it comprises everything that can be reckoned as a charge of a military character. From the observations that I have now submitted to the Committee, it will appear that we find ourselves at this moment in a financial position something like £4,000,000 sterling less favourable than the one I estimated we should occupy in the last Session of Parliament. The margin which I originally reckoned at £4,440,000 would, as nearly as possible, be exhausted, and would leave the revenue and the expenditure at the end of the year almost equally balanced, and without any certain reserve or surplus in the Exchequer. The Resolutions which I shall place in the hands of the Chairman are intended to enable the Government, with the consent of this House, to restore the finances of the country in the present quarter to the position in which they would have stood if the Estimates which I submitted last Session had been verified by the result. That is really all, or little more than all, that I seek to effect by the Resolutions on which the Vote of this Committee is now to be taken. The excess in the expenditure and the deficiency in the revenue leaving a sum of about £4,440,000 to be provided for, I shall lay before the Committee Resolutions for raising a sum of £5,000,000 sterling, which will be an ample supply for the service of the present quarter, and will also yield some surplus, out of which to meet immediate demands in the ensuing financial year. Sir, the entire sum, which has been already borrowed in the present year, is made up as follows:—the loan, amounting to £16,000,000 Exchequer bills, £6,000,000 and Exchequer bonds, £1,000,000, making together £23,000,000. To that amount will be added, if the present Resolution should receive the assent of the Committee, a further sum of £5,000,000, which will make the total sum raised by loans within this year towards defraying the extraordinary expenditure, £28,000,000. I am well aware, Sir, of the great disadvantages of imposing so large a new burden on the public exchequer as the amount which I have just named, namely, £28,000,000 sterling; but in considering the magnitude of that additional burden we must not allow ourselves to be disheartened. We must not for one moment imagine that, in order to defray the expenses of this costly and gigantic war, we have yet loaded the springs of our national industry with a burden which is at all likely to crush them. We know the apprehensions which have been entertained in former times with regard to the successive additions made to the national debt. Those apprehensions have been happily described by a passage in a work which, I have no doubt, most Members of this House have perused with pleasure and with instruction. I allude to Mr. Macaulay's recently-published volumes of his *History of England*, in which he illustrates the origin of our national debt. After showing the unfounded alarms which some of the greatest writers of the last century—persons profoundly versed in the most advanced doctrines of political economy current in their day—entertained on this subject, Mr. Macaulay says—

> "A long experience justifies us in believing that England may, in the 20th century, be better able to bear a debt of £1,600,000,000 than she is

at the present time to bear her present load. But be this as it may, those who so confidently predicted that she must sink—first, under a debt of £50,000,000, then under a debt of £80,000,000, then under a debt of £140,000,000, then under a debt of £240,000,000, and lastly, under a debt of £800,000,000, were, beyond all doubt, under a twofold mistake. They greatly overrated the pressure of the burden, they greatly underrated the strength by which the burden was to be borne."

The circumstances of the country at present clearly show that we shall commit a great error if, in the words of Mr. Macaulay, we "underrate the strength by which this burden is to be borne." I will, with the permission of the Committee, call their attention to a few facts which indicate how little the trade and the general resources of the country have suffered, notwithstanding the great efforts which it has been necessary to make for carrying on the war. I first beg their attention to our exports, which, according to the following comparison, were as follows:—The total value of British and Irish produce was, in the year 1853, £98,933,000; in 1854, £97,184,000; and in 1855, £97,364,000. The value of the principal articles exported to Australia were, in 1854, £11,931,000; and in 1855 £6,279,000. The value of exports to the United States was, in 1854, £21,410,000; and in 1855, £17,312,000. The tonnage entered and cleared, with cargoes at ports in the United Kingdom:—entered, in 1853, 7,797,000 tons; in 1854, 7,890,000 tons; and in 1855, 7,018,000 tons; cleared, in 1853, 7,583,000 tons; in 1854, 7,870,000 tons; and in 1855, 8,348,000 tons. These figures, therefore, show a very slight diminution in the value of our exports since the year 1853, which was a year of unusual speculation both in American and Australian produce. This decrease in our exports for 1855, as compared with those for 1853, is to be traced not to countries with which our trade would naturally have been affected by the war, but to Australia and the United States. In 1853 the value of the principal articles exported to Australia was £11,931,000; in 1855 it was £6,279,000, showing a large diminution in the Australian trade which can scarcely be attributed to the influence of the war. The value of exports to the United States was, in 1854, £21,410,000, and in 1855, £17,312,000; but this alteration in trade could not either be traceable to the effects of the war. I will now trouble the Committee with an account of the tonnage of the shipping which, during the last three years, has entered and cleared out of British ports, for that statement will afford an important index of the prosperity of the country. The tonnage entered and cleared with cargoes at ports in the United Kingdom was—in 1853, 7,797,000 tons; in 1854, 7,899,000 tons; and in 1855, 7,018,000 tons, showing a small, but a very small, diminution. There has, however, been an increase in the number of ships cleared out. In 1853, the tonnage of ships cleared out was 7,583,000 tons; in 1854, 7,870,000 tons; and in 1855, 8,348,000 tons. I will now state the number and tonnage of vessels built during the last three years. In 1853, 798 vessels were built, of 203,171 tons; in 1854, 802, of 196,942 tons; and in 1855, 1,098, of 323,200 tons. These statistics—which I will not trouble the Committee by following out in further detail—must, I think, be regarded as proving that, in the words of Her Majesty's Speech at the beginning of the Session, "the resources of the country are unimpaired." In considering the question as to whether the expenditure for the war should be defrayed by a loan or by taxation, the Committee must bear in mind that war expenditure is of necessity, in the language of political economists, unreproductive. From the very necessity of the case such expenditure can produce no durable result, beyond those results of security abroad and general protection to the liberties of Europe, for the sake of which this war was undertaken. But that character of a war expenditure belongs equally to revenues raised by loans and by taxation. If the amount I have mentioned, of more than £43,000,000, could have been raised within a year by taxation, it would equally have been expended in an unreproductive manner, and would have bequeathed no durable benefit to posterity. There would have been the same difference between such expenditure and the expenditure for railways, docks, canals, and other objects of reproductive outlay, whether the war expenditure had been defrayed by a loan or from taxation. Sir, the Resolution, therefore, to which I am about to ask the assent of the Committee will enable the Government to raise the sum of £5,000,000 by a loan. That loan has been arranged upon terms which, I trust, will be considered—looking to the present price of stocks—as not disadvantageous to the nation. The loan has been taken at £90 in Three per Cent Consolidated Annuities, which must be considered, on the whole, a fair price as between the nation and the subscriber. In addition to the Resolution I have mentioned, I shall also have to submit to the Committee certain Resolutions with respect to the funding of Exchequer bills. These bills, from various causes, have not been at a premium—indeed, they have been at a considerable discount—since last autumn. A partial increase of the amount of interest was made upon some bills of ½*d.*, and upon others of ¼*d.*, which produced some result for a time, but which did not permanently bring those bills to par. It therefore became necessary, for the Executive Government to resort to one of two expedients—either to fund a certain amount of outstanding Exchequer bills, or in the beginning of next month to increase the rate of interest upon the Exchequer bills in circulation. Now, Sir, the process of funding Exchequer bills is simply the conversion of one Government security into another. It is not the creation of new debt, it is merely a commutation of that debt which consists of Exchequer bills into a debt represented by perpetual annuities. The amount of Exchequer bills which it is now proposed to fund is £3,000,000, and if the result of that operation should be to bring the rest of the Exchequer bills to par, it will be found that an advantageous arrangement has been made for the public. I may take this opportunity of stating to the Committee that the total amount of Exchequer bills now outstanding is £23,930,600, the interest being at the rate of 2½*d.* per diem. Of that amount £6,000,000 are not in the hands of the public, but the amount in the hands of the public may be taken at about £17,000,000, the rate of interest being 2½*d.* per diem, or equal to £3 16*s.* per annum. Assuming that the measure which I am about to submit to the Committee should succeed in raising the £23,000,000 of Exchequer bills which will remain to par, a very considerable saving to the public will be effected as compared with the alternative of raising the rate of interest in March. It might, perhaps, have been possible, by straining the powers of borrowing which are entrusted to the Executive Government, to provide a little time longer for the deficiency of £4,000,000; but the powers of borrowing which Parliament has committed to the Executive Government have been confined within narrow limits by the wise jealousy of former Parliaments. The whole power of borrowing possessed by the Government is limited to the issue of deficiency bills for charges upon the Consolidated Fund, which must be repaid within the quarter in which they are issued; and also to the issue of what are termed Ways and Means Bills, which are applicable only to Supply services, and which must be paid off in the quarter subsequent to that in which they are issued. Beyond these two powers, which exist by Act of Parliament, the Executive Government is wholly unable to raise a single shilling by borrowing. They cannot issue a single Exchequer bill, nor can they sell a single perpetual annuity without the consent of Parliament. Therefore, however some persons, whose imagination takes fire at the sound of a loan to be raised in the market, may be disposed to blame the limited extent of the present loan, I think upon consideration they will be of opinion that the course which the Government propose to take is, on the whole, a prudent and a politic one. All that I propose to do by the present Resolutions, is to ask the Committee to place the Government in the same financial position in which it would have stood if no extraordinary expenditure had taken place in the present year, and if no extraordinary circumstances had arisen, from the high price of food, and from other contingencies upon which it was impossible to calculate, to diminish the produce of the taxation. If these Resolutions should receive the approbation of the Committee, and afterwards obtain the sanction of Parliament, they will provide ample ways and means for the present quarter, and for the commencement of the ensuing financial year. We shall then be in a position to judge how far the negotiations which are now in progress in a neighbouring country are likely to terminate in a safe and honourable peace. If, happily, they should lead to that issue, Her Majesty's Government will have it in their power deliberately to consider the state of the revenue, to reduce the Estimates submitted to the House, and to consider what expenditure will be required in the following year, and how that expenditure may best be met. If, unhappily, those negotiations should not terminate in so desirable an event as a peace which will cement, in a lasting and solid manner, the interests of Europe, it will then be the duty of the Government to appeal to this House to place them in a position in which they will be enabled to meet the large expenditure for warlike purposes, and to continue that struggle in which we have been engaged for the last two years. Having submitted this explanation to the Committee, I will now move, Sir, the Resolution which I have placed in your hands, namely—

> "That towards raising the Supply granted to Her Majesty, the sum of £5,000,000 be raised by Annuities."

The following are the Resolutions moved by the Chancellor of the Exchequer in pursuance of the above statement:—

Resolved—

1. "That, towards raising the Supply granted to Her Majesty, the sum of five million pounds be raised by Annuities."

Resolved—

2. "That every contributor to the said sum of five million pounds shall, for every £100 contributed and paid, be entitled to the principal sum of £111 2*s.* 2*d.* in Annuities after the rate of £3 per centum, to commence from the 5th day of January 1856, and to be added to and made one joint stock with the existing Consolidated £3 per Centum Annuities, and to be payable and transferable at the Bank of England at the same times and in the same manner and subject to the like redemption as the said Consolidated £3 per Centum Annuities."

Resolved—

3. "That the said Annuities so to be payable as aforesaid shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Resolved—

4. "That every contributor shall, on the 26th day of February 1856, make a deposit of £10 per centum on such sum as he or she shall choose to subscribe towards raising the said sum of five million pounds, with the chief Cashier or Cashiers of the Governor and Company of the Bank of England, as a security for making the subsequent payments on or before the days or times hereinafter mentioned (that is to say):

Payment of
£10 per centum on or before the 3rd March 1856.
£25 ,, ,, 13th March 1856.
£25 ,, ,, 29th March 1856.
£15 ,, ,, 10th April 1856.
£15 ,, ,, 24th April 1856.

That all monies so to be received by the said Cashier or Cashiers of the said Governor and Company of the Bank of England shall be paid into the account of the Receipt of Her Majesty's Exchequer at the Bank of England, to be applied from time to time to such services for Great Britain and Ireland as have been or shall be voted by this House, or to the redemption of the principal and interest of any Exchequer Bills issued or to be issued under the authority of the Act 57 *Geo.* III. c. 48, or under the authority of any Act of the last or present Session of Parliament authorising the application of monies out of the Consolidated Fund for the service of the year ending on the 31st day of March 1856 and of the year ending on the 31st day of March 1857, or to such services as are now charged on the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or shall be charged thereon by any Act that may be passed hereafter."

Resolved—

5. "That the several persons who have engaged to subscribe towards funding the sum of three millions in Exchequer Bills, dated in the months of December 1854, March, June, and August 1855, and charged on Aids or Supplies, and to make deposits of £10 per centum on the amount of their respective subscriptions on the 26th day of February 1856, shall be entitled, upon the completion of their subscriptions, for every £100 so subscribed in Exchequer Bills (or £100 5*s.* in money in lieu thereof), to £111 2*s.* 2*d.* Capital Stock in Consolidated Annuities, bearing interest at the rate of £3 per centum per annum, the said interest to commence from the 5th day of January 1856, and to be payable by half yearly dividends on the 5th day of July and the 5th day of January in every year.

"That the several subscribers shall complete their respective subscriptions at the Bank of England by instalments, in the proportions and at the times undermentioned, (that is to say):

Payment of
£10 per centum on or before the 3rd March 1856.
£20 ,, ,, 13th March 1856.
£30 ,, ,, 29th March 1856.
£20 ,, ,, 10th April 1856.
£10 ,, ,, 24th April 1856.

"That interest shall be allowed upon the amount of Exchequer Bills deposited with the Governor and Company of the Bank of England for the first instalment, from the dates of the Bills, up to the 26th day of February 1856, and upon the amount of the Exchequer Bills deposited for each subsequent instalment from the dates of the Bills, up to the day when the same may be delivered to the Governor and Company of the Bank of England.

"That all the Exchequer Bills so to be deposited with the Governor and Company of the Bank of England, shall be delivered over to the Paymaster General to be cancelled, and that all monies so to be received shall be paid into the account of the Receipt of Her Majesty's Exchequer at the Bank of England, to be applied from time to time in the redemption of the principal of Exchequer Bills charged on the Aids or Supplies, and such Exchequer Bills so redeemed shall be delivered over to the Paymaster General to be cancelled; and further the said monies shall be applied to such services for Great Britain and Ireland as have been, or shall be voted by this House, or to the redemption of the principal and interest of any Exchequer Bills issued, or to be issued under the authority of the Act 57 *Geo.* III. cap. 48, or under the authority of any Act of the present or the last Session of Parliament, authorising the application of monies out of the Consolidated Fund for the service of the year ending on the 31st day of March 1856, and of the year ending the 31st day of March 1857, or to such services as are now charged on the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or shall be charged thereon by any Act that may be passed hereafter."

Sir HENRY WILLOUGHBY said, it was quite clear, from the statement of the right hon. Gentleman the Chancellor of the Exchequer, that there was a bill which must be paid, and he did not know that the right hon. Gentleman could have resorted to a better mode of payment than that now proposed. He understood that the intended loan related entirely to the expenditure of the financial year, which would end on the 31st of March next, and had nothing to do with the expenditure of the incoming financial year. Now, on the 6th of February, he asked whether it was the intention of the Chancellor of the Exchequer to make any financial statement before the Estimates were passed. The right hon. Gentleman was not in the House at the time, but the hon. Gentleman the Secretary to the Treasury replied that such was the state of the finances that there would be no occasion for any statement—an answer which certainly led the House to suppose that there would be no necessity for borrowing money until the usual time of submitting the Budget for the ensuing year. Now, he considered that it was rather unfortunate that such a statement was made, because it gave rise to some misapprehension in the public mind as to the sum likely to be required for the public service, and nothing was gained by withholding the truth with regard to the amount requisite for meeting the expenditure. The Chancellor of the Exchequer had intimated that he wanted £5,000,000; in other words, he had reversed his Estimate of August last, having calculated his revenue too high and his expenditure too low. The expenditure had been in round numbers £90,250,000. The revenue had been £65,500,000, the loan 16,000,000, Exchequer bonds and bills £7,000,000 more, making a total of £88,500,000. There was consequently a deficiency of £1,500,000. Why did the Chancellor of the Exchequer call for a loan of £5,000,000 to meet a deficiency of £1,500,000? That brought him to the question—was the right hon. Gentleman certain of the expenditure of the financial year ending the 31st of March next? Were all the bills in? It was hardly possible to know what would be the expenditure in the East, and, therefore, it was important to ascertain the *data* upon which the Chancellor of the Exchequer assumed that £90,250,000 would be sufficient for the expenditure of the year. The right hon. Gentleman had not clearly stated what was the amount of the unfunded debt. Under the powers of a Bill passed last Session he had issued Exchequer bills and bonds to the extent of £7,000,000. Now, he should like to know what proportion consisted of bonds? The right hon. Gentleman had been understood to say £1,000,000, but in estimating the unfunded debt bills and bonds must be taken together. The issue of Exchequer bills amounted altogether to £23,000,000; but what was the issue of Exchequer Bonds?

THE CHANCELLOR OF THE EXCHEQUER: We have issued altogether £6,000,000 of Exchequer bonds.

SIR HENRY WILLOUGHBY: Yes; but the right hon. Gentleman must add the amount issued at the time when the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) was Chancellor of the Exchequer. At that period there were three classes of bonds issued payable in future years—1858, 1859, and 1860. He referred to these things because it was important to bear in mind what was the precise amount standing against the nation which did not assume the shape of stock, otherwise they might fall into serious error. He estimated that there must be at least £30,000,000 of unfunded debt at the present moment. The Chancellor of the Exchequer meant to fund only £3,000,000, which would still leave £20,000,000 of Exchequer bills and a large amount of Exchequer bonds unfunded. The financial question at present before the House was a very simple one. A much more important question would be raised when they came to consider the Ways and Means for next year. Meanwhile, although it was certainly a large operation to borrow £28,000,000 within one year, he thought the Chancellor of the Exchequer had adopted a wise course in not having recourse to additional taxation to meet the extraordinary wants of the year.

THE CHANCELLOR OF THE EXCHEQUER said, he must state, in reply to the hon. Baronet, that the full amount of Exchequer bills now issued was £23,930,600, of which £6,000,000 were not in the hands of the public. The amount of bills issued since the 21st of August last was £6,000,000, and the amount of bonds issued during last year was £1,000,000. The total amount of bonds issued previously was, he thought, £6,000,000; but the question of funding did not apply to Exchequer bonds.

MR. W. WILLIAMS said, he was sorry that the Chancellor of the Exchequer continued to pursue the imprudent course of raising money by adding to the Three per Cent Consols. Almost the whole of the debt was now in Three per Cents. Now, the interest of that description of stock could not be reduced without twelve months' notice, and therefore the Chancellor of the Exchequer was precluded from taking advantage of a favourable state of the money market to reduce the interest of the debt. The right hon. Gentleman the Member for the University of Oxford, when Finance Minister, made a praiseworthy attempt to effect a change, and would have succeeded had not the war unfortunately broken out before he had time to perfect his scheme. If the present Chancellor of the Exchequer, as he ought, had proposed to raise the new loan by receiving one pound sterling for every pound of the debt, he would have had an opportunity of reducing the interest of any portion of it whenever the money market was in a favourable condition. But he was now adding to the debt upon the most unwise principle that could be adopted. The right hon. Gentleman had certainly obtained very fair terms, considering the state of the market, but he greatly objected to the contracting of the debt. He thought posterity had not been honestly dealt with, for, while we were only to pay £15,500,000 towards the expenses of the war, we were about to throw a debt of £28,000,000 upon posterity. A day would come when posterity would get tired of paying that debt, and a dangerous day it would be for estates and titles, and he hoped it would not affect even the stability of the Throne. It appeared to him that the present system, if pursued, would be a ruinous one. Mr. Macaulay had been referred to by the Chancellor of the Exchequer; but he (Mr. W. Williams) had yet to learn that Mr. Macaulay was a prophet as well as an historian. The money market had been too strong for every Chancellor of the Exchequer except the right hon. Gentleman the Member for the University of Oxford, but the present Chancellor of the Exchequer might also have triumphed over that powerful interest if he had acted with the same resolution as his predecessors. He protested again most strongly against the addition now being made to the debt.

MR. JAMES MACGREGOR said, he thought that the Chancellor of the Exchequer had adopted a prudent and judicious course; and, as to what the hon. Member for Lambeth had said about Mr. Macaulay turning prophet, he (Mr. Macgregor) would remind the hon. Member that he had himself indulged in prophecy as to what the effect of the present system would be in respect to posterity.

MR. WILKINSON said, the right hon. Gentleman the Member for the University of Oxford had obtained money by means of Exchequer bonds at 4¼ per cent, when he might have obtained it by Consols at 3¼. The present high rate of interest arose from natural causes, and was, he thought, likely to continue. The discovery of gold, instead of diminishing the value of money, had had a contrary tendency, for it had caused large tracts of land to be brought into cultivation, and thereby increased the rate of profit. He believed that no very good opportunity was yet likely to present itself of paying off the debt upon good terms, and the price which the right hon. Gentleman had obtained for his stock proved that the apprehension expressed by his hon. Friend (Mr. W. Williams) as to the payment of the debt by posterity was not very widely spread.

MR. GLADSTONE: Sir, I had no intention of troubling the Committee with any remarks, on the present occasion, for I confess I have very little fault to find with the proceedings of my right hon. Friend, the Chancellor of the Exchequer. However, I wish to make a few observations on some points that have been adverted to on the subject of the Resolutions. I wish, first of all, to set right the hon. Gentleman who has just sat down, as he was much mistaken in what he stated with reference to the history of Exchequer bonds. In the first place, Exchequer bonds are not a stock at all, and, therefore, a comparison between them and any particular kind of stock is perfectly irrelevant. In the second place, the hon. Gentleman has misapprehended and misstated both the terms upon which it would have been practicable to borrow in Consols when the Exchequer bonds to which he referred were issued, and the terms upon which they were issued. He said they were issued at 4¼ per cent. [MR. WILKINSON—Some of them were.] None of them were issued at 4¼ per cent, and the average rate at which they were issued was considerably under 4 per cent. He is also completely wrong when he says that we might have borrowed money in Consols at 3¼ per cent. The rate at which we must have borrowed in Consols in April, 1854, was much nearer 3½ than 3¼ per cent. With regard to the contracting of the loan in Consols, it is a question involving different considerations, which tell in different directions; but considering the limited amount for which my right hon. Friend was about to operate, I cannot find any fault with him for not taking this opportunity to create new stock and to borrow on a new principle. I think his natural course was to deal with that stock which commanded the best price in the market, and I join with the hon. Gentlemen who have preceded me in congratulating him on the fair and equitable price he has obtained. There are, however, one or two points touched on in the present discussion which I cannot pass by without notice. In doing so, I do not intend to question the correctness of my right hon. Friend's figures, but it is possible that some members of the Committee may go away with a false impression unless something be added to his statement with regard to the expenses of the war. I understood him to state that the Government had borrowed £28,000,000 during the present year; but do not let the Committee suppose that the amount we have borrowed in the present year is the total addition which has been made to the debt, taking the funded and the unfunded debt together, since the commencement of the war. The money we have borrowed is one thing, the stock we have created is another. My right hon. Friend has purchased unfunded securities to a considerable extent with money which he has obtained by the sale of funded securities, but in selling those funded securities in the open market he has created an amount of debt considerably greater than the amount of money he has obtained. It does not admit of dispute that, by the operation of to-night, we are dealing with a plan for raising £5,000,000 of money and funding £3,000,000 of Exchequer bills, but that the amount of debt to be created is nearly £9,000,000 instead of £8,000,000. I am subject here to correction by my right hon. Friend, but, as far as I can run over the figures from recollection, I should think that the present amount of the public engagements, if summed up and compared with their amount twenty-four months ago, represents, as nearly as possible, an increase of debt to the amount of £36,000,000 instead of £28,000,000. I am quite open to correction if I am wrong, but I do not think that I have overstated the case. Then, with respect to my right hon. Friend's statement as to the expense of the present war, I do not think it calculated to give an entirely just and accurate impression, because he has taken the twenty-two months and a half of war, and has compared them with twenty-two months and a half of peace, as if those months had been months of average expenditure as during peace. But it should be in the recollection of the Committee that the two years immediately preceding the outbreak of war were years in which there had been a considerable increase in our military establishments, including not an inconsiderable expense on account of the Kafir war, which was an incident not belonging to a state of peace but to a state of war. That, however, is not the point to which I am most anxious to call the attention of the Committee. It is, I apprehend, a fallacy when we reckon the expense of the war, to reckon that which we have actually disbursed, and to say that, because we have spent only £45,000,000, therefore, that is the cost of the operations of war up to the present time. The fair way to test the question is this:—Suppose the war to cease at the present moment, would that amount of £45,000,000 constitute the whole amount necessary to be paid on account of the war? On the contrary, however vigorous your system of administration, and however excellent your system of accounts may be, there is an immense charge actually incurred, which it is impossible to have got in, but which charge you must disburse in the future, though it belongs to the past, being already incurred. But that is not all. It is a necessary result of every war that, in proportion to the extent of the establishments you create, you should incur great prospective expense in the reduction of those establishments, in the half pay, pensions, compensation allowances, and in ten thousand different forms, connected with a great and sudden expenditure. It is not easy to make any accurate estimate of the expenditure you must make for such reasons, but I very much doubt, supposing war to cease from the present time, whether, before the account should be ultimately closed, it would not be found to be greater by the addition of 50 per cent, or one half more than the sum mentioned by my right hon. Friend. I am not stating these things as bearing on the policy of peace or war, but as bearing on a dry financial statement; and, as all these things in this country are supposed to be brought to account and presented to the House, it is the duty of Members of the House to make any contribution in their power towards a fair, accurate, and perfectly full statement of the subject. Perhaps I may be allowed to make one criticism on the speech of my right hon. Friend, and that has reference to his quotation from Mr. Macaulay. I would rather have heard Mr. Macaulay quoted in almost any other passage of his wonderful book than in that relating to the National Debt of this country. But if he were to be cited on that particular passage, I would rather have heard him cited in reference to it by any other Member than by my right hon. Friend who holds the office of Chancellor of the Exchequer. I think it is the duty of a Chancellor of the Exchequer not to anticipate in this House too great a disinclination to borrow. When my right hon. Friend comes to us to propose loans, let him rely on it, he has no need of citations from Mr. Macaulay. When he comes to impose taxes —to propose some painful and self-denying Resolution, at the hazard, to us, of encountering the displeasure of our constituents—when he should call on us to make vigorous efforts to prevent the contraction of enormous permanent obligations—then let him cite Mr. Macaulay. Let him, I adjure and I implore him, search the pages of that writer and get the most eloquent and best passage he can to wind up the House to a resolution necessary for such a course. But when the right hon. Gentleman tells us that we must borrow some more money, necessary for the discharge of certain expenses, he has no occasion whatever to consult Mr. Macaulay. My right hon. Friend adverted to another point, in respect to which, though it is not at present under consideration, I must say I cannot quite agree with him, and that was his statement that the wise jealousy of Parliament has greatly curtailed the borrowing powers in the hands of the Government. I am sorry to say, on the contrary, that it appears to me that, instead of a wise jealousy, there has been a very unwise liberality, a great carelessness and neglect on the part of Parliament in intrusting to the Executive Government powers of borrowing by indirect process, such as ought not to be given to any Executive Government whatever. Nor is this a discovery I now make for the first time, because two years ago I ventured to state this opinion when I held the office of Minister of Finance; and, before I quitted office, I presented to the House a Bill for the purpose of limiting and restraining within what I considered safe bounds these, in my opinion, very unwise powers. I will now conclude with expressing a hope that my right hon. Friend's anxiety in respect to the management of our finances during a time of war, great as it must be, will not prevent him preparing some measure with a view to the reformation of our financial system. If we are blest with an honourable termination of hostilities, I trust my right hon. Friend will apply his mind to that subject, and present some measure to establish better and more effectual safeguards on the borrowing powers of the Executive Government than can be said to exist at present.

MR. POLLARD-URQUHART said, he thought that the present loan would entail a smaller charge on the country than if it had been borrowed in the manner suggested by the hon. Member for Lambeth (Mr. Wilkinson).

Resolutions *agreed to*:—to be reported on *Monday* next; Committee to sit again on *Monday* next.

House resumed.

SUPPLY—ARMY ESTIMATES.

On the Motion for going into Committee of Supply on the Army Estimates.

COLONEL DUNNE said, he could not avoid expressing his surprise that no explanation had been given of the very large Estimates which had been laid on the table. Great changes had recently been made in the War Department, and he was afraid that no person in the department could exactly state what were the duties of the new offices which had been created. The salaries had been enormously increased, and the duties of the department had been most inefficiently performed. There was great cause to complain of the unintelligible manner in which the Estimates were drawn up. Everything was jumbled together in the greatest disorder, and he had great doubts whether the right hon. Gentleman the Clerk of the Ordnance himself would be able to unravel the confusion. He should, however, reserve his remarks on the details of the Estimates for a future occasion, and confine himself at present to calling the attention of the House to the extravagance of the War

Department. Last year the War Department cost the country £169,260, while the two departments of Secretary of War and Secretary at War, before they were consolidated, only cost £102,244, being an increase in the expense of about £67,000, though the work now was certainly not so well done. For instance, nothing could be more expensive and absurd than the present mode of clothing the British troops. Formerly the clothing of our soldiers was intrusted to a Board, composed of general officers, being colonels of regiments, who were allowed to make a profit on the contracts. But that system, though approved by the Committee of 1833, had been lately abolished in deference to the public voice, which had been loudly raised against it. Last year, the Ordnance directed the commanding officers of regiments to make bargains with the contractors at a price which the Ordnance fixed. Nothing could be more advantageous than that system. The commanding officers were by far the best judges of the quality of the clothing to be supplied to the men, and their interest was the same as the men's, to get the best cloth possible for the money. Of the system which the Government proposed to adopt he must express his condemnation; and he hoped that, if the House did not feel justified in going so far as to concur with him in that censure, it would at least refer the two systems to a Committee. The plan, as far as he could understand it, was to make the Government itself the clothier for the entire army. Now he considered that it was impossible that that plan should succeed; and he feared that great losses might be incurred in the attempt to carry it into operation. In the French army the materials were supplied by the Administration, and the clothes were made up by the soldiers. That system might work well in the case of a large army composed of conscripts, among whom there would probably be a good many tailors, but it could not be acted upon in our much smaller regiments without taking too many men from the fighting portion of the army. He even understood that the Government intended to go further, and proposed to manufacture the cloth. To do so they must erect manufactories. Taking the strength of our army at 300,000 men, and allowing five yards of cloth per man, it would require 1,500,000 yards per annum to clothe the army. The erection of a manufactory which would turn out fifty pieces of thirty yards each per week would cost £30,000 or £40,000. The cost, therefore, of erecting manufactories which should make the cloth required for the whole army (for in his statement of the amount required he had not included great coats) would be about £3,000,000 or £4,000,000. What must they do then, how was the army to be clothed? It must be done by contracts, but not according to the system of taking the lowest contract. The proper plan was, to ascertain as nearly as possible what was the real value of the requirements of the army, and to give such a price as would hold out to a respectable tradesman the inducement of a fair profit. The security would then be in the respectability of the contractor, and it did not then matter by whom the contracts were made, although in his opinion the lieutenant-colonels were the proper persons to be charged with that responsibility. He could point out many cases in which evil had arisen from adopting the lowest tender. Not long ago tenders were received for making trousers for the Land Transport Corps. Several respectable houses in the City tendered to make them at 23*s.* per pair; but the tender accepted was one from a party offering to make them for 18*s.* The cloth used in the sealed pattern was worth 8*s.* a yard. That employed in making the trousers sent in by the party who obtained the contract could be purchased for 5*s.* 10*d.* The trousers were made with more seams than there were in the pattern, and the work was very badly done; yet 1,200 pairs were accepted by the Board of Officers, and the Ordnance were now ashamed to issue them. If they were issued, some compensation must be given to the soldier at the expense of the country. He was informed that this contract, even at 18*s.* a pair, allowed a profit of 60 per cent to those who took it. On a previous occasion a question had been asked as to the failure of the saddles and bits supplied to the German Legion. The fault in the case of these articles was not in the patterns, but in the workmanship. He had had a saddle of the same pattern made by Mr. Gibson, and nothing had happened to it. The bits were made of cast instead of forged iron, and to this cause, and not to their form, their fragility was to be attributed. The evils of the present system were to be attributed to the absurd and shortsighted policy of the Government in accepting the lowest tender without regard to the character or competency of the contractor. There should be a total change in the present arrangements regarding contracts, and an inquiry should be instituted by means of a Committee into the principles upon which it would be advisable to conduct such arrangements for the future. Nothing could be much worse than the present state of things with regard to the supplies required for the army. Whether regard were had to the provisioning of the army or to the supplying of gunpowder, or to the furnishing of any of the requirements of a great military establishment, he would not hesitate to say that our operations were carried on in a less satisfactory manner this year than last, when the old system of divided departments prevailed. He had been a Member of the Committee appointed to consider the general subject of firearms, and the particular question of the propriety of erecting a Government manufactory of arms. The Government wanted more money for the purposes of that manufactory than the Committee was willing to give, and the result had completely vindicated the judgment of the Committee. He remembered the hon. Member for Birmingham (Mr. Muntz) prophesying at the time that not a single rifle would be made for two years in their manufactory, and the hon. Member was perfectly correct; for if he (Colonel Dunne) moved for a Return tomorrow, he did not believe the right hon. Gentleman could show that it had turned out a single rifle. What was more, he did not believe the whole of the machinery was yet erected, though he admitted much work had been executed there in another way, that was in setting up muskets. In the Estimates he observed the sum of £700,000 for firearms, an amount sufficient to supply 200,000 stand of arms. He should have thought, from the anticipations expressed by the right hon. Gentleman the Clerk of the Ordnance last year, that ere this there were rifles for the whole of our force, large as it now was. But the militia had them very sparingly, and he was not sure that the several foreign legions in our service were better armed than they. At all events, he was satisfied that the anticipations of the right hon. Gentleman and the Government as to this manufacture had not been realised. He should like to know from the right hon. Gentleman also whether all the men in the Estimate were actually enlisted. The number was put down at 264,000; and he wanted to know if we had really all those men under arms. The Estimates represented that we had 20,000 men in the German legions, now he did not believe we had. So with the militia—had we all the men who were mentioned in the Estimates, or was it only intended to enlist them? He saw with regret the number of foreign legions in the service of the Crown, because they were the most expensive troops we could have, whilst they did less service than any other corps. He observed that £778,000 had been laid out upon the German, Swiss, and Italian legions, and he contended that up to that moment we had received no equivalent for that enormous sum of money from any one or all of those corps, and that should the war end the whole of the money would have been thrown away. For the Turkish Contingent the sum of £475,000 was put down in the Estimates, and he wished to be informed if that was the whole sum that would be required for the force? But the most monstrous item in the Estimates was that for the Land Transport Corps. He found that rather more than £1,250,000 had been laid out on that service, of which not less than £400,000 was for animals; and yet the fact was notorious, that at the time it was most wanted there had been an almost total absence of the means of carrying provisions from the rear to the front of the army before Sebastopol. How far the officers of the staff might have been blamable, inquiry alone would tell; but certainly the main cause of the disasters suffered by the army in the Crimea was the inefficiency of the Land Transport Corps. The army had been sent out without adequate preparations being previously made for supplying it, and the abominable system of contracts, which in a country like Turkey was absurd as well as abominable, was had recourse to. The evils of the present system lay too deep for the mere condemnation or acquittal of individual staff officers to remedy them. Nothing would suffice that fell short of the proper organisation of our army departments at home as well as abroad. Before Lord Raglan went out he (Colonel Dunne) expressed to him his anxiety to go out with the army, but that noble Lord answered him, that if he wished to see service it was no use for him to go, because there would be not a shot fired. Officers were, however, selected and sent out who were wholly without experience and without any knowledge of the country. The same applied equally with respect to the huts for the army in the Crimea. The timbers were sent in one direction—the nails and screws in another; and when they reached Balaklava they could not be got to the front, though it was a distance of only seven miles. So far as huts were concerned, however, he would direct attention to those which were being erected at home; and he believed that the whole system of hutting at Aldershot and the Curragh had been conducted in the most extravagant manner possible, and even without the precaution having been first taken of draining the ground. No one who had visited the barracks in Ireland could have failed to see that the system was one entire blunder from beginning to end. Yet nobody was responsible for it. Now if the House were required to vote large sums of money, and if there was to be administrative reform, they ought, without respect to party, to take those matters into their consideration; and, supposing they could not decide themselves, to refer them to a Committee for the purpose of ascertaining whether the ideas entertained by him and others were right or wrong, whether the expenditure incurred was extravagant or not, and whether appointments had not been made of men who were utterly unfit for the situations into which they had been thrust. It was his opinion that this last circumstance lay at the bottom of all the disasters we had experienced in the course of the war. We had changed the system of contract, and the result was an extravagant expenditure. We had changed the system of promotion by seniority, and the result was incompetency, with one or two exceptions. Selection had taken the place of seniority. Favouritism had governed the selection, and from one end of the army to the other there was nothing but discontent. These were all matters which demanded searching inquiry, and he therefore begged to move that the Estimates (or at least that portion of them which related to clothing) be referred to a Select Committee.

Mr. MONSELL said, he could not help thinking that the greater part of his hon. and gallant Friend's speech had much better have been delivered in Committee, when the different Votes to which he had alluded would naturally come under consideration. Take, for example, his reference to small arms, which it was quite impossible for him (Mr. Monsell) to follow him in, without anticipating the statement he intended to make in moving a Vote on the Estimates. With regard to army clothing, he had never heard of anything that was founded more purely on imagination than the statement of his hon. and gallant Friend. The fact was, that the idea had never entered into his (Mr. Monsell's) mind of having a Government establishment for the supply of clothing to the army; and further, he did not believe it had crossed the brain of Sir Thomas Troubridge, who was at the head of the clothing department, and who, he was satisfied, had too much good sense to have entertained an idea so absurd. But the criticism of his hon. and gallant Friend applied to what had been done under a system that was confessedly incomplete, and rather to parts of the old system which had not yet been altered, than to that which was new. He trusted his hon. and gallant Friend would not consider that he (Mr. Monsell) was treating his remarks with disrespect; but it was obvious that it would be better to discuss the various points alluded to as they arose on the Votes. He could not, however, allow his hon. and gallant Friend's statement as to the condition of the army in the Crimea, and the selection of officers at the head of that army, to pass without giving it an emphatic contradiction. He was aware of this as a fact within his own knowledge, that every one of the officers at the head of the army had been selected simply and solely, because the Government believed they were the most fitting persons to occupy the position to which they had been appointed, and he had never heard of any action of theirs which would lead him to suppose that the Government had in any way been deceived or disappointed in the selection they had made. He rejoiced to say, that the army in the Crimea was in as good and perfect a state as any army that had ever gone out from this country to meet an enemy; that it was well clothed, well fed, and well looked after. The most constant attention was paid to the drill of the men, and to practising them in the use of small arms. Everything was done which was desirable and necessary to make the army efficient, and certainly one of the last remarks he should have expected to hear in that House was, that it was either improperly officered or improperly provided.

Mr. J. L. RICARDO said, he thought that the speech of the right hon. Gentleman the Clerk of the Ordnance in no way answered the complaints of the hon. and gallant Member opposite (Colonel Dunne), who had chiefly condemned the evils of the open tender system in relation to Government contracts. That system appeared now to be the rule of the service, any other form of contract being the exception. He considered that the open tender system had been pushed to its utmost extent. The Clothing Department might be taken as a type of the system. The model or pattern of a coat was laid before the Clothing Board, and contractors were invited to send in tenders; but the lowest tender sent in, no matter what might be the position of the man by whom it was made, or whether he was in the trade or not, was accepted. The party who had got the contract then sent in a sample, which was sealed up, and the coats contracted for were made according to that sample, and not according to the original model. The person whose duty it was to judge of the sample was the deputy Director General of Clothing, who, although a most estimable man in private life, knew nothing, he apprehended, about cloth or clothing. The result was that respectable men would not tender, while others, being aware that the deputy Director General knew nothing about clothing, were ready to tender, and to send in inferior cloth, on the chance of being able to deceive him. Sometimes those deceptions were discovered, and fines and penalties were imposed; but those penalties would not find shoes or clothing for the soldiers, or forage or harness for the cavalry and artillery. Now, what sort of articles were sent out to the Crimea for the use of the troops? They had been described in a recent letter from *The Times'* correspondent. He was quite ready to admit that, in describing the manœuvres of an army, or the details of a battle, *The Times'* correspondent might be mistaken, or altogether wrong; but he could not conceive how he could make any mistake with respect to stores which came under his own observation, whether at Scutari, at Constantinople, or in London. On the 22nd of January last, *The Times'* correspondent said—

> "The number of pairs of woollen stockings and socks in store is over 200,000. Of course I have not had the opportunity of counting them, but I give the above figures on excellent authority. Those that are being reshipped are only fit for children. They are German goods, and were purchased in all haste last winter by consuls and agents. When they came nobody could get them on, and, as they were extremely short socks, there was no leg into which the men might have thrust their feet. The same deficiency in size was found in many of the flannel or woven waistcoats sent for the army last winter, and obtained in a similar manner. They were so narrow that the men had to cut them open all down the breast, thus leaving exposed the very part of the body they were chiefly meant to protect. The children's socks are now being sent back to Constantinople, and will, doubtless, have to be sold for a song, or given to the poor in England, which latter would be the best way of applying this precious Vienna-made hosiery."

He understood that some hon. Gentleman below him (on the Treasury bench) denied the authenticity of this Report. [Mr. G. BERKELEY: No, no!] Well, whether that were so or not, he could also cite the Report of the Commissioners who had been sent out to the Crimea—Sir John M'Neill and Colonel Tulloch. They said—

> "So long as the men had to pay for their boots and shoes, there was a disinclination to purchase them from the public store on account of their alleged inferiority in quality. Like all articles obtained by contract from the lowest bidder, the workmanship was bad, and totally unfit for endurance in the tenacious soil of the trenches, or for travelling along the muddy roads in which the men were often half-leg deep. It is stated that, even when sufficiently large, they were altogether unsuited to resist the wet, and that the soles frequently came off in a few days. It was not until the arrival of boots coming up to the knee, and of superior materials and workmanship," (not contract boots taken by the lowest tender) "that the condition of the soldier appears to have been materially improved in this respect, or that he was able to do his duty without the discomfort arising from being ill shod in such a soil. Similar complaints were made by the commanding officers regarding the quality and workmanship of the clothing. It is described as extremely spongy in its texture, badly put together, and quite unfit to stand the tear and wear of the rough work of the trenches. Some of the officers who had examined the clothing of the French soldiers stated that it was greatly superior in texture to that which was supplied to the British troops. The experience gained in the Crimea appears to establish the expediency of improving the quality and workmanship of every part of the soldier's clothing. But it would be vain to look for improvement, so long as it is procured from the man who offers it the cheapest, instead of from him who manufactures it of the best quality."

He thought no one would entertain any doubt that a pair of shoes which cost 16*s*., and which would last for a month, were infinitely cheaper than a pair which cost 8*s*., and lasted only for a week; but he did not blame either the present Government, or any preceding Governments, for the mismanagement he had pointed out. He found fault with the system, which imposed no check upon fraudulent proceedings. Now, what check existed upon the contractors for boots and shoes? Why, they had an inspector, who was sometimes called upon to examine 30,000 or 40,000 pairs of boots or shoes which were required for immediate shipment, and how was it possible that such a duty could be satisfactorily discharged by a single individual? The consequence was, that the examination was not made by the inspector, but the duty was transferred to subordinates, who were open to all sorts of influence. He believed that many articles were passed in consequence of the exercise of such undue influence, and that many articles were rejected because that influence was not employed. He had known cases where articles which had been rejected were afterwards passed under another contract; and there could be no doubt that some of the officers—he would not say the inspectors—were ready to pass goods on the receipt of gratuities. He regretted that he was not present when Mr. Speaker called on him to move for the appointment of a Committee to inquire into the subject, and to which he believed the Government would offer no objection, and he had rather availed himself of that opportunity to show the reasons why that Committee should be appointed.

VISCOUNT PALMERSTON said, he wished to remind hon. Gentlemen of the inconvenience of the course they were now pursuing. The Motion before the House was, that Mr. Speaker should leave the Chair, in order that the House might go into Committee on the Army Estimates; when his right hon. Friend who submitted those Estimates to the Committee would have the opportunity of fully explaining their details, and of speaking as often as might be necessary in order to meet and answer the various observations and objections which might be made by hon. Members in the course of the discussion. If, instead of allowing the House to go into Committee, hon. Gentlemen would enter into a detailed discussion which properly belonged to Committees, those who filled the position of his right hon. Friend were placed in a very inconvenient situation, for after having once replied to one hon. Member they had to be silent during the rest of the evening, and were thus totally unable to give that information in order to obtain which the House was asked to go into Committee. The hon. and gallant Gentleman opposite (Colonel Dunne) made a long speech, touching upon a great number of topics upon which it was quite fitting that information should be afforded him; but, if his right hon. Friend (Mr. Monsell) now gave answers to the hon. and gallant Gentleman, he would only anticipate the statement he was prepared to make if the House went into Committee. His hon. Friend who had just sat down had made a parenthetical speech that he had intended to make in moving for a Committee, which the Government had expressed their readiness to grant. He had received a communication from his hon. Friend to the effect that if his health compelled him to leave the House before the time came for his Motion, he would get some Friend to move it, on the understanding that it was not to be opposed. If it were inconvenient that Gentlemen should discuss the details of the Army Estimates on the Motion for going into Committee, how much more inconvenient was it for his hon. Friend (Mr. J. L. Ricardo) after his right hon. Friend the Clerk of the Ordnance had spoken, and could not, therefore, say another word, to make a speech which he had intended to make upon moving for a Committee upon army contracts. With regard to the subject of his hon. Friend's speech, he would confine himself to one observation. It was very remarkable and curious how opinions vibrated and oscillated in that House from time to time in entirely opposite directions. He had now been a long time in Parliament, and if there was one thing which he had more earnestly and frequently recommended to successive Governments than another, it was that all supplies should be obtained by open tender and contract. There was nothing more frequently urged by the late Mr. Hume, whom they all regretted, than that that was the only way of obtaining good and cheap things. His hon. Friend (Mr. J. L. Ricardo), however, appeared to be of a different opinion. But the instances quoted by his hon. Friend in which the supplies were not good in their kind, and were much too dear, occurred a year and a half ago, in the winter of 1854-55, and were all cases in which things had been obtained upon a sudden emergency, and not by contract. They were ordered from Vienna, in consequence of the calamity of a storm which destroyed the stores which had been sent out, and which it was urgently necessary to replace at any cost, anyhow. The clothing which his hon. Friend said was so bad was not provided under the present arrangement, but was, for aught he knew, furnished by the colonels, according to the system which then prevailed. At all events, those instances were not applicable as proofs that the present system, which began in June last, was a bad one. He had, perhaps, followed the example he had deprecated; but he put it to the House whether it would not be more convenient to go into Committee, and allow his right hon. Friend the Clerk of the Ordnance to give a full explanation upon all points with respect to which it might be demanded.

COLONEL KNOX said, he thought the discussion had arisen in consequence of a misconception of the statement of the noble Lord in the early part of the evening. He understood the noble Lord to say he only intended to take a Vote on account, and not to go through the Estimates.

VISCOUNT PALMERSTON: Pardon me. What I said was this. My hon. and gallant Friend (Sir De L. Evans) seemed to think that this was the last occasion upon which he would be able to call the attention of the House to the Estimates; and I told him we were going to take Votes on account, and it would be competent for every hon. Member to discuss the question to which these Votes related, but, as we should again be compelled to come to the House for Supplemental Votes, another opportunity would be given for the discussion of the Estimates.

SIR DE LACY EVANS said, he thought that further proceedings on the subject were likely to be more supplementary than complimentary to the Government. The Estimates proposed on this occasion were three times the ordinary bulk; they involved an expenditure equal to £35,000,000; they were, moreover, constructed on a new form; and yet the House was called on to discuss them without having had the time to read them—within thirty-six hours, in fact, of their being delivered to Members. That was sharp practice on the part of the Government, he had no hesitation in saying. It was no use to appeal to the House, for the leaders of the Opposition had abandoned their post; but he would appeal to the Treasury bench and to the country against such unseemly haste. He would say distinctly, that there was a totally new arrangement of the military expenditure of the country. From the cursory view he had had of the Estimates, he could not see how, in thirty-six hours any one could examine into the mode of expending some £35,000,000; he could not so soon understand the system which was now adopted; and he did not believe that any one could, except Members of the Government. He would say, again, that it was very sharp practice—to bring on the Estimates only thirty-six hours after they had been circulated among the Members—and was a course he was sure the country would not approve. It was no use to bring any question to a Vote; for if the noble Lord asked for £20,000,000 more, the House would give it, for there was no leading Member of the Opposition present. [Colonel DUNNE here came down from the back seats, and took his place in the front row.] He begged the hon. and gallant Gentleman's pardon. The answer given by the right hon. Gentleman (Mr. Monsell), which had been given to the hon. and gallant Member (Colonel Dunne), was not at all satisfactory. Was that all the statement that was to be made on the part of the Government? What opportunity would there be for a discussion on the administration of the army during the war if the Government was now allowed to go into Committee? This was a most important occasion. It was doubtful whether the Estimates were for war or for peace; and they were brought in on a new plan, the Army and Ordnance Estimates being for the first time taken together, and they were to be brought forward by a right hon. Gentleman the Clerk of the Ordnance, who up to a recent period knew nothing whatever about the Army or the Ordnance, and he was to dictate to the House on those subjects. He thought that when he appealed to the noble Lord to give two or three days for the consideration of those Estimates he ought to have answered otherwise than he did. He (Sir De L. Evans) considered that he ought to know something of those matters, and if he made any observations on the Estimates which were inefficient he must be excused, as he had not had time to make himself acquainted with them. If it was thought inconvenient for him to go into the general question of the administration of the army before the House went into Committee, he would not say a word, but he protested against these Estimates, important as they were—the most important that had been brought forward for forty years—being brought on for consideration only thirty-six hours after they had been delivered to Members.

MR. W. WILLIAMS said, that the Estimates were very voluminous, and had only been delivered recently, so that he had not had time to read them. He did did not object to passing Estimates required for carrying on the war, but there were many Votes unconnected with the war which the House ought to have time to consider. He was inclined to move the postponement of the Committee till Monday next.

Mr. MUNTZ said, that the noble Lord at the head of the Government had very justly observed that in former years great stress had been laid on the system of tender; and he (Mr. Muntz) admitted the system of tender afforded very good means of obtaining goods advantageously, but then the goods supplied ought to be strictly examined by persons competent for the duty.

Colonel SOMERSET said, he had seen the clothing of soldiers for the last twenty years, and all he could say was that it was not possible for anything to be worse than the clothing of the private soldiers at the present time. He could bear testimony to the goodness of the articles furnished to the regiment to which he belonged. Mr. Isaacs had been in the habit for a number of years of serving the regiment he had the honour to belong to with articles of necessity, not clothing, and had done so in the most satisfactory way. He understood that Mr. Isaacs had also supplied 40,000 suits of clothing during the last year, and that none of the suits had been returned by the persons to whom they were supplied. He thought it most unfair on the part of the hon. and gallant Gentleman to assert that the officers holding command in the Crimea were totally incompetent. [Colonel Dunne denied that he had said so.] Another remark of the hon. and gallant Gentleman was equally ill-founded, to the effect that Lord Raglan had chosen the staff entirely in the idea that they would not hear a shot fired. Lord Raglan could not have made that observation in respect to the staff, because he knew that they would rather be fired at than not.

Colonel DUNNE said, that the hon. and gallant Gentleman had entirely misunderstood him. He said that there had been a system of selection instead of the system of seniority, and he certainly added that he did not think that there was so much incompetency in former years. He, however, observed that there were exceptions, such as his hon. and gallant Friend opposite (Sir De L. Evans) and others. He had never made the slightest accusation against Lord Raglan, but merely repeated what that noble Lord said, that he (Colonel Dunne), if he went to the Crimea with him, would not see a shot fired.

Mr. MONTAGU CHAMBERS said, he wished to say a few words on the question of open contracts, which he thought a good system if it was coupled with an adequate system of inspection. He had peculiar opportunities of ascertaining that abuses existed in the present system. He had always held the opinion that the Government establishments could not compete with private establishments if they were well managed; and he had always heard with grief and annoyance observations made in that House tending to a preference for private establishments, when he believed that those of the Government were quite equal to what was required. Government supplies should be thrown open to contract, with a special provision for accurate inspection. He was most desirous to see some such system introduced into the public service. He did not agree with the hon. Member (Mr. Ricardo) that competition should be confined to respectable manufacturers, because the word "respectable" was open to misrepresentation. It was, however, the duty of the parties who held the patterns to see that every article was properly examined by men of integrity. An officer had just been appointed to make contracts, but there was no officer to see that they were fairly executed. The officers were anxious to do their duty, but not being practical men they were deceived and imposed on in the grossest manner. Last year some waggons were built to be sent out to the Land Transport Corps. They were very beautiful to look at, and were highly praised by every person who saw them; but when tried, they proved useless and inefficient and utterly failed. The Report on the state of the Army showed the lamentable results of the inefficient supply of boots and shoes; articles were sent out that would not wear a week. Whose fault was it? It was the fault of the inspector, whose duty it was to examine them. If the contractors knew there was an honest and efficient person to examine the supplies, there would be no more tenders at insufficient prices. He would not dwell further on those points, but wait until the details came before them in the Estimates.

Mr. SPOONER said, they were proceeding in a most inconvenient course, as they were wholly departing from the question, which was, whether the House was in a fit state to go into the details of the important Votes to be brought before them. The noble Lord (Viscount Palmerston) said

Government only proposed to take a Vote on account, and that the House might at a future time discuss the expediency or amount of it. But he considered, if the House agreed to a preliminary Vote, the House would be precluded hereafter from questioning the Vote either on principle or detail. It would be much more satisfactory to adjourn the consideration of the subject until they could come to it with more satisfaction. He quite agreed with the hon. and gallant Member opposite (Sir De L. Evans) that these were peculiar Estimates, and that it was sharp practice to vote them at so short a notice.

Sir CHARLES WOOD said, he could not understand why the hon. Member could object to a Vote upon account, or think himself precluded thereby from future discussion.

Mr. SPOONER said, that he had said no such thing. He would point out the first Vote on the paper, which involved a pledge which could not be revoked.

Sir CHARLES WOOD said, that if the hon. Gentleman had given the subject a moment's consideration he would see the incorrectness of his opinion, that, by giving a Vote on account they were precluded from afterwards going into the details. He would only remind the House of what had taken place with regard to the Navy Estimates. He had asked the House to vote 76,000 men for three months, and, of course, he must come for another vote for whatever number would be required for the remaining nine months; instead of £3,500,000 he had only taken £2,000,000 on account, and the whole details of the Navy Estimates would have to come again before the House when he asked for the Supplemental Vote. Nothing could be more inconvenient than what had taken place for the last two hours. Hon. Gentlemen got up and made objection to details, and complained that the Estimates were obscure, not reflecting that by preventing the right hon. Gentleman the Clerk of the Ordnance from making his statement they were depriving themselves of the explanation they desired. He hoped that as two or three hours had been already wasted no further interruption would be offered to the public business.

Motion *agreed to.*

House in Committee, Mr. FitzRoy in the Chair.

Mr. MONSELL said, he proposed, in the first instance, to submit to the House four Votes on account of expenditure incurred in the Ordnance Department, which had not already been voted by Parliament. The first item was £294,154. Of this sum £65,373 was for barrack supplies. This had been expended partly on supplies for hospitals—among them were some cork beds, which had been found exceedingly useful. £91,077 was for boots and shoes, the demand for which had been greatly increased, beyond the regular quantities, by our having to provide them for the Turkish Contingent as well as for the rest of our army. The sum of £137,704 was for warm clothing, an addition to £120,000 already voted. This had been needed in order to supply all the demands made by the Quartermaster General in the Crimea. Most of the other items were for expenditure rendered necessary by the preparations for the great mortar equipment which was being sent to Sebastopol just at the time of its fall; and by those which had been made for fitting out the Baltic fleet at the present time. When he informed the Committee that the expenses of the portion of that equipment to be supplied by the War Department amounted to about £530,000, they would see that the Supplemental Estimate of £23,000 for wages for the carriage department, £11,000 for the Royal laboratory, £5,000 for the gun factories, £4,000 for the storekeeper's department, and also £200,000 for miscellaneous stores for the manufacturing department, were at once accounted for. There was, however, one item of those Supplemental Estimates to which, as it had been referred to in the course of the discussion which took place before Mr. Speaker left the Chair, he would direct the attention of the House. That was a sum of £15,000 for wages at the Tower. It was quite true that during a considerable part of last year the arrangements for the inspection of articles received at the Tower were most unsatisfactory. All the passages were crowded up with goods of various descriptions. To remedy this great inconvenience, the Government took a considerable amount of accommodation at the London Docks, and absolutely prohibited the reception of additional articles at the Tower; all the hands at that establishment being thenceforward employed in the arrangement of the articles already received. The result was, that at present the storehouses at the Tower were in a very satisfactory state. Within a short period the whole system of inspection there had been altered. Some persons had been, and others were to be, selected, who had special knowledge of the articles which they were to inspect. He therefore hoped that all causes of complaint would be removed, and that in future the system would give entire satisfaction to the public. While it was right to insist on fining contractors who did not deliver goods in proper time, it was impossible for that to be done, so long as obstacles were placed in their way by delays in the inspection of goods delivered. The next item referred to the expenses for the Land Transport Service. The sum required was £40,144. The greater part of that sum, about £37,000, was for carts for the Crimea, for which there had been a great demand. Hon. Gentlemen had complained that these carts and waggons had not turned out so well as they ought to have done. The fact was, that orders were given that the carts should be made not to exceed a certain weight, and he had been informed by the able officer who presided over the Carriage Department that they had been as strong as it was possible to make them in accordance with those instructions. Some of the axles which had been complained of had been sent from the Crimea to Woolwich, where they had been tested up to four times the weight that they were intended to carry, and had answered perfectly. The reason of the failure was obvious, those carts were, on account of their exceeding lightness, not adapted to the rugged paths over which they had to pass in the Crimea, and he thought that, in future, it would be necessary to sacrifice lightness to an increase of strength. The item of £26,000 for machinery for the Royal laboratory was one of considerable importance. Last year he (Mr. Monsell) stated that a small shell foundry was about to be established, and he anticipated that the public service would be greatly promoted by the increased facility of obtaining shells, and that there would be a great saving in their cost compared with the price paid to contractors. Those anticipations, he was glad to inform the Committee, had been completely realised. Shells, for which the price paid to contractors was £11 15*s*. per ton, had been produced at the Royal Arsenal under the direction of Captain Boxer, the inventor of the machinery, at a cost of only £6 6*s*. 8*d*. per ton, including a fair charge for the deterioration of plant and for the interest of the money spent on the erection of the building. These facts were brought before him in an able paper by Captain Boxer, who recommended that a foundry should be erected which would produce shells as fast as they could be bushed and their fuses supplied by the Royal laboratory. That paper was submitted to his noble Friend at the head of the Government and to his noble Friend the Secretary for War. It had been carefully considered by them, and it had been resolved by the Government that the foundry should at once be erected. The £26,000 now asked for was a portion of the sum of £55,000 which the foundry would cost. That sum was in course of being expended, and would be spent by the 31st of March. He hoped that the saving in the cost of shells would to a considerable extent reimburse the country for the expenditure; and, he was certain, that there could be few things more important than to have the means of producing at a moment's notice a large quantity of a species of ammunition which every day's experience showed to be of such great importance in modern warfare. He therefore was convinced that the Government had acted rightly in commencing the erection of the enlarged foundry.

The next item was £1,268 for the payment of the Select Committee at Woolwich —a sum which, regard being had to the fact that no fewer than 1,200 inventions had been brought under their consideration in the course of the past year, would scarcely, he thought, be deemed exorbitant. Then came a Vote of £1,100 for the Board appointed to examine candidates for admission into the Artillery and the corps of Engineers. That expenditure had been rendered necessary by the substitution at the Royal Academy of Woolwich of a system of open competition for the plan of patronage heretofore prevalent. The latter practice had been completely abolished, and any person of the proper age and properly recommended could now offer himself as a candidate for a cadetship in the Royal Artillery or the Royal Engineers. The examinations were conducted under the superintendence of Professor Mosely and a staff of examiners, who had displayed much learning, skill, and ingenuity in the difficult task of constructing a new system. The result had proved most satisfactory; they had received the best possible accounts from Colonel Portlock and the other authorities at Woolwich, of the conduct of these young men, and their proficiency in the different branches to which they had since applied themselves. They had also shown remarkable skill in those other preparations for military service which some gentlemen thought young men chosen in that way would not be well adapted for; experience showed that they possessed not only intelligence, but military bearing. He would now pass from the Supplemental Estimates.

MR. NEWDEGATE said, he hoped that the Government intended to maintain, on a satisfactory footing, the establishment at Shoeburyness.

MR. MONSELL: Assuredly. That establishment was one of very great importance, and, in fact, the only place at the disposal of the Government for making experiments with heavy ordnance. The experiments made there during the present year had been attended with the most interesting results—results, however, which as yet had less relation to the introduction of new inventions than to the detection of certain fallacies which had taken possession of the public mind with respect to particular kinds of guns and projectiles. As a place of practice range the establishment was of the utmost utility, and the Government intended to keep it in the best possible condition.

He would now enter upon the Army Estimates for the present year, he did not think that they would be difficult of comprehension to any man having a practical knowledge of such matters. Many of the Votes were not at all changed, and the mode in which others were blended together was clearly explained in a table in which the different services of Ordnance, Commissariat, and Army were lucidly arranged. In submitting the Estimates in the form in which they were now presented, the Government had but carried out the suggestions of the Committee of 1837, who recommended that the Votes for all branches of the service should be placed before the House of Commons at the same time, so that the House might see at a glance the military expenditure for the year. This could now be done; but it was not practicable until the whole of the civil departments of the army had been placed under one head. At the same time that those departments were placed under the absolute and undivided control of a Secretary of State there were removed from the War Department certain duties not properly belonging to it. Formerly the Commissariat had under its charge not only the duty of providing food for the army, but also that of "raising, upholding, and outlaying" certain funds required for the military and other services. Those duties were now thrown upon the Treasury, to which, as the financial department of the country, they properly belonged, and the principal duty of the Commissariat now was to provide food for the army. The present Estimates, though large as compared with those to which we were accustomed in time of peace, were light as contrasted with those of the last three years of the last war. In 1813 the expenditure for Army, Ordnance, and Commissariat, was £36,245,238; in 1814 it was £49,482,911; in 1815, £49,562,269—an expenditure considerably in excess of the Votes now submitted. The first Vote he had to propose was for 246,716 men, which showed an increase of 30,378 men over last year. Before proceeding to explain it, however, he would take leave to say a few words on the present condition of the army serving in the Crimea. Of their heroic fortitude, gallant service, or bravery, it was unnecessary to speak, but he might be allowed to express, in passing, with what pleasure he had learnt that it was intended to give to the new Order of Valour a retrospective operation, so that all who during the last campaign had fulfilled the prescribed conditions would be eligible to be enrolled among its members. And first he would beg to call the attention of the Commitee to the state of the health of the army. A return of the admissions into hospital during the months of September, October, and November, in the Crimea and at home, showed that—

"During the month of September, 1855, the admissions into hospital from the army in the Crimea amounted to 12·59 per cent of the force, whereas the army serving at home furnished only 10·40 per cent, a difference of 2·19 per cent. The deaths during the same month amounted to 0·36 per cent and 0·10 per cent respectively of the force serving in the Crimea and at home, a higher rate of mortality by 0·26 per cent in the former than in the latter. During October the admissions to hospital amounted to 10·07 per cent and 9·66 per cent of the force serving in the Crimea and at home respectively, a difference of 0·31. The deaths in the army serving in the Crimea and that at home amounted respectively to 0·33 per cent. and 0·08 per cent, a higher rate of mortality of the former than of the latter by 0·25 per cent. During November the hospital admissions of the army in the Crimea amounted to 10·23 per cent of the force, and 8·95 per cent of that serving in Great Britain and Ireland, a difference of 1·28 per cent. The deaths amounted to 0·51 per cent and 3·07 per cent respectively of the troops serving in the Crimea and at home, a difference of 0·44. The high rate of mortality of the army in the Crimea during this month is to be attributed to the prevalence of cholera at Scutari.—Army and Ordnance Medical Department, Jan. 24."

When it was recollected that the army in the Crimea consisted of men, a large part of whom had undergone considerable labours and privations, it could not but be satisfactory to the Committee to learn that the general health of that army was almost equal to that of the troops in this country, and even superior to that of the troops on foreign stations for a period of twenty years anterior to the year 1836. Great care and attention had been paid to the food and the clothing of that army; but it should not be forgotten that a debt of gratitude was due to Dr. Sutherland, Dr. Gavin, and Mr. Rawlinson, who went out to the Crimea as Commissioners last spring, and, by the admirable sanitary arrangements they devised for the camps, helped materially to ward off sickness and disease from the troops. A general impression prevailed that a great proportion of the recruits sent to the East were mere boys below the age of eighteen. That opinion, however, was certainly not borne out by facts, as a return which he held in his hand would show—

"AGES OF THE ARMY.

	When the War began.	Now in the Crimea.
Under 18 years ...	576	499
From 18 to 30 ...	11,922	13,201
From 30 to 40 ...	3,455	2,437
Above 40...........	159	15
Total ...	16,112	16,152

"Ages of 10,268 men sent to the Crimea between April and October, 1855:—

"AGES BY YEARS.

Under 18 years	162
From 18 to 21	5,318
From 21 to 24	2,822
From 24 to 30	2,244
Above 30	412
Total	10,958

Another return, giving the actual ages of the soldiers now in the Crimea, and the ages of the army when the war began, contained evidence to the same effect. The next point to which he would refer related to crime. No doubt, immediately after the fall of Sebastopol a considerable amount of drunkenness, perhaps not altogether unnaturally, prevailed; but recent reports received from General Codrington showed that that vice had now greatly abated; and the last accounts stated that only about one man out of a company of 100 men was brought up every second day for insobriety. The report as to admirable order and discipline of the corps of 14,000 men in the Bosphorus under General Storks, and also as to the excellent condition of the foreign legion at Kululee, were highly satisfactory. Perhaps the Committee would not deem it irrelevant in him to point out the changes that had been made during the past year to promote the comfort and wellbeing of the soldier. In the first place, the bounty money received by him on enlistment, though fixed at a proportionably lower rate, was now paid without any deductions. Under the old system every recruit used to commence his military career with an unpleasant feeling that, in regard to the money taken from him for his "kit," the public had what was called "done him." That cause of scandal had now, however, been removed. The same was also the case with respect to the sum annually abstracted from the pocket of the soldier in the shape of canteen rent. Formerly the canteen keepers were required to pay a certain sum over and above the fair rent of the house they hired, and calculated at so much extra per 100 men. That sum, he need not say, the canteen keepers knew how to reimburse themselves, with good interest, out of the poor soldier's pocket. Canteens would be henceforward let simply at the rent which they were worth as shops, and thereby a pecuniary boon of £20,000 per annum would be accorded to the army.

An avenue to advancement had also been opened to retired non-commissioned officers of the Artillery, and of the Sappers and Miners, who, by a general order, had been made eligible for appointment under certain conditions, for a considerable number of Government clerkships at Woolwich. He hoped to see the same system extended in regard to other clerkships, to the rest of the army in the course of the year. Such a measure, by holding out to the deserving soldier something to which he might aspire after he quitted the service, would doubtless operate as an excellent incentive to good conduct in the army. In the next place, the Government might take credit for the extra sixpence per day which they had allowed to the troops in the Crimea. To those who thought that liberality but a doubtful advantage, he might mention that Returns showed that since it had been granted increased sums had been sent home by the soldiers in the East, both for the use of their friends in this country, and to be deposited here in the savings banks in their own names. Moreover, those soldiers who used to linger about the hospitals at the Bosphorus now manifested an eagerness to go to the Crimea to secure the extra pay; and for the same reason, the position of an officer's servant at Constantinople, which used to be much coveted by the troops, was no longer popular. The pay and the *status* of medical men in the army were also about to be raised; but the warrant on that subject not having yet been issued, he would reserve his observations upon it till the measure had been finally completed. Another important advantage had been conferred on the soldier by the establishment of a Medical Staff Corps—a step which had been followed by the best possible results. That corps was composed of ten companies of 120 men each. A few members of that body might not have been very well chosen at first; but latterly the selections had been made with the greatest care. One company of these men, besides a reserve, were attached to a hospital, having charge of 500 patients. They also acted as servants for the surgeons; and the great improvements effected in our hospitals in the East had been materially promoted to the admirable organisation of this valuable corps. He wished also to say a word with reference to the civil hospital established at Renkioi, when great sickness and mortality existed among our troops. It was, in the first instance, intended that 3,000 beds should be made up in that hospital, but at present 1,000 beds were provided, and the number of inmates as patients was 250. It appeared from the monthly Reports, which had been forwarded to the Government, that the hospital buildings were found perfectly suitable for the purpose to which they were applied, that there was an abundant supply of water, that animal and vegetable food was abundant, and that during a period of seven months not a single casualty from death or invaliding had occurred throughout the whole of the hospital staff.

He would now proceed to direct the attention of the Committee to the separate Votes. The number of men of all classes proposed to be voted for this year was 246,716, being an excess of 30,378 men over the vote of last year. Of that number 224,997 were British troops, and 21,719 comprised the foreign corps. The number of British troops employed in India last year was 29,629; this year it would be 26,363, the decrease having been occasioned by the withdrawal of two regiments of cavalry and two of infantry. The increase in the number of troops was occasioned, in the first instance, by two cavalry regiments, numbering 1,460 men, having been brought from India, and to the augmented establishments of nine other cavalry regiments to the extent of 2,924 men. The artillery force would also be augmented by additions to the horse artillery, and by the addition of 4,000 men to the infantry artillery. He thought that addition to the artillery was of great importance, and he wished to explain to the Committee that, in order to provide to some extent for this augmentation, 2,000 men had been deducted from the non-effective men of the line for the purpose of adding that number to the artillery. The Secretary of State for War had taken that course because he considered it of the greatest importance to mark his opinion, that the relative numbers of the artillery, as compared with the other descriptions of troops in our army, should be increased. The experience of the last year had shown the importance of increasing the strength of that branch of the army, for it was known that, especially when the bombardment of Sebastopol on a more extensive scale was contemplated, great difficulty was found in obtaining a sufficient number of artillerymen, and men in that department of the service could not be rendered efficient so speedily as other descriptions of troops. The next increase to which he had to call the attention of the Committee was also of great importance—1,192 men were to be added to the Sappers and Miners, and a warrant was to be issued very soon which would constitute that corps part of the Engineer corps. Hon. Gentlemen were aware that, in addition to the difficulty which was, in the first instance, experienced by our army in the Crimea from the want of a Land Transport Corps, great inconvenience also arose from the want of a sufficient number of military workmen. It was, consequently, found necessary to form a civil corps, which was called the Army Works Corps. It was now the intention of Her Majesty's Government to increase considerably the number of military workmen, or Sappers and Miners, and to give great prominence to that branch of the service. The men were to be stationed at Chatham—the head-quarters of the force—in sufficient numbers to enable them to receive a proper training, and bodies of them would also be employed in the camps at Aldershot and the Curragh. The next increase arose in consequence of the augmentation of two infantry regiments from India, from the number of 1,200 men each, to the Crimean strength of 2,000; and also from sundry small additions to regiments. The Medical Staff Corps, numbering 1,202 men, consisting of cooks and stewards, were employed most efficiently in the various hospitals. Last year only 14,950 men were voted for the British Foreign Corps, but this year the number was 21,719 men. There were at present about 11,000 men enlisted in the German and Swiss Legions, and about 2,500 in the Italian Legion, and he might state that he had received the most satisfactory accounts with regard to the class of men who were being enlisted in Italy, and the creditable manner in which they conducted themselves. The Government were also informed that the German Legion, whether at home or on the Bosphorus, had behaved most satisfactorily, and the utmost confidence was reposed in them by their officers, who did not doubt that they would fully support the reputation earned by the old German Legion during the late war.

The next item of increase was 9,020 men for the Land Transport Corps. There were about 7,000 Europeans attached to that corps already in the Crimea, and steps had lately been taken by General Codrington, in connection with Lord Hardinge, to organise the corps upon a different footing, giving it a more military character, and placing it under the management and control of the generals of division. It would be very unjust if he were not to take that opportunity of acknowledging the very important services which had, under great difficulties, been rendered by that corps, under the direction of Colonel M'Murdo, to the army in the Crimea during the last year. Colonel M'Murdo had to organise entirely a new corps; he had the greatest difficulty in obtaining proper drivers and men who would be amenable to discipline; but he persevered in his exertions, and he (Mr. Monsell) believed not a day elapsed on which shot, shell, powder, and all ammunition necessary for carrying on the siege were not conveyed to the front. The next Vote was for the increase in the amount of staff pay over that for last year. The charge for the camp at Aldershot was £2,909; that for the camp at the Curragh was £2,286. The increase for the medical staff was chiefly occasioned by the camps which had been established, and by the preparations for sending out a large force if it should be necessary to do so. There had also been an increase in the Ionian Islands, in Malta, Heligoland, and other places, but the principal increase had taken place in the army in the field. In the general staff there had been an increase of £16,123; in the Commissariat, £17,244; in the medical staff, £16,977; servants' allowances to staff officers, under a regulation introduced for the first time this year, £57,000; and staff attached to foreign troops, £20,721. That increase was accounted for by the extended nature of our operations in the field. The next item was the levying money of recruits, in which there was a decrease of £121,180. But that decrease was only apparent, as it arose from the new rule with regard to bounty, and the amount apparently deducted would be found in another Vote. The next item was £443,028 for the Land Transport Corps, and it was accounted for by the fact that the European part of the corps had been quadrupled since last year, and now consisted of 9,000 men. The number of horses belonging to the corps was 24,000. There were upwards of 14,000 natives attached to the corps, but it was intended to reduce their number and to use them chiefly at the depôts in reserve. Colonel M'Murdo, whose opinion, from his ability and experience, was of great weight, had told him that, although it was necessary that the body of the corps should consist of trained European soldiers, it would be impossible for it to conduct its operations without the assistance of natives. The next item was £300,000 for the Turkish Contingent. No detail was given as to this item, because no accurate information could be obtained with regard to it, and they had, therefore, put down the best approximation to the possible cost at which they had been able to arrive. The number of men was 29,000, and the pay of the Turkish rank and file was about £4 per annum. The next item was an increase of £81,204 for field allowances, and £639,000 for the charge of the additional 6*d.* a day in the Crimea, to which he had already adverted. The next item was for the purchase of horses, £351,811. There were 16,000 animals for the Land Transport Corps at £25 each, and 2,000 for the Turkish Contingent at £40 each, but a deduction must be made for the decrease which had taken place in the cavalry and the line. Having now accounted for the excesses of the Estimate for the present year over that for last year he would proceed to the militia. They required for the militia last year the sum of £3,435,728, and the amount now asked for was £3,150,129. The strength of the militia last year was 38,520; its present strength was 66,317. For the forty-nine disembodied regiments of English militia in January, 1855, the number of soldiers called out was 22,845. The number of volunteers of the seventeen regiments who still remained disembodied in January, 1856, was 3,286. The Irish and Scotch regiments had not been trained until they were embodied. There were only twenty militiamen now billeted in Ireland, about 7,000 in England, and about 2,500 in Scotland. Barrack accommodation to the extent of 45,000 men and 3,000 horses had been erected during the last year. In a month or two he hoped there would be accommodation for 5,000 or 6,000 men more. Ten militia regiments had been sent on foreign service, and fifteen English regiments had been sent to Ireland, and twelve sent from Ireland to England. The number of volunteers who had gone over to the line between the 20th of November, 1854, and the 31st of December, 1855, was 22,014, and since December, 1855, to the present time, 4,830. With respect to the volunteer corps he would make no remark at all, as they caused no expense in the Estimates over the amount charged last year.

The next item to which he would refer was that for the Army Works Corps. He had already adverted to the necessity which existed for establishing this corps on account of the absence of a sufficient number of military workmen. An hon. Friend of his in that House had been good enough to transmit to him an account of the valuable services which the corps had performed for the army during the last year. There could be no doubt that without the existence of that corps the greatest possible difficulty would have been felt in respect to making the roads and the railway, and getting up the huts. The conduct of the men generally had been exceedingly good, and great credit was due to the gentleman who had managed it for the manner in which he had conducted its affairs. Though he wished as much as any person could that a portion of the Army Works Corps should be supplied by trained military workmen, still he did not think that that consideration should make any one indisposed to recognise the services which, in a state of transition, the Army Works Corps had performed. He would not now say a word with respect to the floating factory. That, to use an expression contained in a letter from the Crimea, was a successful attempt to remove the laboratory and manufacturing departments of Woolwich to the Crimea. The floating factory contained a variety of machinery of all kinds necessary for such work as was carried on in the laboratory and carriage department of Woolwich, and until the arrival out of the floating factory that kind of work could not be done without sending to a great distance and incurring an enormous expense. The floating factory had been of enormous utility to the army, and nothing was more often mentioned with approbation by persons writing home. The next vote was for the salaries and contingencies of the War Department. There was a decrease of £36,291, which was occasioned by the postage being carried over to the credit of another department. There was, on the other hand, an increase in some of the items, amounting to £24,285, such as the charge for quarterly clerks, who were engaged during the pressure of war, where the increase was £11,390, and the expense for a topographical department, for which the estimate was £5,000. That was merely an approximate estimate, for the department was only in the process of formation. The department, when organised, would no doubt confer great benefit on the country, and it certainly would be disgraceful for this nation to be without an establishment which existed in every other country. There was an increase also in the item for the professional staff of the Inspector General of Fortifications. That was rendered necessary by the enormous amount of duty which had devolved on the Barrack Department. Another item of increase, amouning to £875, was for junior clerks, selected to take charge of the different branches of the service, and who had to do the work of senior clerks. Fifteen clerks of the Ordnance Department had likewise been transferred to the Department of the Secretary for War at the time the superintendence of the artillery and engineers was transferred to the Secretary for War; and their salaries now included in this Estimate had been by accident omitted last year. The next Vote (No. 7) was for head quarters, Military Department. This Vote last year amounted to £19,694, and in the present year to £22,791, being an increase of £3,097, partly occasioned by the employment of an additional number of temporary clerks.

The next Vote was for the civil establishments. The amount this year was £514,141, and last year £402,335, being an excess of £111,806 for the establishment at home and abroad, the increase for the latter being £43,822. The increase in the establishments at the seat of war had occurred chiefly in the Ordnance establishments at Balaklava and Scutari, and in the Commissariat establishments at the same places. The Government and the country would derive, and had derived, great advantage from the services in the War Department of a chemist, who examined the supplies sent in by contractors. The effect of this would be to improve the materials supplied by contractors. He could not let the present opportunity pass without alluding to the valuable services of the present head storekeeper at Balaklava. The stores under his charge were organised in the most admirable manner. The Committee would remember that at one time great complaints were made of the confusion in which the stores there were, but at present the things were all classified and arranged, and the highest encomiums had been passed on the storekeeper by the Commander in Chief and every other officer who had been brought in contact with him. In our colonial establishments, he was happy to say there was a decrease to the amount of £7,405. The next Vote was for wages, and in that there was an increase of £175,000, chiefly incurred in our establishments at Balaklava, Scutari, and Malta. There was also an increase in the Woolwich, Waltham Abbey, and Enfield establishments. He was sorry to say that the progress of the small-arms manufactory at Enfield had not been so rapid as he had expected. [Colonel DUNNE: Hear, hear!] That cheer certainly came very inopportunely from the hon. and gallant Gentleman, whose opposition to the establishment of the factory proceeded from an idea which he entertained that contractors always kept their word, whereas the delay which had taken place at Enfield was, to some extent, caused by the want of punctuality on the part of the contractors. The great obstacle to the completion of the establishment was the non-arrival of some machinery from America, but when that machinery did arrive and was set to work he had no doubt that the manufactory would do all that had been anticipated from it. There was also an increase of wages at Portsmouth and one or two other places, incurred on account of the embarkation of troops. In the eighth Vote, for the supplies for the service of the troops, there was an excess of £431,000. That increase was made up of items for clothing and supplies to additional men in the different branches of the service, and of sums due to clothiers and agents. The charges for the Land Transport and Medical Staff Corps did not appear in the Estimates of last year. The increase of £12,595 in the expense of the enrolled pensioners had arisen from the supply of new clothing to that force. In the item for warm clothing there was a reduction of £130,000, which arose from the fact that much of the clothing which had been provided last year was not worn out, and it would therefore be unnecessary to replace it. It had been the practice to provide for a variety of articles under one general head of accoutrements; but he was of opinion that the more satisfactory way to put those matters before a Committee of the House was to provide for them under detailed items; and that would be done in future. Several attacks had been made on the new clothing department — attacks founded chiefly, he thought, on abstract reasoning, but promoted by certain statements with regard to the mode in which things had been managed during the last twelve months. He, however, begged to remind the Committee that this clothing department had not been formed until the 6th of June last; and it was utterly impossible that such a department could get into full play and working order all at once. Therefore, whether for good or evil, the new department could not be in any way responsible as yet. Whether the clothes lately issued were well or ill done, he did not think anything in connection with them could be attributed to that department. Clearly the desideratum was, to obtain good cloth; for as to making up the material there could be no difficulty, whether they had the clothes made by contractors, or whether the regiments were made responsible for making up their own clothing. No clothing had yet been received, inspected, and issued by the Clothing Department. Under these circumstances, the Committee might, perhaps, consider that the working of the department a fit matter of speculation or prophecy ; but it was idle to apply to it the test of experience.

Lord LOVAINE said, he wished to ask the right hon. Gentleman whether some clothing had not been already issued by the department?

Mr. MONSELL said, that no doubt clothing had been issued—clothing had been sent down from the Tower to Weedon ; but it had been inspected under the old system. What he meant to say was, that there was as yet no experience of clothing which had been ordered by the department, received by the department, inspected by the department, and issued by the department.

The next portion of the Vote—for provisions, forage, fuel, light, and money allowances at various stations—was, he must confess, a very large one. The increase in the cost of provisions for the men was £347,871, which was caused by the increase of the estimated number of men at the seat of war to 100,000; the total expense, adding 25 per cent for unforeseen expense and losses, was £2,268,003. This estimate was founded on the present average cost of each ration, which was about 1*s.* 2*d.* per day. The item for forage for 60,000 horses amounted to £4,861,928. This sum would provide forage for 60,000 horses, at the rate per horse of 3*s.* 3*d.* per day, and an addition of 25 per cent was taken for contingencies. Last year the expense of forage was only £1,418,300 ; the increase this year was therefore £3,443,628. The increase of expenditure for fuel and light at the seat of war amounted to £78,000. On the Vote for the Ordnance stores for the land and sea service there was a decrease this year of £175,000 ; but a very large sum would be demanded in the first instance for the supply and repair of smallarms. The contracts at Liege were going on admirably, and the guns procured from that place were fully equal to any obtained elsewhere. £13,378 was required for the smallarms' factory at Enfield, where it had been found necessary to erect additional barrel machinery. In the item of gunpowder there was an increase of £90,000, attributable to the fact that a much larger quantity (56,000 barrels) had been contracted for this year than last. The present Vote for the Royal laboratory was in excess of last year's by £246,518, which represented among other things, 50,000 tons of sheet iron, to be used for making shells, &c. The next item showed an excess of £56,224 for waggons, carts, harness, &c., for the Land Transport Corps. The proposal to establish a gun foundry at Woolwich for the manufacture of iron ordnance would necessarily involve considerable expenditure, but the object was well worth the cost. Heretofore the Government used to manufacture their own brass ordnance and to depend on contractors for the iron ; but this course was no longer expedient. Last year when there was a great pressure upon the Board for procuring 13-inch mortars, 68-pounders, and other guns that were deemed essential, at the moment the Government went to all the best contractors in the country, and gave their orders to them without undue consideration of an economical nature, and the result was that they had satisfied themselves—and he spoke the opinions of gentlemen who were far better able to judge than himself—that it was not safe to trust the manufacture of those articles to the trade. It happened that we stood higher than any other nation in the world for our ordinary iron, but there was a very small demand for the iron required for these guns. It was a special article required for a special service, and he was ashamed to say, but he had a deep conviction of its truth, that our iron ordnance was inferior to the iron ordnance of many other countries. The Secretary for War had sent a Commission of most able men to Berlin, Liege, and Rouen, the result of whose labours was a most interesting Report, which he proposed to lay on the table of the House, and which, he thought, would substantiate in the fullest manner the statement he had just made. The Committee would not, he was sure, hesitate to take any steps necessary to improve the production of an engine of war which it was absolutely essential to have of the highest possible quality, he was satisfied it would not refuse to authorise an expenditure of some £60,000 or £70,000 for the erection of a gun foundry such as he had described. In one year of war the whole amount would be saved. The Vote for works and buildings was necessarily a large one—£2,044,069 ; but of this sum £1,072,164 was required for works of fortification already set on foot in Kent, Sussex, Devonport, Aldershot, Dublin, and other places, £317,670 was wanted for current repairs, and there was an item towards the erection of a large hospital at Southampton Water, to complete which a total outlay of £150,000 would be required.

Next, there was a Vote of £105,000 for barracks at Dublin, Chatham, St. Helena, Woolwich, and the Cape of Good Hope. The question of barracks was certainly a very important one. The Committee appointed last year by his noble Friend Lord Panmure to inquire into the improvements that might be made in barracks to promote the health and convenience of the troops had presented a very interesting Report on the subject, which was now lying upon the table. In consequence of that Report plans had been advertised for, and a great number sent in by the architects of the country. A minute calculation had also been made as to what would be the expense of carrying out the suggestions of the Committee—those suggestions being that good rooms should be provided for a portion of the married soldiers; that certain improvements should be made and additional facilities supplied for the amusement of the men; that the number of square feet in the hospital accommodation should be increased; and that some additional advantages should be given to the officers. Now the expense per 1,000 men for infantry barracks, constructed according to the system at present sanctioned, was somewhere about £86,000, or £86 per man on the average. The expense of building barracks according to the recommendation of the Committee would be about £136,000 per 1,000 men, or an excess of £50,000. Of course the Government had some difficulty in knowing what to do upon the subject—for, on the one hand, it would be perfectly absurd to build merely one barrack for 1,000 men on the new system, at a cost of £136,000, and stop there; whilst, on the other, the House would require to reflect a good deal before they actually determined upon placing the whole of the barracks in the kingdom upon that improved footing. He would take another opportunity of calling the attention of the House to this important question. The course that had been taken was this—the Inspector General of Fortifications had been called on to make a return of all the barracks in the country that he considered worth preserving, on account of their position and the accommodation they afforded; how many of them did not come up to the present requirements; what expense would have to be incurred in making them equal to those requirements; and also what the expense would be of bringing them up to the higher requirements of the Barrack Committee. Until some such Report as that had been made, neither the House nor the Government would be in a position to arrive at any final decision upon the question, which was certainly one of great importance. The Government were taking some small steps in the way of providing accommodation for an additional number of married men; but beyond that he did not think that any determination had been come to with regard to carrying out the recommendations of the Barrack Committee, and he did not think they could come to any determination upon the subject until they saw their way clear as to what the whole of the expense of carrying out those recommendations would amount to. He had already mentioned the two principal items for the shell and the cannon foundries at Woolwich, and he could only say that he wished hon. Members of that House who voted these sums would personally visit the establishments at Woolwich, and see how admirably they were conducted, with the invaluable assistance of Captain Boxer and other able officers. In Vote 13, for the educational and scientific branch, there was an increase of £17,369. Under that head a Director of Artillery Studies had been appointed to train cadets who had received provisional commissions after passing successively through the competitive examination. Colonel Wilford and his staff were training a most efficient body of young officers for this important branch of the army. In Vote 18, for pensions for wounds, there was an increase of about £34,000, arising from the augmented number of wounded officers. In the outpensions there was a decrease of £20,000. This item had been constantly decreasing since the last war, and the present war had not yet had any sensible effect upon its amount. There was an addition of £10,000 in the amount of the Vote for superannuation allowances occasioned chiefly by the retirements consequent upon the consolidation of the different War Departments. He had now gone through the whole of the lengthened details, to which it had been his duty to call the attention of the Committee—the difficulty of the task he had had to discharge being increased from his having that night for the first time to bring under one general review the whole of the items relating to the different consolidated services of the War Department. The whole of these different departments were now governed by one directing head—the Secretary of State for War; yet it had not been possible to bring them all under one roof. Until that had been done the consolidation could not be said to be complete; but he trusted that that object would be attained in the course of the present year. He would only add, that if any hon. Gentleman wished for any further information which he was able to afford, he would be most happy to furnish him with it.

(1.) £294,154 Barrack Supplies, year ending 31st March, 1856.

COLONEL DUNNE said, he must complain that the right hon. Gentleman had not replied to the questions he had put to him. The right hon. Gentleman had given them no explanation of the duties attached to the various offices in the new War Department. His statement with regard to the Commissariat was by no means clear, but it seemed that there was to be one department of that service acting under the Secretary for War, whose function it would be to furnish provisions, and another department acting under the Treasury, which would attend to the financial arrangements. The right hon. Member had taken credit for the new Order of Merit, but he (Colonel Dunne) would much prefer to see a lower Order of the Bath instituted for the private soldier. Then as to the new regulation, giving to the soldier £5 and his kit, he did not see the great advantage that regulation would confer on the soldiers. When the bounty was £9, he got his kit for £4, so that by the new regulation he was £1 out of pocket. He regretted also that the right hon. Gentleman had not given the Committee some information with regard to the clothing of the Army. At present there was not any military man who was responsible for the clothing of the troops, and the consequence was, that innumerable troublesome and expensive changes in the uniforms were made.

Vote *agreed to*, as was also—

(2.) £62,316, Wages, year ending 31st March, 1856.

(3.) £987,185, Stores, year ending 31st March, 1856.

MR. MONSELL said, in reply to Colonel Knox, that it had been deemed advisable to provide additional accommodation for troops in case it should be required, and that, if necessary, a large encampment could be formed in Scotland, and other camps could be established throughout the country. As there was a general outcry against the system of billeting, it was proposed considerably to extend the permanent accommodation for troops.

COLONEL LEGH said, he objected to the erection of huts in the north of Ireland, and wished to know if he should have another opportunity of stating that objection?

MR. MONSELL said, he was afraid that there would be no other opportunity, as the expense was already incurred.

COLONEL LEGH said, he must then state that he considered the erection of those huts, which were fragile and inconvenient, highly injudicious. The same expense would have provided additional accommodation in barracks of permanent brickwork, and have been much more useful to the Army. The whole of the north of Ireland was being covered with huts, which might be burned down and destroyed at any time.

MR. MONSELL said, that the Government could not wait the time necessary for building new barrack accommodation. They were obliged to do what was to be done with the least possible delay. He admitted that it would have been much better if the accommodation could have been provided in a permanent manner, but the Government had no option.

COLONEL TAYLOR said, he thought that iron huts, which had been proposed, would have answered the purpose, and would have been much more durable. Perhaps the expense was the objection; he should be glad of information on that head.

MR. W. WILLIAMS said, he must complain of the loose manner in which they were voting away money for barracks without due inquiry. He saw several expensive propositions for warming the barracks with steam or hot water, which he thought quite useless.

COLONEL NORTH said, he would beg to ask whether the hon. Gentleman wished soldiers to be treated like brutes? The hon. Gentleman opposed every proposition for the soldier's improvement and comfort.

MR. W. WILLIAMS said, he wished every provision to be made for the comfort of the soldiers, but objected to unnecessary expenditure.

MR. MILES said, he wished to know if the hon. Member recollected the time when barracks had been knocked down from a false economy. If they were to have good soldiers, they must keep them warm.

MR. MONSELL said, that in reference to the question asked him respecting iron huts, the expense of each hut would have been £6 7*s.* 6*d.*; but the objection to them was on the score of their unhealthiness. In reference to what had been last said, he quite agreed as to the false economy which had pulled down valuable barracks and sold the materials for a trifle.

Vote *agreed to,* as was also,

(4.) £2,368, Scientific Branch, year ending ending 31st March, 1856.

(5.) £246,716, Men, Land Forces.

COLONEL NORTH said, that previous to the change recently made, those officers who had arrived at the rank of full colonel also arrived, as a matter of course, at the rank of general officers, but, owing to the recent change in reference to the system of selection, a great number of old officers saw no prospect whatever now of arriving at that rank, after having spent much money in the purchase of their commissions. A case of considerable hardship was that of Colonel Upton, who commanded the Coldstream Guards at the Alma, at Inkermann, and during the Crimean campaign. Owing to having got a certain step in his regiment, he was obliged to return to command his regiment at home, while other officers who remained behind had attained the rank of brigadier-general, and it was consequently impossible to say when Colonel Upton would become a general officer. The Order of Valour had been referred to in the course of the evening, and that, no doubt, would give great satisfaction to the army; and he now took the opportunity of expressing a hope, as many gallant officers were rewarded for their services with the Order of the Bath, that the noble Lord, considering that officers in the army were not over rich, would recommend that in their case the payment of the enormous fees might be remitted.

COLONEL DUNNE said, he should move that the Chairman report progress, and ask leave to sit again.

MR. W. WILLIAMS said, he wished to ask whether it was not intended to take the same course in the case of the Army Estimates which had been pursued in those of the Navy; that was, to vote the number of men, and then take a Vote for three months on account for pay and provisions?

VISCOUNT PALMERSTON: That is what we propose; but we want to have the number of men voted, because that is necessary as the foundation for the Mutiny Act.

COLONEL DUNNE said, that under those circumstances he would consent to withdraw his Motion.

Vote *agreed to.*

House resumed.

Mr. Monsell

OATH OF ABJURATION.

Order for Committee read; House in Committee.

MR. MILNER GIBSON placed in the hands of the Chairman a Resolution authorising him to introduce a Bill to abolish the Oath of Abjuration.

MR. WALPOLE said, he should not oppose the Motion, as he understood that it had been arranged that the discussion should be taken when the Bill was before them. The Oath of Abjuration in itself contained a provision which had certainly become obsolete, and was inapplicable to the present time, and he quite admitted that, for the purpose of simplifying the oath, that portion of it might very well be done away with. Still, that oath contained a principle which ought to be retained in any oath which should be substituted for it. The Act of Parliament at present obliged Members to take three oaths—the Oath of Allegiance, the Oath of Supremacy, and the Oath of Abjuration—and each of these oaths contained a principle of its own. In the Oath of Allegiance was contained the principle of simple allegiance to the Queen; in the Oath of Supremacy, by which Members were required to declare that no foreign prince, prelate, or power had any jurisdiction within these realms, was contained what he would call the principle of undivided allegiance; and the third principle, contained in the Oath of Abjuration, was, that Members were called on to pledge their simple and undivided allegiance to the Throne according to a particular line laid down in the Act of Settlement. That principle he conceived to be of the utmost importance, and he should be very sorry to see any oath imposed which did not contain those three principles. Indirectly the Bill would raise a great question, which had been discussed and decided by several Parliaments. If there was to be any proposition to omit from the oath the words, "on the true faith of a Christian," he must warn the right hon. Gentleman that he must not look for the support of Gentlemen on that side of the House.

MR. NEWDEGATE said, he hoped it would be understood that he, for one, would be prepared to offer the strongest possible opposition to the passing of the Bill. He must say he could conceive no proposition more offensive to the religious public of England—no proposition more offensive to Parliament itself—than the Bill announced by the right hon. Gentleman.

He could foresee nothing but defeat for this attempt to infringe upon the Christian character of the House of Commons.

Resolved—"That the Chairman be directed to move the House, that leave be given to bring in a Bill for abrogating the Oath of Abjuration and the Assurance.",

Resolution *reported*; Bill *ordered* to be brought in by Mr. FITZROY, Mr. MILNER GIBSON, Mr. RAIKES CURRIE, and Mr. THOMAS DUNCOMBE.

The House adjourned, at a quarter before One o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, February 25, 1856.

MINUTES.] PUBLIC BILLS.—1ª Commons Inclosure; Turnpike Trusts Arrangements.
2ª Joint-stock Banks (Scotland).

COMMITTEE FOR PRIVILEGES—THE WENSLEYDALE PEERAGE.

Committee for Privileges to examine and consider the Copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life (presented to the House on Monday the 4th Instant), and to report thereon to the House.

Report made, "That the Committee have met, and considered the Matter to them referred, and have examined Witnesses thereon; and they report it as their Opinion, that neither the said Letters Patent nor the said Letters Patent with the usual Writ of Summons issued in pursuance thereof can entitle the Grantee therein named to sit and vote in Parliament."

LORD REDESDALE *moved*, to agree to the said Report.

EARL GRANVILLE: My Lords, it may be convenient that I should state that, although Her Majesty's Government consider it absolutely necessary to dissent from the reception of the Report, yet it is not their intention to go to any division, as I have already intimated to some of my Friends, to attempt to reverse, in a comparatively thin House, a decision which, in a very full House, was carried by a very large majority. I believe I have authority to state also that Lord Wensleydale will put himself sufficiently in the hands of the Government, at all events, not to attempt to take his seat until time for due consideration of the whole of this subject has been given. I shall not now say a single word either in justification of the step taken by Her Majesty's Government in advising Her Majesty to such an exercise of her prerogative or in condemnation of the course which the House has adopted; but I think it must be quite evident to your Lordships there is considerable difficulty in the position in which we find ourselves. On the one hand, Her Majesty has been advised, and is advised, that she is perfectly competent to such an exercise of her prerogative; and on the other hand, your Lordships, by a large majority, following the advice of the majority of those noble Lords who are learned in the law, have declared that the Crown is not competent to that exercise of the prerogative. On the part of Her Majesty's Government, I can only say that, if time is given, they will be most anxious to approach the consideration of this subject free from any feelings of a personal or party nature; and I think I may say confidently, the spirit of the House will be of a corresponding character.

LORD CAMPBELL: I have heard with the greatest satisfaction the statement of the noble Earl, and I am sure it will be responded to in the same spirit by your Lordships. I have been accused of a little pugnacity in this matter, but no one can be more eager for peace than I am myself, and no one will rejoice more at a satisfactory solution of the difficulty.

THE EARL OF DERBY: My Lords, I agree with the noble and learned Lord that the statement of the noble Earl the President of the Council that he will not resist the adoption of the Report is one which ought to be received with considerable satisfaction. It is quite clear there is, on the part of Members on all sides of the House, every disposition to meet the further discussion of this difficult subject in a spirit entirely free from anything like party feeling, and with a sincere desire to arrive at a satisfactory conclusion with regard to it. I do not wish to reopen the controversy; but I must say, that the House of Lords was placed in a position with regard to their own privileges which left them no alternative. The question was forced upon them for decision by what I must call the rather ill-considered act of Her Majesty's Government. [Earl GRANVILLE: Let bygones be bygones.] We were precluded from any other course, because, while I am quite ready to admit that the Amendment of the noble Earl opposite was couched in moderate terms, it affirmed the principle that the prerogative exercised by the Crown had been well exercised, and, if we had assented to those Resolutions, we should have been in the position of introducing restrictions, not as a right on the part of Parliament, but by grace and favour of the Crown. We were called upon to say whether we admitted the prerogative to be unrestricted and unlimited, and proposed subsequently to modify it, or whether we were prepared to affirm that the power did not exist, and that its existence or exercise hereafter must be a subject of consideration for this and the other House of Parliament. I say that, in that position, we had no neutral ground to occupy, but were compelled to declare, "Aye!" or "No!" did the prerogative exist to its full extent and to an unlimited degree? I think we had no alternative but to come to a decision one way or the other. The admission of Baron Wensleydale would have settled the right for ever, and, therefore, we were driven to choose between the rights of this House and the prerogative of the Crown. I am quite sure that nothing can be more painful to your Lordships than to have your Lordships' House for a single moment in even apparent collision with the Crown; but we did not take that position voluntarily—it was forced upon us. I will say frankly that, after the expression of the opinion of the House by a considerable majority, and after the expression of the opinion of many who voted in the minority, that, though strictly legal, it would be a highly unconstitutional, inconvenient, and even dangerous precedent, I should be better satisfied if Her Majesty's Government were to go one step further and so far deferred to the opinion expressed as to issue a new patent to Lord Wensleydale, giving the usual peerage to him and his heirs, and removing his name from further controversy. I cannot help thinking that, even with regard to the future consideration and discussion of this matter shadowed forth by the noble Earl, such a step would facilitate the progress of our discussion. We could then proceed without the slightest reference to its effect upon any individuals, and we should be free to canvass the principle on its merits, exclusive of any consideration and difficulty in consequence of this patent remaining still in abeyance. But, my Lords, in whatever manner this question may be brought forward, I can assure the noble Earl, on the part of myself and my friends, that we shall be ready to approach the discussion in the most temperate and impartial spirit. I quite admit, apart from the consideration of the validity of the late exercise of the prerogative of the Crown, the question of the infusion of life peerages in the constitution of this House is one of the greatest possible magnitude, and deserving the deepest and most careful consideration. I do not wish to pronounce any absolute or irrevocable opinion, but I may be permitted to say I see that some advantages, in certain cases and under certain modifications, may arise from peerages for life. On the other hand, so great is the danger from the precedent, however limited and defined, that I see the necessity of careful inquiry to ascertain what restrictions should accompany these peerages. I confess the feeling of my own mind is, that for any practical purpose there are other modes preferable to the creation of peerages for life. I do not wish to pronounce any absolute or positive opinion, but, though it may be considered somewhat premature, for the purpose rather of opening this question to the consideration of your Lordships, I should wish to ask of Her Majesty's Government—as we have never yet heard them stated—what are the objects for the attainment of which it is desirable to introduce a novel precedent for the exercise of the prerogative of the Crown? When we know the objects intended to be attained, then we shall see whether the means are properly adapted to those objects, or whether they can be accomplished in another and less objectionable manner. I am not quite sure whether this power is to be resorted to for the purpose of conferring honour on those to whom these peerages are to be granted, or for the more efficient conducting the business of this House. With regard to conferring honour, I cannot but think the Government have overrated the anxiety felt by any person to receive this nugatory distinction. I cannot help thinking it would be considered by persons on whom it was conferred as very like (to use the Chinese expression) a "second chop" Peer. And I also think that at the moment of conferring honour you would be inflicting a species of injury. I think a man, with sons to succeed him, would not add much to his dignity, or well discharge his duty to his family, if he should accept for his own personal advantage a seat in this House, and, with his own consent, debar his natural heirs from succeeding to those honours. It is said to be very desirable to confer these peerages on individuals who have not the means to bear the burden of an hereditary peerage. If that be so, in the case of persons with large families and small means, by accepting the peerage they would entail upon themselves great expense, and lay out for their own personal advantage during their lifetime a considerable portion of the income which they ought properly to lay by for the benefit of their families who are to succeed them. The sacrifice of prospective increase of means in the case of a poor man, and the reluctance to deprive his successors of what might be considered their just rights in the case of a rich man, raise doubts in my mind whether, for the purpose of conferring honour, life peerage is of any very great advantage. Then, if we are to have any modifications or restrictions in point of numbers, that will be wholly insufficient to meet the case. If life peerages are in themselves objectionable, the making only twenty, or ten, or five of them will be a mere question of degree, which may diminish but cannot remove the objections. To restrict the number by enacting that only one or two such peerages shall be created within a certain time may be a still further restriction, and still would not be entirely satisfactory. Then I come to the question, what are the classes from whom you intend to select those persons upon whom, not being men of opulence sufficient to enable them to bear the burden of hereditary peerages, you intend to confer these life peerages? I assume, of course, that there is no desire to obtain for the Government of the day a temporary advantage by such creations. I assume also, that it is not intended to take, for example, such Members of the other House who have for a number of a years been faithful adherents of the Government, and remove them in their old age to the comparative ease and quiet of your Lordships' House, as you would transfer an old hunter from the field to the easier work of the farm, and keep him there till he is quite worn out, and then supply his place with another half-exhausted animal from the same stable. I cannot think that that is the class of persons intended to be introduced into your Lordships' House. I do not know whether it is intended to select these life peers from men eminent for their qualifications in literature or science. I do not at all deny there may be instances of such persons as would be ornaments to this House and whom it might be desirable to see here; but, as a rule, I confess, that whether looking to the honour to be conferred upon such persons, or the services they are likely to perform in this House, I do not think they form a class from which it is desirable to select Peers for life. I think men of literature or science are too much absorbed in those pursuits, and have not had their attention sufficiently directed to political affairs, to render them—although very valuable persons in their own spheres—likely to be very useful Members of this House. Of this I am sure, that to hold out as a bait to literary and scientific men a number of life peerages would have a tendency to corrupt and deprave the literature and science of the country, and to introduce among its professors the pernicious habit of looking not to their reputation with posterity, but to the favour of the Minister for the gratification of a present ambition. I can conceive nothing more fatal to the independence of literature than to hold out to its professors the prospect of temporary peerages conferable by favour of the Minister of the Crown. Then come the classes of the army and navy; and as to them I admit the case is more doubtful; but upon the grounds I have already mentioned, I think it exceedingly problematical whether any officer of the army or navy would not consider himself rather lowered by the bestowal of one of these second-class peerages, and whether he would not rather refuse it than accept it, clogged with a condition that his family should not enjoy the nobility to be bestowed upon himself: this, I am satisfied, would be the general opinion among officers of the army and navy. There are honours and rewards which may be conferred with a liberal, even a lavish hand; but then let those rewards and honours be well adapted to the circumstances of each case, and do not introduce into this House, on account of military merit, a person upon whom at the same time you cast a stigma by saying he is not competent to be the founder of a family to take a place among the hereditary Peers. I am quite certain that the officers of either service are equally undesirous of a seat in this House upon such terms. Well, then, I come to the class on whose account it is presumed this mode of dealing with the House was chiefly adopted—I mean the profession of the law. It is said that these peerages are intended for the profession of the law, not so much for the purpose of bestowing honour upon individuals, to whom I imagine such distinctions would be comparatively insignificant, as for the purpose of remedying the alleged defects in the constitution of this House, and to strengthen your judicial and not your legislative functions. That, I apprehend, is the main motive of the step which we have been discussing, and I think I am not doing injustice to the motives of the Government when I state them to be the infusion of legal talent into this House. I am not prepared to say—and I say it with great deference—that I am entirely satisfied with the working of the appellate jurisdiction of this House; but I am by no means sure that the only remedy for confessed imperfections in the judicial jurisdiction of this House is to be found in the creation of a number of life Peers to share in all the deliberations of this House. Nor do I think the proposed remedy would entail any very great advantage by introducing in all debates a number of lawyers, and especially retired lawyers, who, having nothing to do in the courts, possess no means of displaying their eloquence; and their introduction here I think would rather tend to the length than—I say so with great respect for that learned body—to the intelligence and importance of our debates. I cannot help thinking that, if you place the appellate jurisdiction of this House on a par with the Judicial Committee of the Privy Council, we shall be fearfully lawyer-ridden, and the worst anticipations of the noble Earl opposite (Earl Grey) confirmed, and that we shall find the remedy to be worse than the disease it is intended to cure. I am not myself impressed with the necessity of life peerages; I see great dangers and inconveniences likely to arise from them, but am not convinced of their necessity, although I readily admit there are points connected with the appellate jurisdiction of this House which cannot be defended. In the first place, I agree with my noble Friend on the cross-benches (Earl Stanhope) who the other night spoke for the first time in this House with great ability, and in a manner which assures us that he will be a considerable ornament to this House. I quite agree that nothing can defend a mere sham—the putting two or three of your Lordships to sit in rotation by the side of noble and learned Judges to hear arguments, taking no real part in the proceedings, but only keeping up a fiction. That is a sham, and no sham can be satisfactory or reflect credit upon this House. There is another point on which I think this House, as a court of appeal, is placed in an unpleasant position—I mean as to Scotch appeals. Although, by accident, there may be among your Lordships one or two conversant and skilled in the Scotch law, yet I think the reviewal of the decisions of the most eminent Scottish lawyers by an appellate tribunal composed of a small number of your Lordships, distinguished no doubt for learning, but not acquainted with Scottish law, constitutes a substantial grievance — more substantial than any of those pressed upon your Lordships' consideration last year by my noble Friend behind me (the Earl of Eglinton); and, had he included that among those he dwelt upon, I should have felt bound to afford him a more cordial support. I am not about to enter upon a detailed discussion of the existing condition of the House of Lords as a court of appellate jurisdiction, nor to propose any substitutes to remedy its defects as an alternative to the creation of a body of life peerages. I heard with great satisfaction from my noble and learned Friend (Lord Lyndhurst), that he contemplates bringing this question under your Lordships' notice, and I am quite sure that all who have heard my noble and learned Friend in the course of these debates must be aware that at no time was he more competent to deal successfully and powerfully with that subject than he is at present. I shall, therefore, reserve my observations upon that matter until it is brought under discussion by my noble and learned Friend. I had come down with a notice which, if my noble and learned Friend does not proceed, I shall venture to submit to the House—a notice of that which I think is a necessary and preparatory step towards the decision of this great question—that whether it is essential or desirable to create life Peers under any circumstances, it is advisable to institute a careful and accurate investigation into the present working of this House as a court of appellate jurisdiction, and to inquire into the best means of remedying any defects which may exist. I have sketched out the terms of a Motion which, if my noble and learned Friend does not persevere in his expressed intention, I shall venture to give notice of for Thursday, to move for

> "A Select Committee to inquire whether or not it is expedient to make any, and, if so, what provisions for the more effectually securing an efficient exercise of the functions of this House as a court of appellate jurisdiction, and to report thereon."

I think this a subject of the greatest importance, it being avowed by all that the main ground for supporting the introduction of life peerages, is the admitted imperfections of this House as a court of appeal; that the first thing to be done is, to ascertain whether those defects really exist; if so, to what extent; and then by what modes familiar to the constitution, or by what new mode, such alterations may be made to remedy the evils complained of. That question I will not now discuss. It may be necessary to do so when the subject comes again under your Lordships' notice. Until we have satisfied ourselves that that which is the main grievance—the want of an efficient appellate jurisdiction—cannot be remedied in any other or less convenient form than that of creating a life peerage, I will not enter into the discussion of that question. In throwing out the suggestion I have ventured to do, I shall be happy if we are spared the repetition of this contest, which I for one entered into most unwillingly. If your Lordships shall concur with me, I assure you I shall go into Committee with no feeling but that of wishing to arrive at such a practical solution of the difficulty as should be beneficial to the country, at least honourable and creditable to your Lordships' House, and free from the slightest taint or stain of political or party bias, one way or the other.

The Marquess of LANSDOWNE: My Lords, in answering the noble Earl opposite who has put some questions to Her Majesty's Government, I shall, as I had not an opportunity of taking any part in the debates on this subject, take the opportunity of making a few observations; and I hope that, in saying a few words in explanation, I shall do so without giving expression to a single sentence that shall in the least detract from the pacific character of the conversation that is now going on. Should the tone in which the present discussion has been begun be maintained, there is nothing more likely to bring about a satisfactory and complete termination of the subject now engaging the attention of your Lordships. Although it was inevitable and inseparable from the discussion of this question, that very grave and delicate theoretical points should be touched upon, involving as they do the very frontier and debatable land between privilege and prerogative, yet in going into those theoretical questions the practical points at issue did not in my opinion involve, nor do they now appear to me to involve, consequences so strong as are generally supposed. For we find from what has fallen from the noble Earl opposite, and from the approbation with which his speech has been received, that a remedy for strengthening the appellate jurisdiction is, if not pressing, at least expedient, and is open to a a full, fair, and candid consideration. Therefore, as noble Lords opposite are prepared to go so far on the one hand, I, on the other hand, can say, with every noble Lord who has supported the proposition which forms the subject of your Lordships' deliberations, that it never has entered into the head of any one of them, nor, I solemnly assure your Lordships, has it ever entered into mine, that by any possibility, as arising out of these discussions, any great additions to your Lordships' House by the creation of life Peers, so as in any great measure to detract from the hereditary character of this House, should be the result of the measure they have supported. I am the last man in this House to support such a step with such a view. I am as much as any of your Lordships a supporter of the institution of the peerage as an hereditary institution, and I never would have consented to be a party to the introduction of this measure in the assertion of this prerogative if I had not felt convinced that, for whatever purpose, or to whatever object it might be extended, whether to the legal or any other profession, the numbers would be few and fairly chosen. I candidly admit that, if we had been placed in the alternative of either foregoing the advantage, which was most desirable, of reinforcing the appellate jurisdiction of the House on the one hand, or of creating a great mass of life Peers on the other, I should, with great respect to my noble and learned Friends now happily Members of this House,—with the greatest respect for them when they agree with me, with the greatest respect when they disagree from me, and even with the greatest respect when they disagree from one another—I should, with such an influx as some seem to apprehend, rather never see one more lawyer enter this House. We are all agreed that there should be a limit to the number of life Peers, and the question is, how the object it is desirable to attain can be effected without infringing upon that important principle. All being agreed in theory that the evil existing should be remedied by an addition to the appellate jurisdiction, I think that the Crown is the only proper and safe depositary of the power by which that can be accomplished. If I am told that the Crown can exercise that power without any limit or check, and so expose this House to danger, I reply that I apprehend no danger, and that, though theoretically there may not be a limit, yet practically there is a limit. There is another prerogative growing and increasing in force every day, and not likely to be diminished—the prerogative of public opinion—which I believe would be sufficient to override the prerogative of the Crown and the privileges of this House in any instance in which that prerogative and those privileges were stretched to any inconvenient or unconstitutional extent. That is my deep conviction. I have no right to assume that noble Lords opposite should have the same conviction, or to deny that the apprehension of some of your Lordships regarding the creation of life Peers is natural, and that some precaution ought to be adopted. Speaking only for myself, I think something might be effected towards the accomplishment of the desired end by the mode in which the patent shall be issued—stating the peculiar circumstances, or the peculiar necessity for the creation, or the nature and merits of the services that give occasion to it; or perhaps nominating peculiar positions to which such peerages should belong; or for limiting them to one, two, or three a year; or the number of life Peers might be fixed or regulated by a certain rule. These are all questions on which it is not now necessary to decide. I admit that the great object of the Government in the present creation was the reinforcement of the House as an appellate tribunal out of the legal profession; but I am not prepared to say that that object having been accomplished, there are not other professions to which such creations ought not to be extended—and particularly the military profession. I cannot agree with the noble Earl that life peerages so conferred, and connected with merit and distinguished services, will inflict a sort of comparative stigma on the persons receiving those honours, nor can I agree with the language of the noble Earl when he described these peerages as "Second-chop" peerages. The very service itself which those persons have rendered to their country would save them from any such stigma. It would be invidious to select particular cases that distinguished one man from another as deserving of those honours; but I would ask, supposing General Wolfe's life had been happily spared, after his triumphant operations upon the St. Lawrence and at Quebec, and, although possessing no means whatever, he had accepted a life peerage, would that distinction have been diminished from that circumstance? On the contrary, would not his merits have placed him on an equality with, if not in a position of superiority over, any other Member of your Lordships' House? I should hope that, whenever this honour should be conferred, it would never be so unless connected with merit, or as a reward of desert. The noble Earl has said that few men would be found to seek an honour to be conferred in this limited degree. My Lords, I can assure him that it consists with my own knowledge that many persons, not otherwise ambitious for these honours, have been at different times led to decline an hereditary peerage because they would not place their families in a position which, in their view, was neither respectable nor advantageous. I presume the same feeling has existed at all times. I am told that, in the time of Lord Cowper, it was doubted whether the Crown had not the power to compel a person to accept the peerage; and that it was held by Lord Mansfield that the Crown could not compel any one to accept a peerage, because the King ought not to have the power of ruining the families of any of his subjects. During the discussion which has been already alluded to—I mean that on what is called the peerage question in the reign of George II.—in one of the most eloquent speeches which I have always understood a great statesman ever delivered in the other House of Parliament, he concluded by saying that the ancients had placed the Temple of Virtue in front of the Temple of Fame, for the purpose of signifying that no person could reach the one without passing through the other; but, in order to accomplish that object, the passage from the one temple to another must be made very easy, and men must not be expected to sacrifice their families by placing them in a position not creditable to themselves or favourable to their future prospects. It is owing to the fact that this House has been made accessible in so many other ways than by descent that it has preserved—I was going to say its eternity, though that is not a human word—its long existence, in which it is distinguished from every other assembly of the kind in the world; because, far from repelling from its walls great talent, great genius, and great services, it has, on the contrary, under the sanction and prerogative of the Crown, been made to attract that genius, that talent, and those services, and thus from one generation to another to strengthen and fortify the high position which it now occupies, and which I trust it ever will occupy in the eyes of the world.

The Earl of MALMESBURY: My Lords, I should not now address you were it not for an encouragement held out by the noble Lord opposite during the recent discussion, when he expressed a hope that the discussion would not be confined to the learned Lords who had discussed the legal question, but that some of the less learned Lords would take a share in it. I hope that your Lordships will not fear that I shall enter into the question which has been already so much discussed, and which will hereafter be renewed; but I can hardly allow the plausible and sanguine observations of the noble Marquess (the Marquess of Lansdowne) to pass by without any remark. There is not one of your Lordships who does not feel convinced of the entire truth with which the noble Marquess asserted that in his hands the power of creating life peerages, supposing it to exist, would not be abused. But, my Lords, that is no security for the future—it is no security to posterity—and your Lordships have been accustomed not to overlook the future, and not to forget posterity, but to be jealous to provide all possible securities for time to come. The noble Marquess said that, from his own experience, he knew that the objections to an hereditary peerage which existed in the minds of some men, fairly ambitious of distinction, would not be entertained with regard to a life peerage; and, to illustrate his remark, he said that many were so conscientious on this point that they had declined the honour because they did not consider themselves sufficiently opulent. It had always been deemed laudable to consider the honour of the peerage rather with reference to the founding of a family and the perpetuation of a name than to one's own personal gratification. And the same feeling would lead a man who thought that he was not able, or that his son would not be able, to support the dignity of the peerage, to decline a peerage conferred with the exclusion of his heirs. That is equivalent to saying to the recipient, "Here is a name which you may bear, but which your son shall not bear after you;" and though the feelings of all men are not alike, I own that I should consider it as nearly an insult if I were told that I might have the honour of a peerage, but that it should not descend to my children. I am sure there are many officers in the army who would consider it a high honour to sit among your Lordships, but would not (if they had sons living, at all events) accept life peerages. Nor, my Lords, can I consider that these life Peers, if any should be appointed, would really be on a par with the rest of your Lordships. They would hardly deserve the name of Peers—if the real meaning of the word were adhered to as denoting that your Lordships' privileges are equal. Theirs would not then be equal, for the greatest privilege of all—that of an hereditary peerage—would be wanting to them. That life Peers could never be deemed on the same footing as hereditary Peers is certain, and in no other country in which such titles have been conferred have they been looked upon as conferring equal dignity. It is not out of the fair line of argument to observe that I believe no treatise or essay on constitutional government in general, or our constitution in particular, has ever been written which has not treated the constitution of the House of Lords as essentially hereditary. That has always been the general impression. So general has it been, that surprise was universally expressed when the idea of creating these life peerages was first mooted. At no period have life peerages been considered as conferring equal political privileges with dignities accompanied by succession. I think I could adduce a curious illustration of the principle from ancient times. Nor need I be ashamed to go back to those times, when Her Majesty's Government were not ashamed to go back for precedents in support of their scheme 400 years, passing over five different dynasties and fifteen successive monarchs. Your Lordships are aware that King Stephen was a king only for life. During his reign he granted certain privileges to the see of Lincoln. In the reign of Edward III. the Bishop of Lincoln was summoned to show by what right he exercised those privileges, and he put in in answer the charter granted by King Stephen. But the Crown lawyer of that day argued that King Stephen being king only for life, could not grant privileges in right of his Crown in perpetuity, and the Bishop was obliged to give way. This illustrates the distinction as to privileges between an hereditary dignity and one held only for life. There certainly would be an analogous distinction between life Peers and hereditary Peers. From the most remote times the distinction has been recognised. It has been recognised in all ages and in every nation. I may illustrate the argument by a passage from the history of France in the time of Louis XVIII., when he was restored to the throne of that country. My noble Friend (Earl Granville) quoted a passage from that attractive historian, Mr. Macaulay; and I may be permitted to cite one from Mr. Alison, referring to what then occurred, after the Restoration in 1815—

> "A still more momentous change took place by an ordinance which appeared a few days after, on August 12, 1815, making the seat in the Peers hereditary, which was the subject of long and anxious discussion during four days in the Cabinet. Louis XVIII. argued strongly that in agreeing to this change he was stripping the Crown of one of its most important prerogatives, and of nearly all its influence in the Chamber of Peers. 'With the influence of ambition,' said he, 'all my influence over the peerage is at an end. When it becomes a family inheritance I have no power over it. I can no longer put a ring on the finger of one of my household.' Talleyrand insisted vehemently for the hereditary succession. 'We must have,' said he, 'stability; we must build for a long future.'"

My Lords, with this passage I close. Such was the opinion of the profound statesman Talleyrand as to the different nature of life peerages and hereditary peerages. It would not be proper to enter now further into the discussion. Suffice it to say, that it is a question to be dealt with most cautiously, and, so far as I may offer a humble opinion, I confess that I look upon the proposition of a life peerage with alarm.

Viscount DUNGANNON said, he fully concurred in thinking that, guided by the advice of the noble Marquess (the Marquess of Lansdowne), this power of creating life peerages would be safely exercised; but the time might arrive when dangerous and reckless advisers might have the ear of the Monarch, and might make use of the power of creating life peerages for sinister purposes; and it was for such a contingency that their Lordships ought to provide. He feared, whatever limitations might be introduced, that to allow a Peer for life to sit and vote in their Lordships' House might be productive of consequences which, although not immediate, would prove ultimately of great danger. It was very easy to extend the exercise of the prerogative, when the principle was once allowed. He would remind their Lordships of the old proverb *nulla vestigia retrorsum*, and he must express his strong conviction that, the Rubicon once passed, most dangerous consequences would result. He believed that a peerage would be thought of little value if it were not transmissible, and in his opinion, the hope of founding a dynasty was an incentive to exertion stronger far than the hope of obtaining a peerage for life; he therefore most anxiously hoped that the subject would be approached with the greatest care and deliberation, and that the utmost caution would be employed to preserve those privileges which their Lordships had always maintained.

The Earl of Malmesbury

Lord BROUGHAM rose to express his satisfaction at the course which the Government proposed to adopt. He rejoiced that the controversy was now at an end, on every account—on account of the country, and on account of their Lordships' House, and on account of his noble Friend, Lord Wensleydale, who, he was sure, would not have taken any other course than that which his noble Friend had announced, and which was in accordance with what Lord Wensleydale had communicated to himself—that he should come and take his seat as soon as his health and the law allowed; and he rejoiced, also, that the question of the appellate jurisdiction of their Lordships had been entirely separated from the consideration of this subject, and he was glad to learn that, in all probability, an investigation into that question would shortly take place before a Select Committee of their Lordships. He would abstain from touching upon the difficulties of the task, but he would venture to express a strong hope that the decision to which their Lordships had come on a point of constitutional law would not lead to legislation with a view to avoiding that decision and creating life peerages. The constitution of a court of appellate jurisdiction was a problem most difficult of solution, as he well knew, both from the observations of other countries and from his own experience. Lord Eldon had deemed that some change in the existing system was necessary, and upon two occasions when he had thoroughly considered the subject he was overcome by the difficulty of the task.

Upon the formation of the Judicial Committee of the Privy Council, the subject of the construction of a court of appellate jurisdiction was again most carefully and anxiously considered, with the advice of both English and Scotch Judges; and again the great difficulties of the subject were made apparent, although, indeed, a tribunal had been established which had, he believed, given universal satisfaction, and which had been on various occasions a great assistance to their Lordships as a court of appellate jurisdiction. How much further that assistance might be made to extend was a subject which deserved consideration, but it ought to be dealt with most cautiously, so as to avoid in any way infringing upon what was one of the brightest flowers of their Lordships' privileges. He had not referred to the difficulty of a task which was to be undertaken with the view of dissuading their Lordships from the attempt; but, on the contrary, he most cheerfully promised to afford all the assistance which from his experience he might be able to afford in carrying it out.

The Earl of HARROWBY said, he rose to protest against the presumption that the law of the case had been settled by the Resolution to which the Committee of Privileges had agreed.

Lord CAMPBELL said, the question had been settled—finally settled—by the decision of the Committee of Privileges—the proper tribunal for deciding it.

The Earl of HARROWBY said, he did not understand that this was so; but that the further proceedings in the case had been suspended to afford an opportunity for seeing if other means could be adopted for meeting the object. At all events he entreated their Lordships to consider that there were two important elements in the constitution of their Lordships; the one their hereditary character, and the other the independence thence derived. But they should not forget that at the same time it was necessary to adapt themselves to the altered requirements of the age. Their Lordships, therefore, while looking to the advantages to be derived from the maintenance of the independent and hereditary elements in the constitution of the House, should take care that they did not shut the door against the rising talent of the country.

Lord CAMPBELL observed, that if the noble Earl who had last addressed the House really meant what he said, he was in duty bound to divide the House, and to endeavour to reverse the decision of the Committee of Privileges; for, after their Resolution had been confirmed, the matter would be settled as firmly as it could be by any legally-constituted tribunal, and it must be held that such a patent would give no power to sit and vote in their Lordships' House. Those were the irrevocable terms of the Resolution of the Committee, and if after that Resolution had been received and adopted by the House, Lord Wensleydale should appear and claim his seat, their Lordships would have to be under the disagreeable necessity of telling him that he must retire because he had no right there.

The Earl of CARNARVON said, he could not refrain from expressing his satisfaction at hearing that Her Majesty's Government would approach the subject of the appellate jurisdiction of the House with candour, calmness, and moderation; and his gratification was still greater when the noble and learned Lord (Lord Lyndhurst) announced his intention of moving a series of resolutions with reference to that jurisdiction. This subject had been somewhat mixed up with that which had formed the topic of debate the other evening, and after what they had heard he was sure that there was no one in their Lordships' House that would not rejoice to see this great constitutional tribunal put upon the most satisfactory footing. But in opposing the course which Her Majesty's Government had chosen to adopt, he drew a wide distinction between the principle and its limited application. While he acknowledged the possible benefit which might be derived from the step they had taken, when properly guarded and restricted, yet coming before them as it did, in its naked form, unlimited and uncontrolled, the House, as he conceived, had no alternative but to reject it; for, although he might admit that the appellate jurisdiction of the House was not perfectly satisfactory, the remedy, unaccompanied by those limitations, would be infinitely worse than the bane.

Earl GREY said, he did not concur in the opinion just expressed by his noble and learned Friend the Lord Chief Justice, that the decision arrived at by the Committee of Privileges settled the question irrevocably. He quite admitted that the Resolution to which they were about to agree would remain binding until their Lordships saw ground for recalling it; but he begged to express a strong opinion that before long they would see reason to do so, as an act totally beyond their constitutional powers and privileges. Those who dissented from the Resolution were by no means bound to divide the House, after the expression of opinion given on Friday last, when the subject was fully debated and the attendance of the Peers was very numerous. He should therefore say, "Not content" to the Motion for the adoption of that Resolution, and without troubling their Lordships to divide, should avail himself of the constitutional privilege of recording upon their Lordships' Journals the reasons which induced him to dissent from it.

LORD CAMPBELL explained that he did not mean, by using the word "irrevocable," to imply that their Lordships could not reverse the decision of the Committee; but that, until that Resolution was reversed, it was binding upon the House, and Lord Wensleydale could not sit and vote.

THE EARL OF DONOUGHMORE congratulated their Lordships upon the Resolution about to be adopted. It had been said by the noble Marquess (the Marquess of Lansdowne) that life peerages afforded the means of fittingly rewarding men distinguished for their services to the State as Generals, Admirals, or politicians. He was sorry that he was obliged to differ from the noble Marquess. He had always thought that a peerage was the highest honour which the Crown could bestow; and it would be shorn of much of its brilliancy if it were limited in the way which had been proposed. Of what value would a life peerage be to a man who, having passed the best years of his life in a foreign country fighting the battles of his Sovereign—now frozen in Canada, now roasted in India—came when years and infirmities crept upon him, when his arm no longer boasted the strength or his limbs the activity which had rendered him the hero of a hundred fights, to spend the last few lingering years of his existence in his native land? Such a man might be poor—he would have been serving his country, not making money. Would their Lordships tell him, "You may sit here; but because you are poor your children shall not sit here?" What would the old man, standing upon the verge of the grave, care for a life peerage? He would say, "No, my Lords, my only hope was that my name might be perpetuated in your Lordships' House, and the remembrance of my deeds be renewed through a long line of descendants. That hope has failed, and a life peerage to me is valueless." He hoped that some way would be found of meeting any difficulty which arose from the want of judicial strength in the House, in order to sustain the weight cast upon it in the matter of its appellate jurisdiction. He candidly confessed that if, after great deliberation, no other mode could be adopted, he should be inclined to surrender his objections to some extent; but he trusted that their Lordships would never consent to any alteration in the hereditary constitution of the House, unless the exceptions were jealously guarded and admitted with the view of only making the House a more efficient appellate tribunal.

LORD REDESDALE said, that as in the recent discussion the jurisdiction of the House had been seriously questioned, and as his position, as Chairman of the Committee, had prevented him from taking any part in the debate, he would take this opportunity of observing that the course which the House had thought proper to take in asserting its right to question whether a particular patent entitled its holder to sit and vote, was a proper one, and fully justified by one of the most ancient of their Standing Orders. Perhaps their Lordships were not aware that one of their oldest Standing Orders directs that—

> "If there be any Difference in the Form or Stile of the Writs, from the antient, it is to be examined how it came to pass."

When, therefore, a practice—which, if it was not now for the first time attempted to be established, was, at all events, now revived after the lapse of 400 years—it was the duty of the House, in accordance with that Standing Order, to examine, in the words of the Standing Order, into "how it came to pass." Surely no one could deny that it was their duty to keep a strict watch upon any attempt, on the part of the Crown, to alter the constitution of the House. The only reliable instance of any person having been summoned for life, was that of Sir John Cornewall. There was no record of the patent beyond a notice on the Journals of Parliament, and it was clear that it followed the introduction of Sir John into the House. From the earliest period the writ of summons was directed to "Sir John Cornewall, Chevalier," and not to Lord Faunhope, which was the title he bore. The words in his patent were rather remarkable, and did not appear in any other—*tanquam baro indigena*—which clearly implied that he was a foreigner. Dugdale said nothing of the patent, although Sir John Cornewall married into the Royal family, nor was it at all limited in its terms. Under these circumstances, he did not think it could be quoted as a precedent for a life peerage.

Earl GRANVILLE said, that although he was tempted to answer some of the arguments which had been urged that evening, and particularly to set right his noble and learned Friend with regard to the submissive acquiescence of Lord Wensleydale in the decision of the House, yet he thought he would be acting more in accordance with the spirit in which he had endeavoured to address their Lordships if he declined to discuss the subject further at present. He would content himself, therefore, with thanking their Lordships for their general approval of his suggestion that they should go into the consideration of this very grave question in a perfectly fair and impartial spirit. With reference to the notice given by the noble Earl opposite, although he should not like to pledge himself as to the course which the Government might adopt in regard to it, he might at once say that their proceedings would be determined, to a great extent, by the terms of the reference to the Committee. He hoped, however, that no inquiry of this sort would be allowed to occasion any unnecessary delay.

Motion *agreed to*; and *Resolved* and *Adjudged* accordingly.

PROTEST

Against Report of Committee for Privileges.

"Dissentient—1. Because it has been repeatedly laid down in the Writings of the highest legal authorities that the Crown possesses the right of creating Peers for Life, and this right has been expressly recognised by Committees appointed by the House of Lords in 1817 and the following years, to inquire into the dignity of a Peer, the Reports of these Committees having been printed when presented, and afterwards reprinted by Order of the House, and having remained unquestioned for upwards of thirty years.

"2. Because the right of the Crown to grant Peerages for Life which has been thus declared and recognised, has been actually exercised up to a comparatively recent period, several Patents creating Peerages for Life having been granted to women since the beginning of the last century, while it has not been shown that the validity of such Patents depended on the sex of the persons on whom Peerages were conferred.

"3. Because in the face of such authorities and precedents it appears to me impossible to assume that the power legally and constitutionally vested in the Crown has been exceeded by the grant of a Peerage for Life to Lord Wensleydale, and the consequent issue to him of a Writ of Summons to the House of Lords.

"4. Because little attempt was made in Debate to disprove the legality of the act of the Crown, the principal stress having been laid on arguments tending to show rather an improper exercise, than an illegal assumption, of power by the Crown, and these arguments, if admitted to their full extent, would only lead to the conclusion that the Ministers, who have advised a wrong use of the Royal Prerogative, are deserving of censure, but could afford no ground for excluding Lord Wensleydale from the House of Lords.

"5. Because the Resolution come to by the House of Lords to prevent Lord Wensleydale from taking the seat in the House to which he has been called by Her Majesty's Letters Patent and Writ of Summons, appears to me for the above reasons to be an unconstitutional invasion of the Rights and Prerogatives of the Crown which may hereafter become a Precedent for proceedings still more dangerous and unjustifiable.

"Grey,
"Devon."

PROTEST

Against agreeing to the Report of the Committee for Privileges on the Wensleydale Peerage.

"Dissentient—1. Because by the law and usage of Parliament, as well as by the principles of reason and justice, a Committee is authorised to consider such questions only as shall have been committed to them by vote of the House.

"2. Because in cases where the original order of reference is found to have been unduly limited, and where it becomes expedient that new and additional matters should be considered and reported on, the undoubted law and usage of Parliament demand that a further order of reference, or instruction, should first be obtained from the House, in order to justify the Committee in exceeding the limits specified in the original Resolution by which its authority is created and defined.

"3. Because any Report from a Committee, so far as it exceeds the authority granted by the House, must be considered as *ultra vires*, and therefore as wanting in Parliamentary validity.

"4. Because the only authority conferred on the Committee for Privileges on the Wensleydale Peerage was 'to examine and consider the letters patent presented to the House, and to report thereon.'

"5. Because the Committee for Privileges have reported that 'neither the said letters patent, nor the said letters patent with the 'usual writ of summons' issued in pursuance thereof, can enable the grantee to sit and vote in Parliament.'

"6. Because in thus deciding not only on the legal force and meaning of the letters patent, a copy of which had been produced to the House and referred to the Committee, but in deciding also on the meaning and import of a writ of summons which had never been presented to the House or noticed in the order of reference, the

Committee for Privileges has exceeded its just powers, and its report, so far as relating to the writ of summons, is contrary to the law and usage of Parliament, and is therefore of no force and validity, and ought not to be drawn into precedent hereafter.

"7. Because, independently of all Parliamentary usage, it appears contrary to the first principles on which adjudications on contested rights should rest, to decide on the legal import of a written instrument which has not been examined, produced, or even called for.

"8. Because a report thus purporting to limit the effect of Her Majesty's writ of summons in anticipation of its production at some future time, not resting on any Parliamentary precedent referred to, is an unauthorised extension of the privileges of this House, and is derogatory to the just prerogative of the Sovereign.

"9. Because exception has been taken in debate by high legal authority to the extracts made from the journals, and laid before the House, on the grounds of their insufficiency and incompleteness, and yet the supposed authority of these extracts has been relied on in support of the decision which the Committee for Privileges and this House have been called on to pronounce.

"10. Because the adoption of this Report, as touching the patent granted and the writ of summons issued to James Lord Wensleydale, appears the more dangerous as a precedent, and the more unjust in principle when it is considered that a Motion has been made and rejected requiring the attendance of the learned Judges with a view of obtaining their opinion on the legal import and just construction of the letters patent of the Crown laid before this House and referred to the Committee for Privileges.

"MONTEAGLE OF BRANDON.
"GLENELG.
"DEVON."

House adjourned till to-morrow.

HOUSE OF COMMONS,

Monday, February 25, 1856.

MINUTES.] NEW WRIT.—For Rutland, *v.* Sir Gilbert John Heathcote, bt., Chiltern Hundreds.

PUBLIC BILLS.—1° Carlisle Canonries; Drafts on Bankers; Secretary to the Poor Law Commissioners (Ireland); Vice-President of Committee of Council on Education; Trial of Offences.

2° Prisons (Ireland); Court of Chancery (Ireland) (Jurisdiction); Court of Chancery (Ireland) (Procedure); Court of Chancery (Ireland) (Receivers); Court of Chancery (Ireland) (Appeals); Court of Chancery (Ireland) (Sales of Estates).

3° Delamere Forest.

THE GOVERNOR OF TASMANIA—QUESTION.

MR. T. DUNCOMBE: Sir, I beg to ask the right hon. Gentleman the Secretary for the Colonies whether the conduct of Sir Henry Young, in abruptly proroguing the Legislative Assembly of Tasmania, pending the sitting of a Committee appointed to inquire into the working of the convict system in that colony, has received the approval of Her Majesty's Government; and what steps have been taken in consequence? The facts of the case are these. During the last year a Committee was appointed by the Legislative Assembly of Tasmania, or, as it is better known, Van Diemen's Land, to inquire into the working of the convict system. That Committee sat and was proceeding with the inquiry, when it happened they required some information from the superintendent of the convict department in the colony. Accordingly he was summoned to attend, but he refused, and not only refused to attend himself, but he prevented his subordinate from doing so. On this the Assembly determined to use the power vested in them to enforce their authority. However, the Governor, Sir Henry Young, seems to have sided with the officer in his contumacy, and immediately, without notice, he proceeded to prorogue the Assembly. Of course this act on the part of the Governor put an end to the investigations of the Committee, and completely precluded the legitimate exercise of their undoubted authority. I would beg to ask, then, if this little *coup d'état* of Sir Henry Young's has met with the approbation of Her Majesty's Government; and, if not, what steps have been taken by them in consequence thereof?

MR. LABOUCHERE said, he should be quite ready to lay on the table papers which would give a full explanation of the whole of those transactions, as well as of the judgment which the Home Government had passed on the matter; but, after what had fallen from his hon. Friend, it would only be fair to all the parties concerned, that he should state the facts as they had really occurred. There was, he would not say a convict system, but a convict establishment in Tasmania, supported almost entirely by Imperial funds and under Imperial management. It was alleged that there existed great abuses in the conduct of this department, and the Executive Government, in the first instance, instituted an inquiry and took measures in consequence of that inquiry. The Legislative Assembly of Tasmania were not satisfied, but instituted an inquiry of their own, and proceeded to summon before them the officers of the convict establishment. The Governor, maintaining that those officers were officers of the Executive Government, and not of the Legislative Assembly, declined to send them before the Committee. The Speaker then issued his warrant to summon them to the bar. The officers disputed the validity of the warrant; but surrendered by consent to a writ of *Habeas Corpus*, with a view of having the validity of the Speaker's warrant tested before the legal tribunals. Not satisfied with this, the Legislative Assembly issued another warrant to bring those officers to the bar of the House; whereupon the Governor, apprehending some unseemly spectacle of scuffling in the streets, thought that the only means to prevent that was by proroguing the Legislative Assembly. After the best consideration which he (Mr. Labouchere) was able to give to the whole transaction, he had come to the conclusion that the Governor was wrong in the first instance in not allowing the officers to attend before the Committee of the Legislative Assembly, because they had a right to look into any alleged grievances within the precincts of the colony; and it would have been time enough for the Governor to object when the Legislative Assembly should have trangressed the proper limits of their authority and have interfered with the management of an establishment paid for by Imperial funds, and for which the Imperial authorities should be responsible. He had stated that opinion to the Governor, and he regretted that, by an error of judgment, the Governor should have put himself in opposition to the Legislative Assembly on that point; but, after the matter had gone to the extreme it did, he was not prepared to say that the Governor was wrong in proroguing the Assembly. All he could say was, that the papers should be produced, and the House would then be able to form a judgment on the affair. As this Legislative body had ceased to exist, and as the people of the colony would be governed by a new Legislature, he trusted that this unfortunate irritation would pass away, and that the new Legislature would meet without feeling any soreness from bygone transactions.

SUPPLY—REPORT.

On bringing up the Report of the Committee of Supply,

Sir HENRY WILLOUGHBY said, he rose to ask the question of which he had given notice. He wished to know who was responsible for the large sums expended in huts and barracks? It appeared that in 1853 there was the sum of £250,000 expended for those purposes; in 1854, £175,000; and in 1855, £390,000—making in all a total of £815,000 for the huts of the United Kingdom alone. All that expenditure was independent of £290,000 for huts in the Crimea, and a further sum for barracks—making in all a total of about £1,600,000. The present sum demanded was £390,000. There had been an enormous outlay for huts at Aldershot. All that had created great dissatisfaction. He wished to ask the right hon. Gentleman the Clerk of the Ordnance who was responsible for these things, what would really be the expense, as far as was known, of the huts at Aldershot?

Mr. MONSELL said, that out of £170,000 voted for the purpose of their establishment last year, only from £40,000 to £50,000 had been expended. There had not as yet been time to erect a sufficient number of huts. The amount voted in past years had been £285,000, to which there was the addition of £390,000 in the present year. There had been accommodation provided for 45,000 men and 3,000 horses, in addition to which accommodation was now being provided for 5,000 more, making in all accommodation for 50,000 men. In Aldershot there was not merely the expense of huts—it was a large establishment providing for the necessities of 20,000 men. There was the lighting, cleansing, draining, and sewerage of what he might call a large town, which it really was. It was for the convenience and safety of the country that this accommodation was provided, and it was impossible to act more wisely or economically under the circumstances.

LOCAL DUES ON SHIPPING BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Sir FREDERIC THESIGER said, he rose to move, as an Amendment, that the Bill should be read a second time that day six months. He felt justified in the course he had adopted by the absolute refusal of the Government to listen to the fair and just claims of those whose interests were affected, and their determination to persevere in a measure which was fraught with the greatest injustice, and which was founded upon principles that would tend to shake the security of all corporate property throughout the kingdom. When he heard the speech with which the right hon. Gentleman the Vice President of the Board of Trade introduced the Bill, he was startled at the novelty of some of the doctrines which he laid down. Having availed himself of the opportunity which had been afforded for more carefully considering the arguments which the right hon. Gentleman had adduced in favour of the most obnoxious part of the measure, he (Sir F. Thesiger) had been struck with astonishment and alarm. The right hon. Gentleman (Mr. Lowe) had based his measure upon the principle that the corporate towns of the kingdom had no property exclusively their own; that they held all they possessed at the will of the public, and that they might be stripped of their possessions at pleasure; and upon those principles, and without assigning any other reason, he proceeded to the work of confiscation. Now, he must confess that when he heard such doctrines propounded, and saw them illustrated as they were by the measure before the House, he was forcibly reminded of those disgraceful periods of our history in which assaults were made upon the charters of corporations, and forfeitures of them were obtained. The only difference between the present case and those violent proceedings was, that in the latter there was some pretence made of a misuse or abuse of the powers and privileges of the corporations, and there was some semblance of a judicial proceeding. In the present instance, however, in the latter half of the nineteenth century, we found a Liberal Government, without reason assigned, and without a single allegation of misapplication, proposing, by the mere exercise of the power of Parliament, to confiscate the funds of corporations to the use of the State. In the cases to which he had referred the violent proceedings found their support in the shameful subserviency of the tribunals of the day. The corporations of the present time had at least this protection, that the Government could not carry out the confiscation which they proposed unless they could induce Parliament to be the instrument of the injustice. He was perfectly astonished at the infatuation which seemed to possess the Government in their dealing with some of the most important interests of the country. We had seen them reviving an obsolete and questionable prerogative for the purpose of assailing the hereditary character and privileges of the House of Peers; and now we found them arming the Vice President of the Board of Trade with maxims and principles of which the most arbitrary periods of our history afforded no example, and sending him forth as their champion to spoil the corporations of the country of all their property which it was found convenient to assail. He (Sir F. Thesiger) was astonished that at the present day a Government should be found to covet the not very enviable reputation of another corporation spoiler, who was described by an uncompromising and unprincipled supporter of the acts of arbitrary power as "making the charters of corporations fall down before him like the walls of Jericho, and returning with surrenders like the spoils of Towns." He was satisfied that there were many hon. Members who, though prepared to give their support to the Government on the second reading of the Bill, were not aware of its actual nature and character, and who would shrink from maintaining the principles on which it was founded. It was to such Members that he desired most earnestly and anxiously to address himself. He desired to lay fully and fairly before them the real question at issue, and, having done so, he should be perfectly satisfied to commit the whole consideration of it to their impartial judgment.

The Bill was conveniently arranged under four different heads. The first portion related to the passing tolls which were connected with the ports of Dovor, Ramsgate, Whitby and Budlington. On that particular portion of the Bill he should hereafter offer a few brief observations. For the present, he would merely remark that, if the measure had aimed at nothing more than the abolition of the tolls in question, he for one should not have been found among the opponents of the measure. The fourth portion of the measure related to miscellaneous matters, which, in the actual state of the question, did not require special allusion. It was, however, to the second and third divisions of the Bill that he particularly desired to direct the attention of the House. The second part proposed to transfer all rates, dues, duties, and imposts leviable upon ships, or upon goods carried in ships within the United Kingdom—which, he might observe, with the exceptions introduced, would confine the question to property of this description possessed by corporate towns—to the Commissioners of Customs, to be dealt with by them according to the directions of the Board of Trade. There was power to abolish, raise, and reduce these tolls; and it was rather remarkable, with respect to the petitions from Sheffield in support of the measure, which complained that they were groaning under the burden of these local dues at Liverpool, that there was nothing whatever in the Bill which abolished them, and there was nothing to prevent the Government continuing them, and exacting payment till the end of time. The third part of the Bill related to differential dues, and on these he would beg to offer a few remarks. The House was aware that the former policy of this country was, to impose a higher duty on foreign vesssels than upon vessels belonging to this country; but in 1810, and again in 1815, reciprocity treaties were entered into with Portugal and America, by which the ships of those nations were to be placed upon the same footing as our own. Those differential dues, that is, the higher dues, were frequently received by corporations and by individuals as part of their private property; and, in 1819, when the Legislature abolished those differential dues in favour of those two nations, it being considered unjust that the corporations and the private persons who were entitled to those tolls should be deprived of the advantage which they had previously enjoyed, the Legislature provided that the deficiency which would arise from their abolition should be made up to the corporations and others out of the Consolidated Fund. The same principle of compensation was continued by other reciprocity treaties, and by subsequent Acts of Parliament passed in 1838 and 1852; and in the latter year a power was given by Statute to the Queen in Council to grant to any nations that might receive the ships of England on the same footing as their own the like privileges in our ports. But in every case the claim of compensation was assumed to be a right guaranteed by Parliament, and in no instance had it been called in question. Now, it was proposed to abolish the differential dues; but with respect to the proprietors of docks, harbours, and ports, and with regard to persons who received dividends from such works, there was an extraordinary clause which would enable such individuals to indemnify themselves in a manner the most inconsistent with the professed object of the Bill that could be possibly imagined. In addition to all this, the thirty-first section proposed to deprive certain freemen of their exemption from tolls and dues—an exemption, by the bye, which had been granted to them by the Municipal Reform Act. With respect to the local dues, the House would observe that it was the intention of Government to take them away from the corporations which at present possessed them and to convert them to their own purposes. [Mr. Lowe: No, no!] The right hon. Gentleman the Vice President of the Board of Trade, perhaps, would contend, that what the Government contemplated was, to abolish those dues altogether; but, if so, why was not that intention apparent on the face of the Bill? So far was that from being the case, that a power was given to raise the rates and tolls anew, which seemed to indicate some idea that the Government meant to continue them. It might well be asked, on what principle the Government proposed to proceed in adopting this unprecedented and arbitrary course of seizing and appropriating the property of corporations. The only ground on which the right hon. Gentleman (Mr. Lowe) seemed prepared to defend it was, that corporate property was public property—that, in fact, there was a clear distinction between individual rights and possessions, and those which were vested in corporations, the former being private property and the latter public, and with which the public had a right to do as they pleased. But the House would do well to examine into the accuracy of this definition.

There were various kinds of corporations. Those established for the purpose of carrying out some particular object by means of funds subscribed by persons who joined in the adventure he would discard from view; for the right hon. Gentleman (Mr. Lowe) would himself admit that the property of such associations was manifestly "private." But there were some corporations that had been instituted for purposes and objects altogether public. Individual members of such corporations had no private right or interest in any of the properties of the corporation. Theirs was a public trust without beneficial interest, and such corporations, being agents of the public, might be dealt with as the public pleased. There were, however, other kinds of corporations which were created to be the media of conferring rights and privileges on individuals by a general description, so as to avoid the necessity of an individual grant to each member of the corporation. In corporations such as these each member possessed a right and share in the privileges and property of the body corporate.

Of that there was a striking proof in a case where, there being a question as to the tolls of a corporation, it was ruled that a corporator, being an interested party, was not a competent witness. That showed that there was a marked distinction between public corporations and those intended for the benefit of individuals, and which were, in fact, nothing more than an aggregate of individuals under one common name. The latter class of corporations might be regarded as public bodies with reference to the individuals of which they were composed; although with respect to the public at large they were separate communities, having separate rights, interests, and property which they were entitled to maintain as inviolate as the property of any individual owner. And so far from its being true, in the unqualified manner in which the Vice President of the Board of Trade asserted it, that there was a distinction between the property of corporations and that of individuals, on the contrary, where individual corporators possessed rights which belonged to the whole body, and to each individual as a part of that body, no distinction whatever could be made between their property and the property of individuals. The right hon. Gentleman had indiscriminately classed together all kinds of corporations, and, applying one uniform rule to them all, he said:—

> "Of course we shall hear of vested interests; but over and over again this House has decided, and I think it will not go back from that decision, that in this matter there is the widest possible distinction between the corporations or public bodies and private individuals."

The right hon. Gentleman, quoting Mr. Hallam as an authority on constitutional law, then continued:—

> "Mr. Hallam, a high authority on such points, says, in the first volume of his *Constitutional History of England*, 'that Parliament, although bound to respect the legal interest of private persons, is not withheld by any such rule with regard to corporations when it can be shown that the abolition of such interests is for the public benefit, or that their retention would be unjust or impolitic.'"—[3 *Hansard*, clx. 165.]

Now, although generally disposed to defer to so eminent an authority as Mr. Hallam, he (Sir F. Thesiger) could not have acquiesced in the opinion expressed in the passage the right hon. Gentleman had referred to. The right hon. Gentleman did not afford the House much facility for reference, merely sending them to the first volume of the *Constitutional History;* but he (Sir F. Thesiger) could not help thinking at the time, either that the right hon. Gentleman, in the hurry of business, must have put an incorrect construction upon the opinion of Mr. Hallam, or that he must have read some Board of Trade edition of that distinguished writer's works, to which less favoured students had not access. On examining his copy of Mr. Hallam's book, however, he found the entire passage to which the right hon. Gentleman referred, ran thus:—

> "In estates held, as we call it, in mortmain, there is no intercommunity, no natural privity of interest between the present possessor and those who may succeed him; and, as the former cannot have any pretext for complaint if, his own rights being preserved, the Legislature should alter the course of transmission after his decease, so neither is any hardship sustained by others unless their succession has been already designated or rendered probable. Corporate property, therefore, appears to stand on a very different footing from that of private individuals; and while all infringements of the established privileges of the latter are to be sedulously avoided, and held justifiable only by the strongest motives of public expediency, we cannot but admit the full right of the Legislature to new-mould and regulate the former in all that does not involve existing interests, upon far slighter reasons of convenience."

Certainly, no two things more unlike than this passage and that cited by the right hon. Gentleman it was impossible to conceive.

Mr. LOWE explained that he did not read the passage in question to the House; he had merely referred to it.

Sir FREDERIC THESIGER: Of course we are bound to believe the explanations of the right hon. Gentleman, but if the right hon. Gentleman did not assert this as his principle, would he be good enough to declare what his principle really was? On the authority of the passage from Mr. Hallam, which he had read in its correct form, he was content to rest the right of the corporations assailed by this measure to have their existing interests protected and preserved. Leaving, however, that part of the subject for the present, he would illustrate the observations he had just made by describing the cases of a few of the corporations affected by the Bill; and then he should be willing to submit the question to the impartial and unprejudiced consideration of any mind acquainted with the circumstances. He would take the case of Liverpool first, because the right hon. Gentleman had dealt prominently with it in his speech. The right hon. Gentleman said that Liverpool received a large sum — £125,000 a year—from taxes on shipping; and that out of that amount they expended little more than £4,000 for maritime purposes. It was a mistake, however, to say that the sum above named was derived from taxes on shipping; the greater part of it was received from goods exported and imported, and therefore it was a burden not falling on the shipping interest, but on the consumer. The right hon. Gentleman was also wholly misinformed regarding the trifling amount which he stated was expended for maritime purposes by the corporation of Liverpool; but on that point he (Sir F. Thesiger) would leave him to be set right by hon. Gentlemen having more local knowledge than himself. The local dues of Liverpool were probably, in their original character, the petty customs which it was the undoubted right of the Sovereign to raise in the different ports of the kingdom. These were often transferred either to individuals or to corporations, and, not unfrequently, they were purchased by corporations for a considerable sum. The latter was the case with the corporation of Liverpool. Their local dues, which principally consisted of a duty on goods imported and exported, originally belonged to the Crown, and probably were the result of the petty customs above referred to. For many years the corporation of Liverpool held these local dues as the lessees of the Crown, or of its grantees. In the year 1628, the Corporation of London purchased these dues and other rights and privileges, as well as some manors and other property of the Crown, for the very large sum of £374,989. In 1635, they sold all that they purchased from the Crown to Lord Molyneux, the ancestor of the Earls of Sefton; and Lord Molyneux afterwards redeemed a fee-farm rent that had been previously reserved at the time of the sale by the corporation. In 1674, Lord Molyneux made a lease of these dues for 1,000 years to the corporation of Liverpool, and, in 1777, the corporation of that town purchased from the then owner the reversionary interest and the fee-farm rents, and thus became absolute owners of all the property. In the year 1833, their title to the dues having been questioned, an action was brought and tried, the whole of their evidence was produced, and a verdict was given in their favour. Their right was then established, and since that period it had never been questioned. Under these circumstances, if a corporation could possess private property at all (which the right hon. Gentleman seemed indeed almost to deny), what stronger title—what better proof of their right to the property they now possessed than that supplied by the transactions of the Corporation of Liverpool, above described, was it possible for anybody to produce? Let the matter be brought to the following test. Supposing the question had arisen with the Government shortly after the purchase of these dues by the corporation of London for the large sum already mentioned—namely, £374,989, would the right hon. Gentleman have maintained that the Government would have had a right to strip that corporation of their possessions without any compensation whatever? Supposing the property had remained in the individual possession of Lord Molyneux, or in that of the Earls of Sefton who succeeded him, would the right hon. Gentleman have ventured to assert, whatever public advantages there might have been in wresting from the owner the possession of these dues, that his right would not have been held sacred and inviolate? And, if that was so, would any one, whether he were a lawyer or merely a man of the commonest reasoning powers, pretend to say that there was any distinction between the case of an individual possessing property under those circumstances and that of a corporation which had purchased it from that individual for a valuable consideration? What right had the public to say that the corporation should not continue in possession of this property? Was it bought with public money, or were the public at large entitled to any portion of it? No: it was bought with the funds of the corporation, and for the benefit of the members of the corporation. But the right hon. Gentleman had probably an argument which he might bring forward in answer to that mode of reasoning. The right hon. Gentleman, after stating the mode in which those customs were transferred from the Crown to corporations, or individual possessors, said they were most probably saddled with a sort of trust for the maintenance of the harbours in respect of which they were levied. [Mr. M. GIBSON: Hear, hear!] The right hon. Member for Manchester cheered that passage in the right hon. Gentleman's speech. He (Sir F. Thesiger) ventured to say there was not the slightest ground for asserting that any of the charters were granted upon any such conditions. He had seen a very great number of them—probably as many as the right hon. Gentleman—and he remembered no one instance in which any such condition was imposed. Now, let the House observe the mode in which the right hon. Gentleman dealt with this question. After introducing what the logicians would call a modal proposition, he very quietly slid into a categorical one—he asserted positively that the dues were transferred to the possessors upon certain conditions—and he then declared that the conditions had been violated, and that their right to the property therefore ceased. He commended the subject to the attention of the right hon. Gentleman, who would, perhaps, be able to support his probability much better than he would the certainty he had thought proper to assume.

He (Sir F. Thesiger) would now pass from the case of Liverpool, and would, as another specimen of the justice of the proposed measure, call attention to the case of the Hull Dock Company. That company in 1774 obtained an Act for making docks, which conferred upon them the power, usually given to such companies at that time, of taxing foreigners double the amount of the dues imposed upon British vessels. In 1842 the Hull Dock Company were about to enlarge their docks, but they were afraid of incurring the necessary expense unless they could make a permanent arrangement with the Government upon the subject of the double dues; and, accordingly, they placed themselves in communication with his excellent and deeply-lamented Friend Mr. Goulburn, who was then Chancellor of the Exchequer, and he believed also with the right hon. Member for the University of Oxford (Mr. Gladstone), at that time President of the Board of Trade. An arrangement was ultimately come to by which it was agreed that the Government should redeem the payment out of the Consolidated Fund by an annual sum, which was to be calculated upon the amount of the differential dues received during the last five years, and that amount was ascertained to be £6,333. He was, unhappily, unable to appeal to one of his right hon. Friends (Mr. Goulburn) with regard to the binding character of that engagement, but he thought he might appeal with confidence to the right hon. Member for the University of Oxford whether the engagement was not deliberately entered into by the Government, and whether it was not one which might have been expected to be observed?

Sir Frederic Thesiger

The Government, he might remark, were very considerable gainers by the bargain, for in the fourteen years which had elapsed since it was entered into the Hull Dock Company had lost no less a sum than £54,000. He would read to the House an extract from the letter which was addressed by the Treasury to the Dock Company on the subject. The letter was dated December 6, 1842, and said:—

> "The Lords Commissioners of Her Majesty's Treasury, having considered your further memorial, representing, as chairman of the Dock Company at Hull, that the company are willing to treat for the sale of a moiety of the whole of the double dues payable to them for foreign ships and vessels frequenting that port, I am directed to acquaint you, for the information of the directors, that, after a full consideration of the subject, my Lords do not see any objection to a compliance with that proposal of the company which has for its object to secure to them the continuance of the double dues now payable for foreign vessels entering the port; provided that the future payments to be made by Government in respect of the moiety of double dues payable for vessels belonging to countries now in reciprocity shall not in any one year exceed the average amount of such dues for the last five years; and provided also that, in the event of any country now in reciprocity ceasing to have the right which it now enjoys by treaty, a reduction shall be made from the payment made by the Government equal to the amount of additional duty to which the ships or produce of that country may become liable."

The right hon. Gentleman the Vice President to the Board of Trade would probably say, "Oh! the case of the Hull Dock Company is one that I have provided for; for you will find that when the Consolidated Fund is relieved from the payment of the compensation for differential dues in respect of the proprietors of a dock or harbour receiving a dividend, such proprietors are empowered to indemnify themselves by placing an additional toll or duty upon ships or goods carried in ships, upon the average of the last ten years, as an equivalent for the deficiency occasioned by the withdrawal of compensation from the Consolidated Fund." Such a suggestion with regard to the Hull Dock Company was not very likely to be profitably available, for they were at present great sufferers by competition, and if they were to endeavour to raise their tolls they would drive away altogether the trade of the port. The net amount payable in dividends last year was upwards of £11,000, and the Government proposed to take from the company by the Bill £6,333, or more than half the amount of their income. He would now direct the attention of the House to that extraordinary clause under which a power of indemnifying themselves was given to parties who were deprived of aid from the Consolidated Fund. Could anything be imagined more inconsistent with the avowed object of the Bill—the relief of the shipping interest—than to enable a great number of persons and of corporations to lay an additional duty upon British and foreign ships, for the purpose of diminishing the incumbrances on the Consolidated Fund? It could hardly be supposed that this provision was introduced from any disregard to the important interests which had been taken under the protection of the Government, but probably the Chancellor of the Exchequer might have interposed and said, "Not that I love the shipping interest less, but that I love the Consolidated Fund more."

He would now give the House another illustration of the propriety and justice of this Bill: the Corporation of Bristol possessed certain town dues which they received by charter of Edward IV., dated 1461, such dues being a tax upon goods exported from and imported into that city. There were two fee-farm rents, amounting to £142 10*s*., which had been reserved by the Crown, but which were afterwards purchased and redeemed out of the funds of the corporation. In 1825 the corporation, at their own expense, obtained an Act of Parliament which enabled them to alter and reduce the tolls; they reduced these tolls from £5,000 to £2,000, a year, and they continued in possession of the local dues until the passing of the Municipal Reform Act. The harbour of Bristol was formed by a company in 1805, and in order to enable the promoters of the undertaking to provide funds, the inhabitants of Bristol voluntarily agreed to assess themselves by a permanent rate upon their houses and land to the amount of £2,400 a year. In 1848 the shipping and trading interests of the town, being dissatisfied with the management of the harbour and docks, requested the corporation to purchase the rights and interests of the company; one strong motive which influenced them being the desire of obtaining power to alter and reduce the tolls. Accordingly, the corporation agreed to purchase the interest of the company, and the arrangement was carried out by the Dock Transfer Act, which became law in 1848. Under that Act the corporation were bound to pay to the shareholders and noteholders of the company their interest and dividends out of the corporation funds, and it was provided that the borough funds should be liable to the full extent of all their charges upon the old company if the dock receipts proved insufficient to meet them. The inhabitants of Bristol again agreed to an assessment not exceeding 4*d*. in the pound in aid of the dock funds, and the amount of that rate in 1855 was £6,400. A power was taken to raise £70,000 for the harbour and docks. This was charged in the first place on the corporation, and was guaranteed out of the borough funds. He should here mention that the corporation and the inhabitants at large having taken upon them these burdens, the sums which they received for local dues only amounted to £3,625, the amount to be recovered being £9,600—so that not less than £6,000 was, he would not say, wrung from the inhabitants, but taken from them, and applied to dock and harbour purposes. Yet this was one of the cases in which the Bill of the right hon. Gentleman would strip a corporation of all its local dues, and he could not help thinking that it was a case which called for the serious consideration of the House. [Mr. Lowe: Hear, hear!] The right hon. Gentleman cheered that statement, and he knew the meaning of the cheer. The right hon. Gentleman, doubtless, meant to say this was an exceptional case, and that he was prepared to make a distinction in this instance. But if his principle was good for anything, it was good for this case also, for those local dues were precisely in the same situation as the local dues of Liverpool, the only difference being that the corporation of Bristol derived them from the Crown, while the corporation of Liverpool obtained them immediately by purchase. Let the House recollect that he was now dealing with the principle put forward by the Vice President of the Board of Trade, that the public had a right to seize on those particular possessions of corporations, because they could have no private property.

He would now refer to one great precedent of the right hon. Gentleman, to which he had rather disdainfully challenged their attention, as one which he considered to be perfectly unanswerable—he meant the case of the Corporation of the Trinity House. The Trinity House was a corporation having only public objects and purposes to fulfil. It was incorporated in the reign of Henry VIII., and received its present charter in the reign of James II. It was composed of thirty-one elder brethren, and an indefinite number of younger brethren, who were or had been commanders of merchant ships. In 1853 an application was made by the Board of Trade to the Trinity House, the object of which was to induce them to discontinue the collection of dues for charitable purposes. The Trinity House had been in the habit of applying a portion of their funds to the relief of decayed mariners, their wives and children. These parties were not necessarily members of the corporation, and they had no right or interest in its funds, but were dependent entirely on its bounty. Therefore, when the Trinity House, on being required to relinquish the collection, or rather application of those dues to charitable purposes, pleaded an objection on the ground of a public right, they were answered by the Board of Trade that there could be "no violation of the principle of property in the reduction of dues levied for public purposes, and where no vested interest existed in the tax; and that they could not recognise any vested right in the expenditure of a bounty dealt out to mariners or their families from the surplus revenues of the corporation, since it was the very essence of a vested interest that the thing to be secured should be ascertained and known to the law." He confessed that it was with the most perfect astonishment he found the right hon. Gentleman challenging this as a decisive authority in his favour, and declaring it was utterly impossible that it could receive a satisfactory answer. The right hon. Gentleman said it was very probable the course now proposed to be taken might be assailed as an attack on vested rights, but that here was a precedent which satisfactorily disposed of all such pretences, and to that precedent he confidently directed the attention of the House. He (Sir F. Thesiger) would join with the right hon. Gentleman in earnestly recommending to the attention of the House this precedent, which was an authority for all he had maintained, for he was defending vested rights in "known" objects. But the right hon. Gentleman had another argument, upon which, as usual, he entirely differed from him. He said, all this pretence of private property in corporations was disposed of by the Municipal Reform Act of 1835, by which property was taken away from corporations and given over to other persons. Now, the right hon. Gentleman was very unhappy in the selection of his arguments, for he (Sir F. Thesiger) maintained that this transaction of the Municipal Reform Act presented one of the strongest grounds for the principle he was now asserting. It was well known that originally all privileges and franchises were given to particular places for the benefit of the inhabitants of those places; and they knew, also, that by degrees those privileges and franchises were engrossed by a small body out of the inhabitants at large, and appropriated by them; that there was in almost every town a close corporation, which, instead of applying the property for the benefit generally of the town and its inhabitants, appropriated it principally to their own purposes. Now, it was with the object of restoring to those who had been thus defrauded of the privileges and franchises originally intended for them, that the Municipal Reform Act was passed, and it was on that ground that it was supported both by the noble Lord who introduced the measure to the House, and by all the leading men of the day. Lord Brougham, who was then Lord Chancellor, stated that the Act was one of restitution, and not of spoliation, and the noble Lord the Member for the City of London (Lord J. Russell), in introducing the Bill, made similar statements, as he would show by one or two extracts from the speech which the noble Lord then delivered. The noble Lord the Member for London said—

> "I think Parliament has a right to require by laws to be now passed that the revenues of these corporations, except where they are applied under particular bequests to special purposes, shall be henceforth devoted to public purposes connected with public municipal interests."

And again—

> "He did not wish to say anything disrespectful towards the class of persons, the freemen; but he must say they were not selected on account of any peculiar merit which they possessed. They were chosen from out the rest of the inhabitants, and were vested with monopolies and privileges which were originally intended for all the inhabitants of the towns."

Yet the right hon. Gentleman, in proposing to give over property belonging to the corporations for application to public purposes, quoted as a precedent an Act which merely restored certain privileges and franchises to those to whom they by law belonged. What had occurred with regard to the 92nd section of the Act? As the Bill was originally printed, the 79th section, which corresponded with the 92nd section of the Act, described generally the property of corporations. The clause received great attention, and, upon the recommitment of the Bill, in July, 1835, the words "tolls and dues" were introduced. This 92nd section provides that all corporate property, including dues, shall be carried to the borough fund; that the corporation shall have no power, where there is a charge upon tolls, to alter or reduce the amount—

> "And in case the borough fund shall be more than sufficient for the purposes assigned, the surplus thereof shall be applied, under the direction of the council, for the public benefit of the inhabitants and improvement of the borough."

So that, after the most careful consideration, these tolls were treated in the Amendment to the Bill as part of the property of the boroughs, and this solemn settlement made by the Legislature was concurred in by the inhabitants of the boroughs. Even if there were nothing in the transactions to which he had already referred giving the character of private property to the tolls, he might almost rest his claim upon this Parliamentary title. But the right hon. Gentleman said the tolls transferred to the borough fund had been saddled with a trust for the benefit of the inhabitants instead of the shipping, in consequence of "an oversight." He hoped the right hon. Gentleman, now that he had been informed of what had taken place, would correct himself by substituting the word "over-caution."

How was it possible for the right hon. Gentleman, in the face of the facts he had stated, to maintain that principle of confiscation for which he had contended—that corporations of this description could possess no right whatever to private property, and that when it was convenient for the Government of the day to appropriate their property, they were at liberty to do so? He (Sir F. Thesiger) contended that it was impossible for any persons, after these circumstances were fully in their minds, to say there could be any sound and rational distinction between the case of the property of an individual, which every one there at present considered to be sacred—and that of property which was derived from individuals, and became the private and exclusive possession of a corporation. But the right hon. Gentleman had adopted a very ingenious mode of introducing this important question; he had prefaced it by two short clauses, upon which he might have anticipated there would be very little difference of opinion, and had availed himself of that cover for rushing upon the prey which it was the object and principle of the Bill to secure, because he and those who supported him would probably say, "You have admitted you do not object to the abolition of these passing tolls, and, yet, when a Bill is introduced for that purpose, you say it shall not go into Committee, but must be rejected upon the second reading." If the right hon. Gentleman had confined his Bill to the case of passing tolls it would have met with little or no opposition; it would have had his (Sir F. Thesiger's) support. Passing tolls did not affect the private individual interests of any one; they were, in a certain sense, applicable to public purposes, namely, the improvement of different harbours; but in dealing with them the right hon. Gentleman only provided a decent covering for his principal object of spoliation. Could any one permit himself to be deceived by a contrivance which had been so dextrously conceived for the purpose of the argument to which he had referred? It was impossible for them to give their consent to the second reading without admitting that principle of confiscation and spoliation on which the right hon. Gentleman had based the provisions of his Bill. A great number of hon. Gentlemen, interested for their constituents in Liverpool and other boroughs, had opposed these local dues, which they considered were a burden upon them; their opposition was perfectly legitimate, for they had a right to defend the interests which were confided to them. But he would call their attention to this fact—that no provision was made in the Bill for abolishing these local dues; they were to be transferred merely from the corporations to the Board of Trade; they would continue to be received as heretofore, and they would press as heavily on the persons whom those hon. Members represented when taken by the Government, as when taken by the corporations. Therefore, if their object was relief, and relief through the means of confiscation, they would fail entirely — they would yield to a principle of most dangerous tendency, and derive not the slightest benefit from it. With respect to corporations in inland towns, and other corporations having no immediate interest in the question, let him call their attention to the conduct it behoved them to pursue under the circumstances in which they were placed. It was true they were not assailed at present—it was true that danger might still be far from them; but, if they consented to a Bill of this kind, it was hardly possible for them to anticipate how soon that danger might reach them. If they stood with folded arms, looking on upon the spoil and confiscation of other corporations, they would find, probably to their cost, that they would only obtain for themselves that melancholy privilege which the Grecian chief, whose wanderings they all remembered, obtained—that of being devoured the last. Therefore, he most earnestly entreated them to watch and guard against the dangerous beginning of a course which might finally be fatal to themselves. He had endeavoured, as fully and fairly as he could, to explain the circumstances, under which he thought it impossible to maintain the principles on which the right hon. Gentleman had based his Bill; and he confessed he could not say whether he was more astonished at the measure itself than at the arguments put forward in support of it. The measure was one intended to take away from the corporations property established by charters, Acts of Parliament, public agreements, and immemorial possession; and it was based on arguments which seemed to him to strike at private property itself. At all events, he was entitled to say this—that the principles on which the measure was based threatened to undermine the security of all corporate property throughout the kingdom. With the conviction that this was a measure of most dangerous tendency, he begged leave to move, by way of Amendment, that the Bill be read a second time that day six months.

Sir FRANCIS BARING said, he had been requested to second the Amendment of the hon. and learned Gentleman, and he did so with the hope that, at any rate, it would show to Her Majesty's Government that the objections which existed to the principle of the Bill were not confined to only one side of the House, and that those who, like himself, were disposed to regard the Government with favour, and prepared to give them a general support, were nevertheless determined to look carefully into the provisions of the Bill; and his settled conviction was, that if hon. Gentlemen would so treat the measure, they would not give their support to the second reading of it. He objected to the second reading of the Bill upon two grounds; in the first place, because he recognised in it a determination to interfere with that self-management of affairs which he believed ought to be maintained for local purposes; and next—which was still more important—because he recognised throughout the Bill a carelessness with regard to private rights, as well as a sacrifice of public and Parliamentary faith, which he believed would be most mischievous if once it were sanctioned by that House. With respect to the first point; he would not go through the clauses of the Bill, but if hon. Gentlemen had read it they must have seen that it went upon the principle of interference on the part of the Government with the management of local affairs; that it handed over a certain amount of revenue to the Commissioners of Customs, who were to transfer it to the Paymaster General, who in his turn was to obey the order of the Board of Trade with regard to the disposal of that revenue. It was admitted, he understood, that the expenses properly falling upon the shipping interest were still to be paid—that was, the expenses with regard to harbours; but who was to judge what the expenses were which properly fell upon the shipping interest? As he read the Bill, for it was not prominently brought forward, an estimate of the expense was to be delivered in to the Board of Trade, and if they were satisfied with that Estimate, then, and then only, the Paymaster General would be justified in making the payments. That, however, was as he understood the measure; now he would ask what would be the practical effect of that proposition? Why, that the whole of the detailed arrangements must be submitted to the Board of Trade, whose approval would have to be obtained in respect to all the arrangements in the different harbours. Now that, he thought, would be a most unfortunate mode of transacting business. But he would not stop there. The Bill also enacted that any tax, within certain limits, might be abolished by Order in Council, in other words, by the Board of Trade itself, and that without any reference to the local authorities. There was another clause also, which he looked upon with a degree of jealousy, because he happened to have presided at the Admiralty, and knew what was the opinion which existed amongst some intelligent and conscientious persons with respect to the management of our mercantile harbours. An impression prevailed, he could not say whether at the Board of Trade or not, that the Government, by means of some sort of harbour department, ought to have the management of the whole of the mercantile harbours of the country; and knowing that this impression, mischievous as it seemed to him, did prevail, he confessed he looked with doubt and discomfort upon the 19th Clause, which provided that any tolls might, by Order in Council, be transferred to some other harbour authority. He did not see what was the exact meaning of that clause; but it seemed to him that, under that clause, it would be competent to the Board of Trade to advise the issue of an Order in Council, by which, from time to time, the tolls collected at the different ports might be transferred—say to the Board of Trade itself as the harbour authority at Ramsgate, and to the Board of Admiralty as the harbour authority at Dovor; and that that might be done with a view to what was termed concentrating the management of the different harbours. He perfectly understood that there were two modes of conducting business—the one by local authority, and that was the principle, generally speaking, and the constitutional mode in England; the other by a central power, abolishing all such little impediments as local authorities. True, there were advantages in both systems; but to his mind the advantages of management by local authority were by far the greater. On the other hand, he was not prepared to deny that the having one central authority, uncontrolled and unchecked by any local power, might also, to a certain degree, possess its advantages, though he thought it was entirely unfitted for this country. But there was a third system, the most mischievous in his opinion that the human imagination could devise; and that was, the establishment of an authority which was neither local nor central, but a mixture of the two; in short, two authorities trying to manage the same thing, always contending with one another, and neither knowing which was responsible, nor which was the real master. He knew what the operation of the Bill with such a clause would be if ever it became law. Take a harbour authority. The management would to a certain extent be in the local authorities, but the collection of the dues would be in the Customs, and the control in the Board of Trade. Constant squabbling would therefore ensue. The local authorities would feel, and bitterly, that their rights had been infringed on; they would not forgive the Legislature easily for a measure which they would consider a robbery and an injustice; and they would be expected to act in conjunction with a central authority, the very central authority which they regarded as the author of the injustice. Why, there would be constant squabbles, and constant remonstrances from the local authorities to the Board of Trade. The result would be, and he was not sure that that was not foreseen, that ultimately the right hon. Gentleman (Mr. Lowe) would have to come down to tell the House that it was impossible to go on in this state of divided authority; that Parliament must make its choice between local and central authority, and pass a Bill for vesting the whole power in the Board of Trade. The second point was still more important, viz. the manner in which the Bill proposed to deal with property, and with what he ventured to call the "faith of Parliament." There was no doubt that by Act of Parliament they might take away any man's property, and he was not prepared to say that corporate property was an exception; at the same time, however, he would urge upon the House that nothing could be more unwise, or more discreditable to the Legislature of a country, unless upon the gravest exigencies, than to deal thus with corporate property, and above all to treat lightly the faith and pledges of Parliament. He quite admitted that the case of the passing toll was different from that of other tolls. In the cases of Dovor and two other harbours he thought the tax had been unfairly laid upon the shipping interest, and ought to be paid from some other quarter. But what was the case of Ramsgate? Why, the Government Commissioners themselves stated that that harbour was still, to a certain extent, a harbour of refuge for ships in the Downs, but that it would be so difficult to levy the tax on ships in the Downs that they ought not to impose it, and he (Sir F. Baring) concurred with them. But, in doing this, how would they deal with the people of Ramsgate under the Bill? Was it for their advantage that the port had been converted into a harbour of refuge? Let the hon. Gentlemen read the Report of the Government Commissioners. There they would find that, in consequence of a heavy storm, the shipping interest of London presented a petition to the House of Commons, praying for a harbour of refuge at Ramsgate. Well, the House of Commons appointed a Committee, who looked into the question, and thought it advisable—they might, in this particular case, have been right or wrong—to accede to the prayer of the shipping interest, and a harbour of refuge was made. It now appeared, however, that they could not conveniently levy the toll upon the ships which were benefited. Well, take off the toll under those circumstances, but do not make the unfortunate people of Ramsgate pay for it. Did they ask that their port should be made a harbour of refuge? They had a pier before, which served the purposes of their trade perfectly. And they gave up their tolls at the demand of Parliament. If it was a job, then it was a job of the Government, not theirs. If it was a blunder, it was a blunder of the House of Commons. If it was done under the pressure of any interest, it was under the pressure of the shipping interest. And if for the public interest, you have mistakenly made, which is quite possible, an expensive harbour; and if it turns out a mistake, it certainly is not fair to charge that upon the inhabitants of Ramsgate, and you are fairly bound to take upon your own shoulders the consequences of your own blunder, and provide for that passing toll yourselves if you now abolish it. He came next to the question of the reciprocity dues. It might be supposed that those dues were payments made at the prayer of the corporation; but the change that was made in the payments was a change made for the commerce and shipping of the country, and we were compelled to do it, first by the policy of Prussia, and afterwards of the United States. All those reciprocity payments were made not by the shipping interest but by the Chancellor of the Exchequer, and the question was, if that right hon. Gentleman should put the money into his own pocket, or hand it over to the local authorities. Upon what did their reciprocity payments rest? In the first place, the right to them rested upon old charters, upon constant payments, upon decisions of a court of law, upon repeated Acts of Parliament acknowledging the payments; and it was now proposed to take away those payments, so given by the Crown, acquiesced in for ages, sanctioned by a court of law, and which the right hon. Gentlemen upon the Treasury bench have acknowledged by measures they have brought in. The right rested on Acts of Parliament passed respectively in the years 1818, 1838, 1842, and even so late as 1852. The first he believed was passed by Mr. Huskisson, the last by Sir Robert Peel, both of whom were men who, after all, were not careless of the public interest, and would not have admitted the claim unless they considered it to be a just one. And now the right hon. Gentleman (Mr. Lowe), treating those Acts as mere waste paper, with no more forcible argument to offer than something about "a river not being able to flow higher than its source," and "corporations not being able to possess private property," would have the House sweep these payments utterly away. He must appeal to the noble Lord at the head of the Government to defend the policy of Mr. Huskisson, with whom the noble Lord had acted. That great man effected conspicuous reforms, but in doing that which he thought to be beneficial to the interests of the country he never invaded particular rights and privileges; he never came down to that House to maintain that corporations could possess no private property, and that therefore they ought to be deprived of that which they had enjoyed for years, and which had been confirmed to them by the decisions of the courts of law and legislative enactments. The proposal now made would shake the confidence of all corporations in the good faith of the Government of the country. At one time it might have been possible to settle the question by a compromise, but this Bill threw difficulties in the way of any arrangement. What faith could the corporations have in any compromise, when that which in 1852 was a solemn act of the Legislature, was in 1856 declared to be mere waste paper? Every corporation, of course, had its own particular case of injustice to urge against the Bill now under consideration. That of the town which he represented was rather a strong one. In 1829 the corporation of Portsmouth came to Parliament for a Bill to enable them to raise money and to levy rates for the purpose of improving their harbour. Under the authority of that Bill they spent about £32,000, of which £16,000 was money which they had saved previously, and £16,000 was borrowed money. Of course they spent their money with a view of receiving some return for it, but if the proposed Bill passed they would lose their savings which they had invested in those improvements, and the inhabitants of the town would be saddled with that proportion of the interest of the borrowed money which was now borne by the shipping interest. The right hon. Gentleman the Vice President of the Board of Trade said his measure would benefit the shipping interest to the amount, at present, of £40,000, and by and bye of £200,000. He (Sir F. Baring) should like to know what new principles of political economy were held by the President and Vice President of the Board of Trade, that they should conceive that a tax upon goods was paid by the shipping interest. At the time of the agitation against the corn laws it was said that such taxes were paid by the consumer. Take the case of Rochester. Upon the importation there of a quantity of spirits not exceeding two gallons 2*d.* was levied. That was, according to the hon. Gentleman, paid by the shipping interest; but if this Bill passed this would be collected by the custom-house officer, and the duty on spirits being 15*s.* a gallon, he would have to take 30*s.* 2*d.* He should like to know, then, if the Government would enlighten him on the point, how it was that 30*s.* was paid by the consumer and the odd 2*d.* only was paid by the shipping interest. That was not the political economy of the right hon. Gentleman the Member for Manchester (Mr. M. Gibson). His argument, and that of those whom he represented, was that those dues were a burden upon the consumer of Manchester. Would the right hon. Gentleman (Mr. Lowe) settle for whose benefit he really intended this measure? He (Sir F. Baring) admitted that any duty imposed upon a trade would to some extent affect that trade; but it did not appear that the shipping interest was in such a state of distress as to need relief from any indirect burden of that kind. On the contrary, it appeared from the statement made by the right hon. Gentleman the Chancellor of the Exchequer on Friday evening, that for several years that interest had not enjoyed so much prosperity as it did at present. Perhaps that was the reason for their being consistent, for the newspaper interest, although prosperous, was last year relieved from a tax. The success of the reduction on newspapers probably had induced the Manchester school to try another reduction of taxation. Under other circumstances he should have been glad to have allowed the Bill to be read a second time; but it was so fraught with unfairness and bad faith, and was so mischievous, as striking at the root of self-management in local matters, that he should give his cordial support to the Amendment of the hon. and learned Gentleman (Sir F. Thesiger).

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. LOWE: Sir, I did not very precisely follow the account which the right hon. Baronet the Member for Portsmouth (Sir F. Baring) gave of the somewhat involved state of the finances of that borough; but it appeared to me that in that statement he did not mention that to which I suspect we are indebted for the excellent speech which we have heard from him this evening—namely, that the borough of Portsmouth received last year £3,800 from dues levied on shipping at that port. That, I suspect, may account for the fact, which he seemed to think so strange, that a Gentleman on this side the House should oppose the Bill of the Government. I have at the outset to complain of having, by both Gentlemen who have addressed the House this evening, been treated with a considerable want of candour. They have had at least the usual opportunities of judging of the nature of this measure. They have had the speech which I made on introducing the Bill, and also the Bill itself, which has for some days been before them in its present form. Although I am far from saying that all my expressions were as accurate as they might have been, and although there are many things in the Bill which require, and must receive, amendment, I do maintain that they might, if they had been so minded, have arrived at conclusions very different from those which they have been pleased to submit to the House as those of their deliberate judgment. The right hon. Baronet taunted me with my ignorance of political economy (in which he may, for aught I know, be right) with regard to the incidence of this species of taxation. He catches a particular expression in a long speech full of figures and details, on a subject extremely difficult to deal with, and because I used the expression, that the shipping interest would be relieved to the amount of £200,000 if this Bill passed, he says how ridiculous is my political economy, and how ignorant I must be. The right hon. Baronet has done me the honour to read the speech, because he has quoted it. Now let us see what I really did say on that occasion—

> "There is always a question about the incidence of these dues. Part of them, undoubtedly, fall on the shipping interest (which immediately pays them) and part upon the consumer; but in the various fluctuations of the market it cannot be denied that a great portion of them must be paid by the shipping interest. I look upon it that the parties concerned are the public at large and the shipping interest."—[3 *Hansard*, clx. 164.]

Is the case of the right hon. Baronet so weak that it is necessary that an isolated expression should be caught up, while this passage, which, as I still believe, clearly explains the incidence of these dues, should be overlooked?

The speech of the hon. and learned Gentleman (Sir F. Thesiger) was founded entirely on the assumption that the measure of the Government is one of confiscation. He put into my mouth statements which he will seek for in vain in the speech printed with my name to it, to the effect that I maintained the right of the Government at any time to take corporate property and apply it to its own use. He will not find anything in the least resembling that in my speech. Not content with that, the hon. and learned Gentleman, amid the cheers of those around him (who certainly have a great faculty of cheering), said that the object of the Bill clearly was to take these dues out of the hands of the corporations and transfer them to those of the Government, and he insinuated that the object of that transfer was not to abolish the dues, but to retain them for the use of the Government. Had the hon. and learned Gentleman looked at my speech, he would have seen that this matter was there explained, perhaps not so clearly as might have been desired, but still with sufficient perspicuity to have informed a candid opponent—one who was speaking for truth and not for victory, one who wished to inform the House on a great question, not to inflame its passions and work upon its prejudices—what was the real meaning of this Bill. I stated on bringing in the Bill that—

> "As regards such of these dues as may not be required for the purposes of the sinking fund, or for the payment of interest, it is proposed that there shall be reserved to the Queen a power of abolishing or retaining them, as She may think fit, by an Order in Council."

So far it is open to the hon. and learned Gentleman to put upon the Bill the construction which he has adopted, only after this there follows this passage—

> "The object being that the harbours may be in no danger of 'starving,' so to speak, through the sudden withdrawal of the funds on which they have been accustomed to depend for support, or by other deficiencies of revenue. In the interest of the creditor, also, who might otherwise be left without his remedy, it is desirable that a power should be reserved of raising the dues anew in case it should be found necessary to do so."—[3 *Hansard*, clx. 167.]

Now, Sir, of all that we did not hear one word from the hon. and learned Member for Stamford. I may as well explain the matter at once. In printing this Bill some words have fallen out of one of the clauses, the absence of which, undoubtedly, to persons anxious to find technical and quibbling objections, countenances the opinion put forward by the hon. and learned Gentleman.

But, Sir, the Bill was founded on the recommendation of a Commission, of which the hon. and learned Gentleman has not said one word. The recommendation of that Commission was that the dues should be abolished. The object of the Bill is to carry out that recommendation. The question was, how these dues could be abolished. The measure is one, I am willing to confess, of a very peculiar nature. It has to deal with difficulties almost unexampled, because it has to deal with the affairs of a vast number of separate corporations, and to lay down general principles for the regulation of their interests. Although this Bill was founded upon the able and impartial Report of a Commission, it was quite impossible that we should be able to foresee all that might be brought under the notice of the Executive Department, and therefore in working it out our only resource was to arm the Board of Trade with some discretionary power, so that, while we were doing a great good, we might not commit great evil and injustice. For instance, we were bound to see that the harbours were not starved; that in taking away funds we did not deprive the shipping interest of the support they had a right to expect from the dues levied upon them; and we were, also, bound to take the utmost care that the creditors of these funds, of whose number and amount we could not be secure, and who might start up in any amount—we were bound, I say, to take the most sacred care that their interests were guarded and protected. Power was therefore reserved to the Board of Trade to abolish these dues by degrees, instead of abolishing them at once. But if any hon. Gentleman thinks that to abolish these dues at once would be better, taking care at the same time of the creditor, and the purposes which the shipping interest have in view, I for one will joyfully agree to abolish them immediately. Our only intention was to do complete justice, and we never contemplated anything but the total abolition of these dues after payment of the fund for shipping purposes, and the payment of the interest of the fund. And this is what the hon. and learned Gentleman calls an appropriation of property, and a pouncing on its prey by the Government, in a speech distinguished for its practised legal dexterity more than for candid interpretation. So much for the spirit of the hon. and learned Gentleman, and now for the measure itself.

I must candidly say that I could hardly recognise our own measure as it was described by the hon. and learned Gentleman. After stating what the measure really is, I will then state the reasons which appear to me to overthrow the considerations which the hon. and learned Gentleman has urged against the Bill. The object of this Bill is, in the first place, to abolish passing tolls. These passing tolls seem, as far as I can see, to have no friends; even the hon. and learned Member himself has given them up. I certainly consider that they ought to be abolished, for they are imposed on ships, and applied to purposes from which shipowners receive no benefit. In some cases the harbours are too shallow except at particular periods of the tide, and in other cases they are too shallow to allow ships to enter them at all, and it is therefore agreed that it is right to take away these tolls. But it is ridiculous and trifling to pretend that they are not just as much funds in which there is a vested interest as the funds dealt with by any other part of the Bill. The principle for which the hon. and learned Gentleman contends is just as much violated in the case of these four harbours as in the case of the town of Liverpool, only that the town of Liverpool is wealthy and influential enough to secure learned, able, and candid advocacy in its behalf, and they are not. The next part of the Bill deals with town dues—that which the hon. and learned Gentleman spoke of as "property." I wonder after what has been asserted, if it ever occurred to the hon. and learned Gentleman to consider what property really is. We heard a good deal from him of the sacredness of property, but he gave no vestige of an idea of it; for where the hon. and learned Gentleman was talking of property the Bill talks of taxes. The property he spoke of might be land or it might be funds, for anything that he said to the contrary. But the hon. and learned Gentleman is a skilful gladiator, and he knows the weak part of his case. I suspect that the hon. and learned Gentleman's idea of property is anything that a man may get money for. Now, I demur to that interpretation. A man may get money by telling where stolen goods are hid. He may refuse to execute a deed which he ought to execute, and may force one to pay him money before he will execute it. But that is not property. I could put hundreds of cases where a man has the power of gaining money, but which do not amount to the legal idea of property. I can understand property in land, because it must be appropriated by some one to subserve purposes of utility; I can understand property in capital, which is the accumulated labour of man, and which would perish without an owner. But property of the kind contemplated by the hon. and learned Gentleman—property in another man's property—a claim by another to take that which is a man's own, and to transfer it to the use of the taker—that is a denomination of property which I never can concur in considering really and legally to be property. And that is the "property" which this Bill deals with. Let me state the case which the hon. and learned Gentleman has been so careful not to state. The hon. and learned Gentleman, as I have previously stated, gives up passing tolls, and has not a word to say for charities; but he says:—"I claim on behalf of the ratepayers of Liverpool now, and for all time to come, for them and their unborn children, the right to tax all the rest of England, and all the ships that come to the port." He claims on the part of the people of Liverpool to treat as serfs, for all time to come, the unborn children of those who are not residents of Liverpool, and to levy forced contributions upon them, for which they are to receive no equivalent. He claims for the people of Liverpool a right to tax, for the benefit of the town of Liverpool, the dress of every woman in England, from the Queen upon the Throne to the maid of all work who scrubs the steps, to tax them for the present and all future time, not only to its present amount, but if it should rise to double and treble its present amount with the rising commerce of the country. He claims on the part of the people of Liverpool, not only the power to levy this tax, but to be exempt from the tax which they levy on others, and while Manchester has to raise £80,000, by means of a borough fund, Liverpool will be exempt, unless this Bill should pass, from any borough fund at all, and the ratepayers will be exonerated from those local burdens which it is the business of self-government to levy for local purposes. This is a claim of taxation without representation, and without giving a voice in the imposition and distribution of the burden. These are the claims which are preferred, and which the hon. and learned Gentleman has not blushed to use all along as convertible with property. Property! This may be property, but it is M. Proudhon's property—*le vol.*

Well, Sir, that is the claim. And now let us see the evidence by which it is substantiated. The hon. and learned Gentleman says, that about 200 years ago, this property and the right of taxing their fellow-subjects were purchased by the corporation of Liverpool from Lord Molyneux's family. Now what was the nature of this purchase? The hon. and learned Gentleman was too dexterous an advocate to tell the House that. The purchase-money was about £700, and the taxes so bought were then about £14 a year. That was the nature of this right upon which this enormous superstructure has been raised, and upon which the corporation of Liverpool claim to levy this princely revenue. That is the right which the hon. and learned Gentleman tells us, if we meddle with, or deal with, in the public interest, we shall not only endanger the tenure of all corporate property, but the very tenure of private property itself. Sir, I cannot express the dislike I feel to such an argument, because the effect of it will be not to raise in public estimation such property as this to the height at which private property stands; but if the hon. and learned Gentleman succeeds in establishing an equality between the two, and in persuading the public that private property has no better tenure than this, he is likely to bring down the tenure of private property to a low standard, not more respectable than that of a tax. Sir, the hon. and learned Gentleman sneers at the notion of a distinction between the property of a corporation and the property of an individual. That distinction is not one of my drawing, but it is one deeply engrained in the laws of the country and in the reason of things. That doctrine is one laid down by the Commissioners and recognised by the constitution. Corporations exist neither by themselves nor for themselves. They are the creatures of public utility, and when they cease to subserve the public utility, they may and ought to be abolished. If the Legislature has the right to abolish these corporations, it has also the power to abolish rights which are inconsistent with the end and aim of their being—public utility. These corporations and the powers which they exercise are the means and aims for accomplishing certain ends, and not the ends themselves. So long as they answer those ends, the Legislature ought to support them—when they cease to accomplish those aims, you will only set up anarchy and confusion if you continue them, and it becomes the wisdom and the duty of the Sovereign Legislature to take away their power if they cease to fulfil their objects. There is no necessity whatever to interfere with these corporate bodies to that extent. That is not the principle on which I am arguing this Bill, but it is the principle on which I base the distinction between a corporation and an individual. A breath has made, and can make, a corporation; an individual is not a creation but an element of society. It is out of individuals that a corporation is formed, but you cannot form individuals. They carry into society rights which are sacred and indefeasible; they are the very foundations of society, and not figments and creations; they are the foundation stones of the whole edifice, and cannot be shaken without bringing all to ruin. Whereas corporations are things created by society; they may be to-day, and they may cease to exist to-morrow; their privileges may be taken away, as they have been taken away, by repeated Acts of the Legislature, and, whatever may be the fate of this Bill, will be so again. The corporations of England were generally believed (for the hon. and learned Member for Stamford rested his argument on no authority) to have been elective bodies anciently, which usurped gradually into their own hands the power of nominating their own members. That is said to have been their origin. At any rate, at the time of the Municipal Corporations Act, in almost every borough, they were either self-elected or appointed by the mayor, or by the aldermen, or common council, or freemen, who generally formed a very small part of the borough. They possessed—how they came by it is not explained—very considerable real and personal property, which they claimed to hold, and over and over again it was decided by the courts of law, by Lord Ellenborough, and by Lord Eldon, they did hold, entirely independent of any trust whatever. They claimed to use, and did use it in a most scandalous manner—the hon. and learned Gentleman, to be consistent, would say in a most proper manner—they ate, they drank, they bought, they sold, they feasted, they jobbed, until a day of reckoning was at hand. Such were the corporations till the year 1835, and such was the body which purchased the town dues, value £14 a year, from the Lord Molyneux of that day.

In 1835, however, came the Municipal Corporations Act, and there was the same fight on behalf of those who had unjustly monopolised the power and property of the borough as is now made on behalf of those who have unjustly got the dues raised on the shipping interest. But that fight was unsuccessful. The House of Commons heard plenty about vested interests and confiscation and loss of property. But they were fresh from the reform of Parliament, and they said to the corporations—"Whatever may be your charters, and whatever may be your legal rights, your charters are iniquity and your rights injustice; you cumber the earth; you are no longer to be tolerated; you are usurping places which ought to be held by better men, and we will sweep you away, your self-elected system, and your property, and we will replace you with really elected bodies." By a stretch of power, the greatest, perhaps, ever known in a free country, and which the hon. and learned Gentleman does not object to—I suppose on the principle of opposing always-coming reforms, and acquiescing in those that are past—by a stretch of power Parliament demolished these bodies, took away their property, and left not a vestige of the previous state of things. By the Municipal Reform Act their powers were conferred on new bodies elected by the ratepayers of the borough. In them was vested all property, and among the property these tolls and dues, and they were declared trustees of their borough fund—that, in the first place they should pay the expenses of the police and the administration of justice in the borough, and then apply the remainder to the benefit of the inhabitants. There is an instance of a bold and vigorous act of justice on the part of the Legislature in redressing a crying iniquity. It is a great and glorious instance of what Parliament can and will do, when the necessity arises, without having regard to merely legal claims and musty precedents, and the hon. and learned Member for Stamford has failed to distinguish between that Act of Parliament and what we are doing to-day. That Act, however, involved this great error. It handed over these tolls and dues, not as in justice it ought to have done, as their property, to the shipping interest, but it handed them over to the new corporations, and saddled them with a trust the most monstrous that ever was heard of, namely, that the funds may be applied to the benefit of the inhabitants, provided not one farthing is ever expended for the benefit of the shipping interest. That is the operation of the Act, and it is by that Act, and that Act alone, that the municipal bodies derive the right to property held by the self-elected persons they replaced. The Legislature, by an Act of force, of violence, of revolution, if you will, destroyed their predecessors, confiscated their property, and vested it in new bodies which they created; and, therefore, all the purchases from Lord Molyneux are so much waste paper. There is no connection between this body and the body they succeeded. They are gone, like a race of Titans, and these are the deities which reign in their place. The only connection is that these, by the will of Parliament, take the property of their predecessors. This is a Parliamentary grant, without any consideration whatever, of these tolls and duties, and it is a grant of the greatest injustice, because Parliament has done to the shipping interest precisely the same injustice as the old nominative corporations did. They took to themselves funds which ought to have been devoted to the benefit of the whole of the borough; they took money which was really other people's; their title was supported in law, but justice would not support it; and the Legislature having to choose between law and justice, greatly, no doubt, to the disfavour of the lawyers, selected justice. But when Parliament came to legislate with regard to the shipping interest, they did what they had disapproved; they took from the shipping interest these dues;

they gave the property to the boroughs, and they gave no equivalent. That is the whole title on which Liverpool claims these dues. All I can say in answer is, to repeat the words of Junius—"What may be gained by one revolution may be lost by another." Though this property was vested in the corporation twenty years ago by one Act of Parliament, it may be taken away by another. The Act gave, and the Act can take away. It is for us to consider whether we will do it.

As to our utter freedom from the fetters in which the hon. and learned Gentleman has bound us I cannot entertain a doubt. Is it just that Liverpool should be collecting at this moment £125,000 a year, and spending for shipping purposes, as appears by the Report of the Commission, only £3,000 a year, and spending that miserable pittance in breach and violation of the law by which they collect the revenue? I ask the House is that a state of things which ought to continue? Can it be justified? The old corporation acknowledged no trust binding on them, and they could do justice and apply the whole or any part to the benefit of the shipping interest; but the new corporation, under the Municipal Corporations Reform Act, has no such option. They are bound by the command of the Legislature to deprive the shipping interest of every farthing of benefit. The law is strict and inexorable. If they do give the shipping interest a benefit they break the law. Is it right, then? Can it be justified that, under pretence of local self-government, under pretence of administering their own municipal and local affairs, that any body of Her Majesty's subjects should have the right to levy such an impost on the rest? It deprives us of all social equality. If the produce of my labour be not my own, if my neighbour can take it away without compensation, where is your boasted security for property? When the Liverpool corporation can take from a merchant at Manchester taxes without any equivalent, when such things are done and sanctioned by Parliament and by Conservative lawyers, where, I ask, is the boasted security of which you talk? Where is it, I ask? In what does it consist? In what does it reside? What is the security of property? These are momentous questions—questions which affect all classes of the people—and when challenged to look into them we, the guardians of the people's interests, have no option but to do so. The protection of private property resides in that feeling deeply implanted in the English mind, and which is a leading characteristic of English history—a reverence for the rights of individuals. In England alone, of all countries of Europe, has the individual had rights which, however adverse to the State, the State has been bound to respect. In England, more than in all other countries of Europe, it is the pervading principle of our legislation that right shall be paramount to might. It is the theory of our laws that the strong shall not be allowed to oppress the weak, and from this doctrine there is no evasion, except, perhaps, through the clauses of some blundering Act of Parliament. That, Sir, is the theory of our Constitution. Let the practice of our laws be what it may in isolated cases, it is the theory of our legislation that the ratepayers of Liverpool—however numerous, however affluent—have no right to inflict the slightest injury on the poorest and weakest of Her Majesty's subjects. Reverence of individual rights is, I repeat, the source and fountain of protection for private property; but where is the reverence of individual rights if the persons who happen to reside near some creek or arm of the sea, are to be permitted to set up little custom houses of their own—for to that it amounts—and under the preposterous pretext of protecting their local interests, to levy tribute on persons to whom they render no manner of service? Hon. Gentlemen opposite, in their zeal for the preservation of property, would destroy all property. They are so zealous in the cause of property, that when a man claims to have a property in another man's property, they will admit the claim, yet—strange inconsistency—they seem to have but little sympathy for the man who is modestly content to claim an interest in his own property. Besides the corporations which exact these unrighteous dues there are the individuals who pay them, and these are excluded from the sympathy of hon. Gentlemen opposite. For the shipowner they have no consideration—he is beyond the range of their humanity. Those who would favour the continuance of the system of compulsory taxation, which this Bill is designed to abolish, may flatter themselves with the idea that they are the champions of property; but, in truth, they are the advocates of spoliation.

Passing from this topic I come to that of the charities; but here I will not linger long. As no one has as yet thought fit to say one word in their behalf, I shall leave it to those who shall come after me in debate to offer what observations they please on this particular branch of the question. Vested interests we desire to respect, but interests which are not vested have no claim on our regard. A "charity" which, however attractive its title, is, in point of fact, nothing more or less than an ingenious contrivance to get up a rate in aid of the poor-rate in particular districts, is not worthy of support, and assuredly has no possible right to compensation. The hon. and learned Gentleman the Member for Stamford (Sir F. Thesiger) has taken as instances of the iniquity of this measure three places, Liverpool, Hull, and Bristol. With respect to the first, it is unnecessary to add anything to what I have already said on the subject. With regard to Hull, I admit that the case of the Hull Dock Company is an extreme one, and I cannot but think that it would have been more fair in the hon. and learned Gentleman—had fairness been his object—to have tested the Bill rather by ordinary instances than by such as present features of isolated and exceptional difficulty. No doubt there are difficulties in this case of the Hull Dock Company; but the hon. and learned Gentleman might have known, and probably did know, that those difficulties have already presented themselves to the Government and engaged their anxious consideration. The Hull Dock Company, as the hon. and learned Gentleman must be fully aware, was not under the operation of the general law, but under that of a special Act of Parliament. The Government had entered into arrangements with them to pay them a certain sum less than they would otherwise have received by way of compensation for the loss of differential dues, and on the strength of these arrangements the company had engaged in large transactions, and incurred heavy obligations. Several days ago—and long before the hon. and learned Gentleman had an opportunity of delivering the speech with which he has this evening favoured the House—my noble Friend the President of the Board of Trade and myself took these facts into consideration, and we arrived at the conclusion that in the particular instance of the Hull Dock Company there was a special contract, which makes the case, as I have previously stated, an exceptional one, and fairly carries it beyond the general operation of the present measure. As much may be said of Bristol, for there also are exceptional incidents which would make the Bill difficult of application to that city. Bristol receives some £3,000 or £4,000 from shipping dues, and pays some £8,000 or £9,000 a year out of local rates for shipping purposes, likewise under the provisions of an Act of Parliament; and, under these circumstances, it would be manifestly unfair to make the Bill apply to Bristol. We propose, therefore, to deal with these cases by special clauses; and if it can be shown that there are any other places so circumstanced as to require exceptional legislation, we shall be most desirous to make in their regard such arrangements as will completely satisfy the justice of each case. For this disposition the hon. and learned Gentleman might in candour and frankness have given us credit before coming forward to bring such weighty accusations as he has done against Her Majesty's Government.

The question of differential duties is another topic which the hon. and learned Gentleman has, most unjustly, as it appears to me, made the subject of severe comment. Notwithstanding the adoption of the free-trade system, the policy of this country with regard to differential duties has not, up to the present moment, undergone any alteration. It is still the general policy of English legislation to impose higher duties on foreign than on native ships. That, I repeat, has been our policy up to the present moment, to conclude reciprocity treaties with different nations, and then to compensate with payments out of the Consolidated Fund those persons or associations whose rights may have been injuriously affected by such treaties. The Bill now under consideration makes it for the first time the policy of the nation to abolish differential duties altogether. As long as it was the policy of England to levy those duties, and as long as the exception was only a matter of special treaty with other countries for the interchange of similar advantages, these payments out of the Consolidated Fund were just in principle and ought to have been continued; but as soon as it becomes (and to that object the present measure is directed) the general policy of the nation to abandon these differential duties, the right of individuals or of corporations to receive compensatory payments ceases and determines. The general policy of the country will be changed by this Bill, and those who had heretofore had an interest in the levying of differential duties would no longer be acting in accordance with the general policy if they were to retain that interest. And this, I think, sufficiently disposes of the claim to compensation. As long as there was in special and particular cases an infringement of a general policy, so long there was in such cases an equitable claim to compensation; but when there is no longer a general policy to infringe, there is no longer any occasion for compensation. Hon. Gentlemen opposite argue as if the public purse were inexhaustible, and in their anxiety to preserve inviolate the privileges of particular corporations, they totally disregard the interest of the greatest corporation of all —the community at large. You have no right to take the money of the whole State and give it to a part; or, if you do make the attempt, surely you should seek to justify it on some higher ground than the fact that such things have been done before now. There are not many who, like the hon. and learned Member for Stamford, would have the hardihood to claim for these corporations the permanent right to levy an unrighteous tribute for all time. The most zealous opponents of the Bill are content that the right should be abolished for the future, and all they claim is compensation. But what I want to know is, how can you compensate? The case does not, in its nature, admit of compensation. The shipowners are at present subject to an unjust tax at the hands of certain corporations. You withdraw from these corporations the right of continuing the iniquity, and then you talk of giving them compensation. What is that but to enlarge the area of the injustice, and to inflict on the community at large a wrong heretofore limited to a particular class? It is clear that you have no middle course. The case does not admit of compensation; and you have but one alternative—either to adopt this Bill, or to continue the present state of things with all its evils and absurdities.

It has been said that this Bill has been framed with great craft, and I, like many others in a similar position, have got credit for much that I never contemplated. I can only say that the Bill is founded on the recommendations of the Commissioners who investigated this subject under the presidency of my right hon. Friend the Member for Oxford (Mr. Cardwell) with infinite care and diligence three years ago, and that it embodies their conclusions.

The Commissioners having found a clear case of grievance at Liverpool, proposed a just remedy, which, though it may be received in a storm of opposition now, must be conceded sooner or later, as the increasing trade of the country is daily augmenting the importance of relieving it from these iniquitous demands. The Government elected, and I think wisely, to bring the question before the House of Commons and the country, to ask this House and the people of this country, whether a system of local self-government should be perverted into a system of Imperial taxation—whether a power given to tax burgesses and ratepayers should be perverted into a power to tax those who were not ratepayers or burgesses, and who derived no benefit from the taxes they were called upon to pay. Let no one tell me it is legal. I know it is legal, and therefore it is I am here to ask the House to repeal the law. No wrong here is complete until it is legalised, but when moral and legal principles are at variance, and where compensation is, as I think I have shown, out of the question, then it is the duty of the Legislature to redress what may be a grievance, and to found a law upon what is just and right rather than what has the technical sanction of an Act of Parliament. I think, Sir, that no one will stand up in this House and say, that the 92nd section of the Municipal Corporations Act is a just law. I do not think there is a man so perverted by prejudice or interest as to say that it is right that £125,000 a year should be levied on shipping, and that such money so levied should not only not be spent, but actually be prohibited by law from being expended, for the benefit of those from whom it is exacted. It has been said that these dues are very light, and the injury they inflict is but small; that to the increase of trade, and not to the high rates levied, is attributable the large amount to which the aggregate dues have now reached. I, however, agree with Bentham, who says there is no injury so slight or small that its multiplication may not become intolerable. Give me the power of taking a farthing from a man with impunity, farthing by farthing, I will find the bottom of his purse; let me let fall a drop of water on his head—*gutta cavat lapidem*—the power of striking off his head would be subject to less abuse. But it is evident that those who now draw these large revenues from this source are aware that their days are numbered, and are setting their houses in order to meet the inevitable moment when these unjust dues shall be abolished. I find in an Act introduced in the last Session for the amalgamation of the Birkenhead and Liverpool Docks that the corporation of Liverpool got a clause introduced to give them power to borrow £2,000,000 upon the security of these dues. It is well known that the corporation of Liverpool are the same persons as the dock trustees, and it is equally well known that it would have been easy for the corporation to borrow £2,000,000 upon the security of the docks, if they had pleased, for in the very same Session they made application for leave to borrow £4,500,000 upon that security. But, though their object was to charge these dues, they wished to charge the estate as much as possible, in order that the equity of redemption might be of as little value as possible. If this question be not dealt with at once, we shall find that by-and-by, when we come—as inevitably we must—to deal with these dues, they will be entangled and embarrassed by charges created expressly to embarrass their repeal. [Sir F. THESIGER, Hear, hear!] The hon. and learned Gentleman cheers that, and no doubt it meets his view of dexterous management on the part of the corporation of Liverpool, but it does not, in my opinion, correspond with the principles of fair dealing; however, I mention it to show to the House the danger of delay in these matters. We have a duty to perform to the country at large, and to the shipping interest in particular—to relieve them from this burden; but unless we do so at once the practice so successfully initiated at Liverpool will be repeated in every other port, and then when, in spite of the indignant remonstrances of hon. Members, the country shall have arrived at a determination to endure no longer this crying evil, we shall find the question entangled in every possible way, and its settlement must be postponed for an indefinite period. I maintain that the Commission has done its duty in reporting boldly, and recommending what was for the good of the public. I say the Government has done its duty in bringing in this measure—incurring a storm of obloquy and selfish opposition by so doing. We have placed the matter before the country for it to judge between us and those who assert the peculiar interests of great corporations, and I can only express a hope and trust that the House of Commons will now do its duty, and send this intolerable abuse to the same limbo of departed acts of iniquity which has already received, within the last thirty years, rotten boroughs, rotten municipal corporations, and a rotten commercial system.

MR. HORSFALL said, he thought it was necessary for him, as one of the representatives of Liverpool, to make a few observations which might be considered as supplementary to those of the hon. and learned Gentleman the Member for Stamford, in reply to the right hon. Vice President of the Board of Trade. When the right hon. Gentleman first introduced the Bill, he expressed a regret that he was not more familiar with the subject upon which he was about to treat, and that he had not had more time to consider it; and in that expression of regret he (Mr. Horsfall) entirely concurred. In the speech which he made upon that occasion the right hon. Gentleman stated—

> "The port of London was excluded from the Bill because the affairs of the corporation of London had come under another Commission, which had since made a Report, and the recommendations in which, arrived at after independent inquiry and consideration, were in accordance with those of the Commission on local dues and shipping."

If the recommendations of the Commissioners of the Port of London had not been in accordance with the Report of other Commissioners, then he (Mr. Horsfall) could have understood how it was the port of London was exempted from the Bill, but as the recommendations of the city Commission were similar to those of the other commission, some other reason for the omission must be looked for, and he thought that reason was to be found in the expectation of the right hon. Gentleman that he would have opposition enough to encounter without inviting the additional resistance of the City of London. The right hon. Gentleman must, however, by this time have found out his mistake, for he had seen that very evening a petition presented from the corporation of London against the Bill. The right hon. Gentleman had found fault with the right Baronet (Sir F. Baring) who seconded the Amendment because he had told the House that these dues were not dues on shipping only, but were dues charged partly on shipping and partly on goods. The right hon. Baronet had spoken correctly, and he (Mr. Horsfall) would show the House in what proportions the dues fell respectively on shipping and on goods.

Taking the case of Liverpool, the House would be surprised to find that out of £105,000 annually raised by these dues, according to the statement of the right hon. Gentleman, only £1,000 was levied upon shipping. The remaining £104,000 was levied upon goods which the consumer paid. The whole amount levied at Liverpool upon any single ship coming coastwise was 1s. not per ton but per vessel. Could that small sum be considered a grievance. A British ship from a foreign port paid 1*s*. 3*d*., and a foreign ship was charged 1*s*. 6*d*., of which 3*d*. was paid from the Consolidated Fund. If such payments were hardships upon shipping he certainly could not perceive them. He would also show presently that the Bill, instead of relieving the shipping interest even from a payment of £1,000 per annum would, so far as Liverpool was concerned, inflict upon it an additional tax of £6,000 or £7,000 a year. The right hon. Gentleman, in his somewhat equivocal observations, had stated that the amounts which he quoted as the produce of these dues were those for the year 1852, and that since then they had greatly augmented. But that augmentation was the result of increased trade, not of enhanced rates. He would next approach the main point as regarded Liverpool, but before doing so he would request the attention of the right hon. Member for Manchester (Mr. M. Gibson) to what he was about to state, because all must be aware that the movement which led to the introduction of the present Bill had arisen at Manchester. If, therefore, he should succeed in showing that the same principle of town dues which prevailed at Liverpool also existed at Manchester, he thought the House would agree that there was a little want of consistency in the course now proposed to be adopted. Very hard words had been used on this subject at Manchester, but he would not now allude to them, as those who had used them would, he had no doubt, after the heat of controversy had passed away, regret having done so. But a curious work entitled the *Manchester Historical Recorder*, afforded some authentic information, which he would briefly quote, to show that the corporation of that city, in 1845, adopted the very same principle which the corporation of Liverpool adopted in 1777. The latter body, seeing the increase of the dues which were paid to the Earl of Sefton, very naturally decided on purchasing them for the benefit of the town; and the corporation of Manchester very properly took the same course in 1845 with regard to the dues levied in their city by the Lord of the Manor, Sir Oswald Moseley. The book to which he referred stated that the town council of Manchester bought up Sir Oswald Moseley's manorial rights for the sum of £200,000, of which £5,000 was to be paid down as a deposit, the rest of the money to be liquidated by instalments of £4,000 a year, with an option to increase them to £6,000; that the income derived from the tolls by the Lord of the Manor was about £9,000; that several previous negotiations for the purchase of his rights had taken place, but they had invariably failed, "either through the cupidity of the inhabitants, or from some disagreement as to terms between the buyer and the seller." The corporation of Manchester now levied these tolls, and applied the surplus to the reduction of their borough rate, thus acting in precisely the same manner as the Liverpool corporation did with their town dues. The published accounts of the Manchester corporation showed their receipts from these market tolls to be £10,372, independent of about £6,000 more from rent of slaughter-houses, and making a total of about £16,000, the surplus of which was carried to the benefit of the inhabitants. Thus, then, it was seen that the men of Manchester, who stoutly denounced this principle in the case of Liverpool, unhesitatingly acted upon it in their own city, levying tolls there upon articles of consumption, notwithstanding that they were such well-known advocates of free trade, especially in food. But that was not all. In another instance, when the directors of the Manchester, Sheffield, and Lincolnshire Railway, the carriers of a large amount of produce into Manchester, sought some time ago to establish a depot there, the able town clerk of that city was down upon the company in a moment, and prevented the formation of the proposed depôt, because it would have interfered with the tolls of the corporation. But turning to the question of the title of the corporation of Liverpool, from local knowledge, he might add a few facts to the able statement of the hon. and learned Gentleman (Sir F. Thesiger). The right of the corporation to its dues was contested before the then Lord Chief Baron (Lord Denman), in the suit entered against them by "Bolton and others." It was an entire mis-statement to say that that case was compromised; the decision was clearly given in favour of the corporation. And here he wished to quote the words of two of the very parties who then contested the right of the corporation, and who nevertheless stood forward at a great public meeting held in St. George's Hall, Liverpool, on Friday last, as stanch opponents of this Bill. They were both ardent supporters of the Government, or, at least, they very recently were such. Mr. James Aiken, on the occasion in question, said—

> "The trial took place before the Lord Chief Baron; the most eminent counsel of that day were employed; the case went to a jury; a verdict passed for the corporation; and although, in the first instance, a bill of exceptions was tendered to the ruling of the Judge, the parties resisting the dues found, upon consulting counsel, that they had not a leg to stand upon, and they therefore said to the corporation, 'We see you have a title, but we think there are some few particulars in which the rates ought to be modified.' They were requested to point out the modifications which they would suggest. They did point them out, and those modifications were made to the entire satisfaction of the trading community of the town of Liverpool."

Mr. W. Rathbone, the other speaker at the meeting, whom he desired to quote, observed that—

> "He was rather surprised at the modesty—not usual with members of his profession—and still more with the morality of the Vice President of the Board of Trade. He should have thought that no lawyer would have said that property belonging to corporations might be spoliated any more than the property of individuals. That was not his morality; and he should be glad to know how the shareholders in those great corporations, the London and North-Western, the Great Western, and the Great Northern railway companies, would like to have their property in these concerns taken hold of by the Government; or what their friends in Manchester would say if a hungry Government should seize upon their corporate interest in their gas-works? He was called a Radical Reformer, but he was not an unprincipled revolutionist. Let them look at all their Boards in London—at the blunders made at the Admiralty and at the Horse Guards, and then let their answer to the proposal be 'Balaklava!' He thought Mr. Lowe might have had more modesty than to undertake their business, when that which he had in hand already was so ill conducted. Why had the local Marine Board resigned? Entirely because they were so bothered by Government interference. He (Mr. Rathbone) did not like centralisation. He should not object to inspectors coming down from time to time to see that the local authorities did their duty, but to anything beyond that he objected. He was quite sure, if the people of England understood the question, that Government would lose the Bill, and he hoped, if they persevered with it, they would lose their places too."

The right hon. Gentleman (Mr. Lowe) spoke somewhat boastingly of having "overthrown the arguments of the hon. and learned Gentleman the Member for Stamford;" but had he really achieved such a triumph? The right hon. Gentleman in introducing his Bill stated—

> "By the operation of the Municipal Corporations Act, in consequence, as I apprehend, of an oversight on the part of those who prepared it, the tolls levied upon shipping became part of the borough fund, and were saddled with a trust for the benefit, not of the shipping, but of the inhabitants of the town."

He (Mr. Lowe) had been told by the hon. and learned Gentleman the Member for Stamford, that this was not an "oversight." Instead, however, of retracting his assertion about this alleged "oversight," the right hon. Gentleman had that night persisted in it. What was this but to insult the memory of Sir Robert Peel and the other eminent statesmen who took part in the discussion of the great question of municipal reform? How could the right hon. Gentleman maintain that there had been any "oversight" in the matter when Sir Robert Peel manifestly foresaw this case, as was evident from the following passage in his speech on the Municipal Corporation Act—

> "It had been said, too, that this would bear unequally on different towns. In Manchester, for instance, where there were no corporate funds, there would have to be a borough rate; therefore, the inhabitants of Manchester would have a heavier burden imposed upon them than the inhabitants of Liverpool, where there were corporate funds. But it was impossible to go upon such a proposition as that. In one town the poor rates were much heavier than they were in others—in one they were 5*s.* in the pound, while in others they were not 8*d.*, yet no alteration could be adopted on account of such variation."—[3 *Hansard*, xxviii. 1058.]

With reference to the expenditure of funds by the Corporation of Liverpool, the Vice President of the Board of Trade had said that, out of £105,000 a year levied by dues upon shipping by that corporation, they were obliged by law to apply to maritime purposes the munificent sum of £400 a year. "They are, however," said the right hon. Gentleman, "better than the law obliges them to be, for in that year (1852) they applied to those purposes no less than £3,044, the remainder being expended for the benefit of the ratepayers of the borough." It was certainly remarkable that the right hon. Gentleman should not have been aware of the very large amount which was expended by the corporation of Liverpool for the benefit of British commerce. They had expended on the new Custom House, which was intended to benefit not merely the commerce of Liverpool, but that of the country generally, £110,000; they had granted a site worth £8,500 for a Sailors' Home; on the Northern Hospital, which was built expressly for the reception of accident cases occurring in the docks, they had expended £8,500; they had constructed a river craft dock at an expense of £94,000; the observatory cost £8,600; the removal of the powder magazines, which were considered dangerous to the commerce of the port, had involved an expenditure of £12,000; a landing stage was now being built which would cost £135,000; a testing machine for testing chain cables cost above £5,000; the Rock Lighthouse had been built at a cost of £30,000; upon the Wallasey embankment for the protection of the port, they had expended above £30,000; they had paid £28,000 for other works for the benefit of the port; and they had expended £1,040,000 upon opening and widening the streets, in order to afford accommodation for the increased traffic of the port. He hoped, then, the right hon. Gentleman would be satisfied that he had made a slight mistake. The right hon. Gentleman, by some strange misconception, had confused the income of the dock estate with the corporation funds, and had said that "besides the enormous tax I have mentioned, the docks of Liverpool levy on the shipping £273,284, the whole of which is by no means paid for services conferred;" and he (Mr. Lowe) then proceeded to illustrate his case against the corporation by stating that the steamer *Sarah Sands*, although unable to enter the docks, had to pay £64. Now, the corporation had nothing to do with that. The *Sarah Sands* came into Liverpool as any other vessel would do, and all that she paid to the corporation was 1*s.* 3*d.* If the right hon. Gentleman intended to assail the dock estate, which might, perhaps, be the next object of his attack, he (Mr. Horsfall) would be quite prepared to meet him. The right hon. Gentleman proposed likewise to abolish the rights and privileges of the freemen. Not content with reforming the corporation of Liverpool, he would reform the Municipal Reform Act itself; for, by that Act all the rights and privileges of freemen were reserved, not for succeeding generations, but for the lifetime of the freemen then living. During the last twenty-one years, however, the number of freemen had been gradually decreasing, and the exemptions had, of course, also decreased. The right hon. Gentleman, alluding to the effect of the town dues, had said, "In consequence of those dues, a great deal of trade is driven out of its natural course and finds its way to Chester, where the dues are light." He (Mr. Horsfall) would now show the House whether these dues had operated prejudicially to the trade and commerce of Liverpool or not. He found from Returns that in the year 1800 the number of vessels entering that port was 4,746, amounting to 450,060 tons; in the year 1810 the number of vessels was 6,729, amounting to 734,391 tons; in the year 1820 the number of vessels was 7,276, amounting to 805,033 tons; in the year 1830 the number of vessels was 11,214, amounting to 1,411,964 tons; in the year 1840 the number of vessels was 15,598, amounting to 2,445,708 tons; in the year 1850 the number of vessels was 20,457, amounting to 3,586,337 tons; and in the year 1855 the number of vessels was 20,024, amounting to 4,090,160 tons. The increase within the last five years had been 500,000 tons, and that was, he thought, an extraordinary proof of the depressing effects of these dues upon the commerce of Liverpool. Then with regard to Chester, the Returns showed that the trade of that port had been gradually decreasing instead of increasing as the Vice President of the Board of Trade would have led the House to believe. The right hon. Gentleman had observed, "It is curiously remarked, too, that these three towns" Liverpool, Newcastle, and Hull—"which have the advantage of receiving this enormous tribute levied from other men's property, are as little favourably spoken of for the efficiency of their municipal regulations or sanitary improvements as any in the kingdom." He (Mr. Horsfall) quoted now from the corrected speech of the right hon. Gentleman: on a former evening he had noticed his somewhat strange observations on this point. He (Mr. Horsfall) would now only appeal from the Vice President of the Board of Trade to the right hon. Baronet the Home Secretary, who, in introducing his Police Bill the other day, singled out Liverpool as a pattern for its municipal regulations respecting the police. He (Mr. Horsfall) would further say that there was not a town in the kingdom which was in a more satisfactory sanitary state than Liverpool. Indeed, he believed he was correct in stating that the best local Bill of Health ever obtained from that House was a measure for the town of Liverpool. He could not imagine upon what grounds, therefore, the right hon. Gentleman thought himself justified in bringing such a charge against Liverpool, and he (Mr. Horsfall) could only say that he believed it was utterly unfounded. Before resuming his seat, he wished to say one word with regard to differential dues, and he would not have noticed the subject if the right hon. Gentleman had not—as he thought not very fairly — charged the hon. and learned Gentleman who moved the Amendment, and the right hon. Baronet who seconded it, with want of candour. He (Mr. Horsfall) would appeal to the House to decide to whom that charge would most justly apply. The right hon. Gentleman the Vice President of the Board of Trade, after referring to the reciprocity treaties concluded in 1810 and 1815 with Portugal and the United States, said, "A Bill was accordingly passed which, treating these dues in accordance with the political economy of the time"—which was honesty—"as the property of the corporations by which they were enjoyed, took away all power of levying them in every case where these reciprocity treaties came into operation, but at the same time enabled the Treasury to give compensation." It did not, however, answer the purpose of the right hon. Gentleman to tell the House that subsequent treaties were concluded in 1852, and he had not the candour to mention the fact. The right hon. Gentleman said—

> "I grant that there is a legal right to these dues, because it has been given by Act of Parliament; but I cannot conceive upon what principle, *ex æquo et bono*, a corporation can be justified in raising, by taxing the shipping which comes into its harbour, sums applied for the benefit, not of shipping, but of the ratepayers of the town. I have shown how injurious such a practice is to the places where it obtains."

The right hon. Gentleman, however, had not given them any instances of the injurious effects of the practice, the only cases he had mentioned being those of Chester and Liverpool, and he (Mr. Horsfall) thought the House would not be of opinion that they justified the right hon. Gentleman's assertion. The right hon. Gentleman had said that the funds raised by these dues were charged with debts, and the question arose what was to be done with such debts. He confessed that he (Mr. Horsfall) did not quite understand how the right hon. Gentleman proposed to apportion those debts under his "rule of three sum," as between the towns and the commercial interests. At all events, the town of Liverpool was not open to reproach on that point, for although the debt was £1,100,000, he had shown that upwards of £1,500,000 had been expended for the promotion of commerce. He would just call the attention of the House to the effect which the measure of the right hon. Gentleman would have on the port of Liverpool. The relief which the right hon. Gentleman proposed to give to the shipping of Liverpool would amount to £1,000; but he proposed to raise the rates on pilots to compensate for the amount which would be thus deducted; the consequence would be that the shipping interest would be charged £6,000 to £7,000 per annum more for pilotage than they were at present. The right hon. Gentleman further remarked, that in order to facilitate the readjustment of the charges in the harbours, it would be necessary to introduce another measure with an object similar to that of the Burgh Harbours (Scotland) Bill. The object of that Bill was the protection and storage of goods, and the making roads to harbours, and other works of a similar nature. Now, he could inform the House that the corporation of Liverpool had already anticipated the wishes of the right hon. Gentleman in all the objects he desired to accomplish—such as the protection of the storage, of the harbour, of the works, &c. For these purposes the corporation had expended £1,500,000 of money. Without trespassing any further upon the attention of the House, he thought he had shown that the statement of the right hon. Gentleman—especially in reference to Liverpool—was not founded on facts. He had presented petitions from the pilots, the mayor and corporation, and inhabitants of the town of Liverpool, against the Bill, and notwithstanding it professed to be for the relief of shipping, he had also presented a petition against it, which was unanimously adopted at a meeting of the shipowners' association. The right hon. Gentleman had made some complimentary observations with reference to the Board of Trade. In those observations he (Mr. Horsfall) partly agreed. He readily acknowledged the services of the present Colonial Secretary (Mr. Labouchere) when President of the Board of Trade, particularly in having introduced the Mercantile Marine Bill, which was a very valuable measure, and by which local self-government was fully recognised. It gave to all important ports a local Board. But the present Board of Trade proposed to interfere with the operations of the Board at Liverpool. The right hon. Gentleman assumed, also, that the dock estates and the corporation estates were the same, whereas the corporation were only nominally the trustees of the dock estates, but had not the direct management of that property. The two bodies were, in fact, totally distinct. Whatever course the Government might take with regard to the Bill, he hoped the House would reject it, and thereby secure to themselves, what he believed they now possessed, the respect and confidence of the country.

Mr. RIDLEY said, he must beg to ask for the indulgence of the House, in addressing it for the first time. He must say that he was much emboldened by the circumstance that he felt he was maintaining the cause of property, and the enjoyment of a right secured by every title which the law of England could give, in opposing the Bill. He did not think that the present was a question involving freedom of trade—the question, to his mind, was one of legislating on property on a right or a wrong principle. Nothing that he could say would add weight to the lucid arguments of the hon. and learned Gentleman (Sir F. Thesiger) as to corporate and individual property. It was said the Bill was founded on the Report of Commissioners appointed to inquire into the subject. If those Commissioners, in giving in their report, had added to their documentary evidence the oral testimony they had obtained, they would have afforded a useful amount of additional information to guide the House. He did not consider the question as at all affecting free trade, nor could the discussion of that principle properly form a part of the debate on the Bill, but he thought what they ought to reflect upon was, if they were not asked to begin a course of legislation, upon property, in which they ought to be especially careful to keep up the distinctions between what was just or unjust—what was right and what was wrong. The right hon. Gentleman the Vice President of the Board of Trade said, it was true, that the word "confiscation" was not to be found in his speech introducing the measure, but he could tell the right hon. Gentleman where it was to be found—in the character of the Bill presented after making that speech. He had risen for the purpose of stating the claim of Newcastle-upon-Tyne to the fund which they distributed. They were dues collected on the Tyne, and were not in any way whatever shipping dues. The only dues collected by the corporation of Newcastle-upon-Tyne which are paid to the borough fund are the coal dues paid by the coalowners. They would be the only parties who would have any right to complain, and they were opposed to the Bill being passed into law, and had petitioned that House against it. The corporation had the right to levy the dues, first on prescription, afterwards confirmed by charter, and since by Act of Parliament. The enactment which gives that right was passed in 1850; its clauses are very short and explicit. One of the clauses in that Act conveys an exemption of the estates, properties, and all incomes whatever of the corporation of Newcastle-upon-Tyne from all dues in respect of the conservancy of the river. That is the title by which they hold their property; and, if there was any force in language, it gave them that property in a manner with which no one could interfere. They held their coal dues, in the first instance, founded on prescription, then confirmed by charter, and at last continued by Act of Parliament. There was another class of men at Newcastle-upon-Tyne which was especially interested in the Bill. That was the Trinity House at Newcastle. The principle under which the duties were first levied by the Trinity House were upon a proved and received prescription, which was confirmed by a charter in 1687. That charter was confirmed by decisions of the tribunals of the country. When the right hon. Gentleman the Vice President of the Board of Trade quoted Treasury Minutes, he would ask him whether he was prepared to put Treasury Minutes against the judicial decisions of the country, as to whether such or such a thing was property or not? It was a new thing to be told that, because a Treasury Minute was issued, it was to override the decisions of the judicial tribunals. It was now proposed to take away all dues from the Trinity House at Newcastle and transfer them to the Trinity House at Deptford Strond. He could not approve of the principle of centralisation, and removing the management of affairs from country Boards to the hands of Boards sitting in London. The right hon. Gentleman had spoken likewise of the question of compensation, and said that he did not know where to look for it. Now he (Mr. Ridley) could show him where to look for it—in an Act of Parliament itself the 6 and 7 *William* IV. cap. 79, which was one that related to the very Trinity House of Deptford Strond, when private interest to no small amount was transferred to that corporation with compensation. The Act expressly says, that "it is just to find a remedy" for the damage to that interest, and when justice was found, money was also found. That principle runs through the Act—that it is just to compensate those whose interests or personal privileges were abolished by it. There was the Municipal Bill, where the freemen of the boroughs had rights, some by purchase, some by prescription, and in the passing of that Bill the noble Lord the Member for the City of London said that it was not intended by it to injure any one, or to take away any pecuniary interests or vested rights. That was the right thing to do, and if the principle was good then it was good now. If neither charter, nor Act of Parliament, nor money paid, could confer a title, he should like to know what would give security. He had not had the advantage or disadvantage of having been in Australia, and did not pretend to know what might be the law of property in that colony, but of this he was certain, that the law of property, as viewed by the right hon. Gentleman the Vice President of the Board of Trade, was not the law of property in Great Britain, and he was satisfied that the principle on which he proposed to deal with property in the Bill was not one which the public opinion of the country would sanction. The noble Lord at the head of Her Majesty's Government stated a few nights ago that the House ought not to show itself on questions of religion less careful than the public out of doors. He concurred in that sentiment, and would now add that on questions of property it would not do for that House to be less careful than the public out of doors. They had heard much lately of Parliamentary titles, but he would say that to speak to the Parliamentary enactments relating to the property affected by the proposed Bill as being of no value whatever was to lay the foundation of a very dangerous principle. He could only say, for one, that he should take every opportunity of opposing the measure, because he believed it would not only disappoint the shipping interest, which it was intended to benefit, but would at the same time raise a groundwork of injustice with regard to property which he was sure, if once acted upon, would be most injurious to the interests of this great country.

MR. TOLLEMACHE said, that, for the last eight or ten years he had been most anxious to have the question of the Liverpool town dues (he knew nothing of other town dues) dealt with, so that, for the protection of the public, a stop might be put to the rapid increase of the already large sum raised in that manner, and that justice should be done to trade by those who received those dues; therefore, he very much regretted that Her Majesty's Government should have brought forward a measure which he, for one, certainly could not support. As far as he understood it, it did not carry out some of the most important recommendations of the Harbour Commissioners—such, for instance, as the appointment of an efficient body of conservators for the different public harbours; and it struck him that to hand over the town dues to the Board of Trade would inflict an injury rather than confer a benefit on trade, and, at the same time, would invade the rights of property belonging to public bodies to a very dangerous, unnecessary, and unjustifiable extent. Although, however, he made those remarks, he did consider that, for the protection of the trade of this country, it was absolutely necessary that a measure bearing on this subject, and also on some points referred to in the Harbour Commissioners' Report, should be introduced. The estuary of the Mersey, the most important commercial port, perhaps, in the world, was at present virtually without a conservancy. The Board consisted of three great officers of State, whose other duties rendered it utterly impossible for them to attend to the conservancy of the Mersey; therefore they had appointed, as an acting conservator, a gallant and excellent naval officer, who would no doubt much rather, and was, much more competent to command a line-of-battle ship in the Baltic than fulfil the duties attached to the conservancy of such a river as the Mersey. As a proof of the unsatisfactory state of the conservancy of the Mersey, he would mention that, owing to the construction of a sea wall to the north of Liverpool, without a corresponding wall being erected on the opposite side of the river, hundreds of thousands of tons of the clay and sand of the Cheshire shore were washed annually into the estuary, and that not far from the entrance, which entrance was already too shoal to admit large vessels, excepting at particular times of tide. He (Mr. Tollemache) could not give the corporation of Liverpool credit for the liberal conduct, which, according to some persons, they had displayed; on the contrary, he asserted that the corporation of Liverpool, by the purchase of the margin of the river, and the reckless expenditure of large sums of money in opposing Birkenhead Dock Bills, endeavoured for years to deprive the very trade on which they levied their dues, of very superior dock accommodation on the Cheshire side of the Mersey. He certainly thought a measure of some kind was required, but it was not such a one as that proposed by Her Majesty's Government. He would rather see some measure which would commute the town dues for a fixed annual sum, calculated according to the average of annual receipts for, say, the last ten or twenty years. He did not conceive that the people of Liverpool would object to such a proposition as that, for property had its duties as well as its rights, and he really believed that certain obligations formerly attached to those dues which were not now properly fulfilled. Tithes had been commuted for the benefit of the land, and he did not see why town dues should not be commuted for the benefit of trade. Then the measure brought in by the Government ought to establish an active board of conservancy for the various harbours. Thirdly, the corporation of Liverpool ought to be compelled to supply those conservators out of the dues thus commuted with funds for purposes connected with conservancy; and he should give the surplus, whatever that might be, to the corporation of Liverpool; for such a surplus, as far as he understood it, would really of right belong to them. A measure like that would, he believed, afford satisfaction to the trade, would be attended with great advantages to the port of the Mersey, would almost satisfy Liverpool on the one side and Manchester on the other, would be a practical measure, and one which, he felt certain, would obtain the approval of Parliament if introduced by the Government. He was confident, however, that the present Bill would not pass the House of Lords; he doubted, even, whether it would obtain the sanction of the House of Commons; and, for the reasons he had given, he should certainly oppose its further progress.

Mr. COLLIER said, that on the behalf of his constituents he begged to tender his thanks to Her Majesty's Government for the introduction of this measure. It was founded on what he conceived to be the only sound theory of taxation; it was supported by considerations of public policy and expediency, and was consonant to the whole course and tenor of modern legislation. The principle of the Bill he understood to be that neither the shipping interest, nor any other interest, should be taxed by the inhabitants of certain towns, for purposes in which that interest was in no way concerned. Such taxation was unjust and iniquitous. The case against these dues was very much the same as that against protective dues—for example, the corn laws. It was said of those laws that the landlords had no right to tax other people for their own benefit, and for that reason the corn laws were abolished. Could it make any difference that the landlords were scattered over the country, while the persons levying these taxes were concentrated in towns? The principle appeared to him to be only a fair corollary to the principle of free trade, which was, that no portion of the community had a right to tax the rest of the community for its own peculiar benefit, and in point of fact the case against the corn laws was not so strong as that against the shipping dues; for in the one case, the agriculturists, for their own benefit, taxed themselves as well as the rest of the community, while in the other, inhabitants of certain towns taxed other persons and not themselves for the same purpose. On what principle of right could it be contended that the shipping interest should pay for building a town hall at Liverpool, or for lighting and paving the streets of Hull? As to the argument based upon vested interests, it appeared to him to be founded upon a misconception of the real nature of vested interests. Now, with what kind of vested interests did the measure deal? Had the House to compare the rights in question with the right of property in land or in offices? Unquestionably an individual was always compensated for the loss of any vested right, even in property to which his title was questionable, or in an office which he ought never to have held. He would observe, in passing, that, with regard to compensation, it was one thing to compensate a mortal man, and another thing to compensate a never-dying corporation. But the vested interests here set up were not the interest of any ascertained individual or individuals in private property, but the interest of all persons born, or to be born, who happened to reside, or might at any time hereafter reside, in certain localities—for whom the corporations in question were trustees—in the taxation of a portion of their fellow-subjects. The argument for such vested interest would prove that the agriculturists had a vested interest in the corn law, and that the West India proprietors had a vested interest in the differential duties on sugar. He was astonished to find the hon. and learned Member for Stamford (Sir F. Thesiger) arguing that no distinction could be drawn between the vested rights of private individuals and those of corporations. That assertion must have been made without a sufficient knowledge of the nature, rights, and duties of municipal corporations. Such corporations are not only distinguished from private persons as being collective bodies, but as being public institutions, existing not only for their own benefit, or that of the localities in which they exist, but of the whole country, forming a part of the machinery of the constitution by which the country is governed and justice administered. As such, the legislature had a right to deal with them on principles of public policy and expediency. The same arguments were used at the time of the passing of the Municipal Corporations Reform Act. The same arguments used to-day were used then, and it was asserted that the privileges of the corporations were guaranteed to them by the same securities as the right of the Queen to the Crown, or of the nobles to their dignities. It was asserted that if the rights of the corporations were once invaded, no property would be safe, and, in a petition presented to the other House of Parliament, the inhabitants of Coventry asserted that the Municipal Corporation Bill went to confiscate every species of property held by the corporation of Coventry and to despoil them of the estates which they held in fee simple and without condition. But what was the reply made by Lord Brougham? Lord Brougham said the petitioners call this the confiscation of their property; we call it in equity, the restoration of the property to its right owners. Now, for what purpose were these dues first established? Take the case of the corporation of Hull. The dues were expressly given them for the purpose of providing docks, and other conveniences for shipping. [*Cries of* "No, no!"] No, no; why it was the words of the corporation of Hull themselves, who declared in the statement of their case which they had circulated among members, that the dues were originally granted them for the maintenance of the port. The foundation of the right was a corresponding obligation, and when the obligation ceased the right ceased, and nothing but wrong remained. He should vote for the measure as preventing those dues from being applied hereafter by certain towns for lighting and paving their streets and building their town halls. It was maintained, because the corporation of Liverpool had, upwards of a century ago, bought of the Sefton family the power to raise dues to the extent of £14 a year, that they had now a right to levy them to the amount of £125,000 a year, or £200,000 a year, or any conceivable amount to which they might increase, and that they never could be deprived of that right by Act of Parliament except on full compensation; and what was the compensation sought? Payment of an equivalent from the consolidated fund; in other words, shifting the taxation from the shipping interest to the whole community. It was only requisite to look at the nature and class of dues levied, to see what a gross abuse they were, and how utterly inconsistent with the object for which the power to levy them had been originally granted. One firm in Manchester stated that they paid £150 a year for Liverpool dues, which was seven times as much as they paid for local rates in Manchester where their premises were situated. Another firm at Runcorn stated that they paid £200 a year in Liverpool dues, which was twenty times as much as their local rates; and Mr. Blackwell, on behalf of the South Wales coalmasters, stated that the Liverpool dues of *2d.* a ton on coal were equal to the sum paid to the landlord for the fee simple of the mineral. It was wholly immaterial to his argument upon whom this tax fell, because he contended for the broad principle that, having been levied for one class of the community, with no consideration of benefit to that class, it was altogether indefensible, and could not have been contemplated by any original grant from the Crown. By the proposed Bill the shipping interest were at once relieved of passing tolls, and for that they ought to be grateful to his right hon. Friend the Vice President of the Board of Trade; but they were not relieved at once of town dues, because, in that case, vested interests were involved, and the Government, therefore, collected and held those dues, as he understood, first for the benefit of the creditors, and then for the benefit of the shipping interest generally, with a view to the entire abolition of those dues as soon as possible. In Committee many alterations might require to be made; but he should support the second reading of the Bill, because he believed it to be sound in principle, and to be calculated to confer material benefits upon the shipping interest, which deserved as much as any other interest the favourable consideration of that House.

Mr. HILDYARD said, that the town which he represented (Whitehaven) had no local dues which would be affected by the Bill, while the shipowners of that port would be relieved by that portion of it which abolished passing tolls. If, therefore, he were to act upon those selfish principles which the right hon. Gentleman the Vice President of the Board of Trade was too ready to impute to those who differed from him, he should be found among the supporters of the right hon. Gentleman that evening; but having listened most carefully to everything that had been adduced in favour of the measure, he could come to no other conclusion than that the statement of the right hon. Gentleman was a bold avowal of a total disregard of the rights of private property. The right hon. Gentleman had scarcely condescended to notice the way in which the corporations had acquired their property. What were the rights of that vast mass of property with which they had to deal? Why, those rights were based upon four distinct tenures,—on prescription, on grants and charters, on purchases for money consideration, and on the good faith of Parliament itself. He should like to know what the hon. and learned Member for Plymouth (Mr. Collier) meant by saying that these town dues were analogous to the corn laws. There was no analogy whatever between the present case and that of the corn laws, because Parliament had never guaranteed that the price of corn should be kept up to a certain amount. The right hon. Gentleman (Mr. Lowe) said that Parliament, which passed laws, had the right to repeal laws; but he (Mr. Hildyard) contended that that was a doctrine which must be received with limitation, and that whenever an Act of Parliament amounted to a contract, Parliament could not without flagrant dishonesty repeal that Act. What was the £800,000,000 debt of this country, but property held by taxation alone? And if the doctrine were maintained that Parliament was at liberty to withdraw its guarantee to the fundholder, what would be the consequences to this mighty empire? He thought that it behoved the noble Lord the Prime Minister to consider whether it was becoming that such a speech as the Vice President of the Board of Trade had given utterance to that evening should be confirmed by the Treasury bench, because he ventured to say that there was no precedent of a speech containing the doctrines which the right hon. Gentleman had promulgated ever having been delivered by a person occupying the same position in the Government as the right hon. Gentleman. Although his constituents might be personally benefited by the passing of the proposed Bill, he was sure they would approve his conduct in not purchasing relief for them by committing an act of injustice to others; and, therefore, he should vote against the second reading.

Mr. RICE said, that the dues of the town he had the honour to represent (Dover) had been granted in 1778 for the purpose of lighting and paving the town. He, therefore, should like to be informed by his right hon. Friend the Vice President of the Board of Trade whether he was to vote upon the Bill as it had been printed, ar as it had been described by his right hon. Friend; because upon that would very much depend the vote which he should give. By the 9th and 10th clauses of the printed Bill the officers of Customs were to collect the dues and were to pay them over to the Board of Trade, who were to do what they pleased with them. To that he objected; but as he understood the Bill as described by his right hon. Friend, it abolished those dues altogether. Now, which was the case?—were those dues to be collected by the officers of Customs and handed over to the Board of Trade, or were they to be abolished? The provisions of the Bill were inconsistent with each other. It was proposed to abolish the shipping tolls, and supply their place by a payment out of the Consolidated Fund; but the local dues, he knew not for what reason, were to be dealt with in a totally different manner. If the Vice President of the Board of Trade would put the local dues upon the same footing as the shipping tolls he would support the Bill; if not, he would give it his most determined opposition.

MR. DEEDES said, he doubted very much whether the Government would derive any assistance from the speech with which the Vice President of the Board of Trade had favoured the House that evening, and he more than doubted whether the Bill had been recommended to independent Members on either side by the doctrines propounded by the right hon. Gentleman. He was aware of the difficult and awkward position in which any one stood who came forward, as he did on the present occasion, to speak in behalf of a small interest compared with those who had hitherto enjoyed the attention of the House; but, nevertheless, he would venture to submit the case of Ramsgate to their special consideration. In 1749 the harbour of Ramsgate was private property, but, at the request of the merchants of London, it was then given up to the public. Upwards of £200,000 had since been expended on it, and its management had entirely passed out of the hands of the people of Ramsgate. In 1838 the inhabitants obtained a local Act which continued to them the power of raising 2*s.* per ton upon coals for the purposes of police and street improvement. That was a tax upon the consumers alone, and amounted, in fact, to a rate upon the inhabitants of Ramsgate for local purposes. If the coals were reshipped the duty was returned. Under the powers of the Act of 1838 the inhabitants had borrowed £10,000. The coal duty yielded about £2,000, which stood as security for half of the debt. Now, the Bill under consideration proposed that the coal tax should be continued, first, till payment had been made of the debt which he had mentioned, and to that part of the arrangement he made no objection; and afterwards for the maintenance of the harbour till it became public property. Now, was that proposition justifiable on principle? The right hon. Gentleman (Mr. Lowe) had condemned taxation without representation, and here was an instance to which his censure was applicable. By continuing to tax the inhabitants merely for public purposes, the right hon. Gentleman was in fact violating his own professed principles. If Ramsgate were dealt with in a manner similar to that in which it had been intimated that Hull and Bristol were to be treated, his case, so far as Ramsgate was concerned, would be at an end; but, as an independent Member, he should still reserve to himself the right of taking whatever course he might deem best with respect to the measure as a whole.

MR. J. C. EWART said, he wished to make one or two observations upon an important point which had been omitted by previous speakers. The town and corporation of Liverpool, relying upon the continuance of the town dues, had incurred a very heavy debt. An hon. Member in the course of the discussion had endeavoured to draw a distinction between private and corporate property, contending that, while one should be considered inviolable, the other might fairly be dealt with by Parliament. He found the following passage in a speech delivered by Lord Lyndhurst in the other House on the Municipal Reform Bill—

> "Would their Lordships strip an individual of his property without a charge being preferred against him, and without that charge being supported by evidence? If they would not, then, under similar circumstances, would they not require the same course of proceeding to be adopted with respect to a corporation that was absolutely essential in reference to an individual? Their Lordships had heard much said about public expediency in reference to grants of charters by the Crown. Suppose the inhabitants of Westminster were to say it was inexpedient that they should continue to pay the tolls to Covent-garden. Those tolls were held by a noble Duke, a Member of that House, under charter granted by Charles II., and if the inhabitants of Westminster were to say, rescind that doctrine, and let them get rid of that charter without any proof of abuse, or any evidence to establish a charge of abuse, but merely because it was not convenient to them to be subject to such a charge, would not that be considered a monstrous doctrine? And if their Lordships were to act on such a doctrine, where could it be supposed they would stop? If they adopted that in one case of property, what argument could be raised to resist it in another?'—[3 *Hansard*, xxix. 1386.]

He hoped the House would reject the Bill, as it was fraught with the grossest injustice, and he should certainly do everything in his power to defeat it.

MR. LIDDELL said, the arguments of the opponents of the Bill were founded upon truth and justice, and he should act upon the opinion expressed the other night by the noble Lord at the head of the Government—that when arguments were good and few the oftener they were repeated the better. The Bill contained much that was good and much that was bad, and it was difficult to accept one portion and reject the other; but he could not support it, because he thought it was unjust to sacrifice the rights of the whole of the community to the interests of a part. If those rights had been exercised in a partial manner, if they had frequently been the subject of litigation, if they had given rise to contradictory judicial decisions, he could have understood the necessity for a measure of this kind; but no one disputed their legality, and even the Commissioners quoted instances in which efforts to destroy them had been defeated. Was the Bill, then, to be supported on the ground of public convenience? If so, how was that doctrine to be limited? The abolition of the rights in question might, to a certain extent, promote the public convenience; but that was a statement which might be applied to every species of property, and the adoption of the principle on which the Bill proceeded would lead to the most extensive and the most perilous consequences. An attempt was made in that case to draw a distinction between public property and private property, but that was a distinction which it would in many cases be very difficult, if not impossible, to make. He would illustrate that latter statement by an example. The Earl of Durham leased at the present moment from the Bishop of Durham the right to levy certain anchorage dues in a river; and that right would be respected as long as it should remain in the hands of the noble Earl as a lessee; but if the right should revert to the Bishop, it could no longer be maintained, because the holder of a see formed a corporation. That was one of the anomalous conclusions to which the Bill would lead. He denied that the Municipal Reform Act was a precedent in the right hon. Gentleman's favour. The object of that Act was to transfer property from irresponsible hands to a constitutional and elected body, whereas, in depriving boroughs of corporate funds, when certain charges had been undertaken by the boroughs, on the understanding that those funds were to remain in their hands, the Legislature committed a distinct breach of faith. The Bill did not even protect vested rights to the same extent as the Municipal Reform Act. It was said to be unjust to tax one part of the community for the benefit of the rest, but it was difficult to decide how far well-lighted quays and matters of that kind were for the exclusive benefit of a seaport town. He could find no clauses, except those relating to passing tolls, which conferred any benefit upon the shipping interest; on the contrary, one portion of the Bill empowered the harbour authorities to indemnify themselves for losses by increasing the amount of the dues. In whatever light the Bill was regarded, it appeared to him to be a measure of injustice and spoliation and a breach of Parliamentary faith. He therefore appealed with confidence to those Gentlemen who represented important interests to oppose this first attack upon them, and he hoped that they would be supported by the Conservative party, whose principle had always been respect for the rights of property.

Mr. INGHAM said, he should vote for the second reading of the Bill; and, in doing so, he was not conscious that he should be committing any violation of the laws of property. There was some provisions in the Bill which he certainly should like to see altered, but in voting for the second reading he did not adopt all the machinery of the Bill, and still less all the arguments which had been raised in the course of the debate in support of the measure. He should give his vote in favour of the two great principles of the Bill, the abolition of passing tolls, and the regulation of local dues on shipping. With regard to the abolition of passing tolls, he believed that no one seriously resisted that part of the measure, but an objection was raised to the Bill on the ground that it proposed to extinguish all town dues. The principle, however, was to regulate those dues and to apply taxes raised on shipping to the benefit of shipping; and that was the ground on which he should vote for reading the Bill a second time and allowing it be to considered in Committee. The hon. and learned Member for Stamford (Sir F. Thesiger) had argued that none of the documents granting the town dues referred to the particular objects for which those dues were granted. That might be the case, for at the time, when they were granted, the Monarch, in the exercise of what he considered his Sovereign rights, did not choose to restrict the exercise of that right by stating in the grant the precise reasons why it was made, but merely stated that he acted from his own will and pleasure. Nevertheless a reference to the time and circumstances when the grant was made sufficiently interpreted its purpose. Now it was manifest from the terms of the grant of King John in reference to Newcastle, that that corporation, being at the time conservators of the river, it was their duty to provide for the maintenance and improvement of the port, and therefore it was quite consistent with a regard for corporate property for that House to interfere to see that duty enforced. An individual had absolute dominion over his own private property, unless he made use of it so as to do mischief to others; but, with respect to corporate property, Parliament had a right to interfere, to see that the purposes for which it was granted were carried out. If it were discovered that there were any part of the Bill inconsistent with that provision, that would be matter for consideration in the Committee, and for his part he should like to see the whole of the tolls so regulated in Committee that they would ultimately go to the Harbour Commissioners. The improvement of the navigation of the rivers and the harbours would tend to the advantage of the towns and ports situated on them; and consequently, in voting for the second reading of the Bill, he considered certainly that he was not voting to divert property to purposes foreign to those for which it was originally granted.

MR. CAIRNS said, he had been so long hearing of the grievance of "passing tolls," and so long anxious for the time to arrive when that grievance should be remitted, that he came down to the House with every desire to support the second reading of the Bill. And, indeed, when he looked at the title of the Bill and what it purported to be, like the hon. and learned Gentleman who had just sat down, he owned to being perfectly captivated; for what could be more innocent, what object more desirable? When, however, he came to look into the inside of the Bill, he found it contained certain details which appeared to him to be most objectionable. He had hoped to hear from the Government that night some intention of modifying the objectionable details of the Bill, but the propositions contended for in the speech of the right hon. Gentleman the Vice President of the Board of Trade and the interpretation put by him upon the measure entirely dissipated that hope, and had sent him over a convert to the ranks of those who opposed the measure. Now the reasons which prevented his supporting the Bill could be so shortly stated that even at that late hour he could not be precluded from laying them before the House. With regard to the first part of the Bill, which related to the passing tolls, all were agreed, and if, when the Bill was rejected, as he trusted it would be, the right hon. Gentleman would embody those provisions in a fresh measure, it would meet, he firmly believed, with general support. To the second part of the Bill, however, which dealt with local dues, he objected altogether, as he believed it to be wholly unjust. There was no doubt that these dues were originally granted by those who had a right to grant them, and that those grants had been confirmed by charters, by Acts of Parliament, and in every way in which it was possible to give them a solemn sanction. "But," said the right hon. Gentleman, "what matter your musty charters?" The right hon. Gentleman was accustomed to the habits of a country not quite so old as ours, but he begged to tell him that the tenure of the property of every Gentleman in that House depended upon "musty charters?" If the right hon. Gentleman railed at "musty charters," he railed at the tenure of all the property in the kingdom. Now, what were the arguments of the right hon. Gentleman? Why, he said that these dues were not "property," but "taxes." But if that were to be the doctrine, it must be acted on consistently; if these dues were to be treated as taxes, they must be so treated throughout, and not at one time as taxes and another as property, as convenience suited. Why, then, was it that in the 8th clause taxes leviable by any company out of the profits of which a dividend might be paid to the shareholders, and taxes levied by any private individual in exercise of a private proprietary right, were excepted from the Bill? If a tax were not a property, on what principle did the right hon. Gentlemen except from his Bill taxes which went into the coffers of a company paying a dividend, and taxes which went into the pockets of private individuals? If the right hon. Gentleman's doctrine was good in one case, it ought to be good in the other, but in truth he was afraid of his own principle, and did not venture to apply it to any case but to that of municipal corporations. The right hon. Gentleman argued, further, that to take a tax where no equivalent service was rendered was downright robbery. Would the right hon. Gentleman then explain to the House why a tax taken without equivalent service was less a robbery when taken by a private individual in the exercise of a private proprietary right than when taken by a corporation? Was it worse for a corporation to rob than for an individual to rob? The right hon. Gentleman's mode of carrying out his principle was certainly a strange one, for while he fixed the corporation he let the individual loose. Another argument of the right hon. Gentleman was, that the corporations of the present day were not the same corporations which existed before the Municipal Corporations Act; and that the right which they had to this property was not the right originally conferred, as that had been forfeited in 1835. In that view, certainly, the right hon. Gentleman differed from all the statesmen who had been concerned on either side of that House in passing that measure, and from all that he had ever read and heard upon the subject. He had always understood the principle of that measure to be, that as, through process of time, the property which had been intended for the benefit of the whole municipality had, by a breach of trust, got into a smaller and more limited number of hands, it was the duty of Parliament to redress that breach of trust, and to restore to the whole municipality that which had been originally intended for them, and which was substantially their property. The present corporate bodies were really and truly the old corporate bodies remodelled by Parliament, and at the same time put into possession of all the property and rights enjoyed by the old corporations. But if the taking of these tolls by corporations, without rendering an equivalent service, was a robbery, then nothing of what they had taken hitherto under those circumstances could be said to belong to them. In the case of Liverpool, the corporation had applied part of the money which they had taken wrongfully, according to the right hon. Gentleman, to building St. George's Hall; but was the right hon. Gentleman on that account ready to take possession of St. George's Hall? If the corporation had no right to the money, they certainly could have no right to the edifice they had built with it. According to the hon. and learned Member for Plymouth (Mr. Collier), that was only following the precedent of the repeal of the Corn Laws, but that was the case of the abolition of a tax imposed on the importation of foreign corn which passed into the Treasury of the country; and, moreover, he would ask, did the Government then propose to take upon themselves the mortgages of the landowners as the Board of Trade now proposed to take upon itself the mortgages on those dues? At one time it had occurred to him that this was a question of compensation to be settled in Committee, but the right hon. Gentleman the Vice President of the Board of Trade had boldly avowed not only that there was no intention of giving compensation, but that the Government were of opinion that the principle of compensation could not be fairly applied to this case. After these statements of the right hon. Gentleman, there could be no hope of obtaining compensation in Committee, for the right hon. Gentleman might fairly say when in Committee, "I told you I would not accede to any compensation, and to that you assented when you agreed to the second reading of the Bill, so that you cannot with any justice raise the question of compensation." He would, however, ask the right hon. Gentleman once more to reflect upon the number of inconsistencies his measure involved. He said it would be unjust to the public to allow compensation, because it must be paid out of the Consolidated Fund, which would be admitting the impropriety of local dues and yet making the public pay for them. In the cases of Bristol and Hull, however, it was said that there had been an arrangement with the Board of Trade. Was compensation, then, unjust in all other cases, and just only in these? The right hon. Gentleman had also said that he had preserved intact the rights of creditors. Leith having been at one time the port of Edinburgh, the latter place was an incumbrancer on the dues levied at the former to the extent of between £7,000 and £8,000 a year. Under the proposed Bill, therefore, the rights of Edinburgh, which could do nothing for shipping, would be preserved, while those of Leith would be destroyed. Now that was a specimen of the consistency of the right hon. Gentleman. It had been said that the port he had the honour to represent (Belfast) would profit by the proposed arrangement, but, supposing for argument that this was a measure which would result in the relief of shipping, he believed that Belfast never would consent to take that relief if the ground upon which it was taken was one of injustice, for that which was unjust could never be politic. But was this a measure which would give any relief to shipping? He had not seen a word in the Bill which would have the effect of putting an end to local dues, but, on the contrary, it only transferred them to the Collector of Customs, then to the Paymaster General, and then to the Board of Trade; and then, having been distilled through those three channels, the Board of Trade could abolish or raise them as it pleased. For his part, he would rather that they should be collected by the local authorities. Then came the question of differential dues, the amount of which was about £50,000 a year. Do the shipping pay those dues at present? No, the differential dues were already paid by the Chancellor of the Exchequer, and the relief as to them, instead of being to the shipping interest, would be to him. Nay, more; the shipping interest would, by the Bill, be placed in a worse position than it was at present, because the 27th Clause empowered trading companies, and dock, pier, or harbour Commissioners, to reimburse themselves for the sums withdrawn by the Chancellor of the Exchequer by an increase of the *maximum* rates which they charged upon shipping. The real state of the case therefore was, that the Chancellor of the Exchequer now paid and the shipping did not. The Chancellor of the Exchequer was going to withdraw the money, and the shipping interest was to pay instead. That was, indeed a ludicrous provision to be introduced into a measure brought forward with so much pomp and ceremony as for the relief of the shipping interest. Because he thought the Bill was unjust in its principle and in its details, and, instead of relieving, would prejudice the shipping interest, and because he believed that in its effects it would be as injurious as in its principle it was dishonest and unjust, he should vote against the second reading.

MR. BAINES said, he should not have addressed the House on the subject before them had he not been requested by his constituents to support the views which they had expressed in a petition he had had the honour of presenting. He had listened with the greatest respect and attention to the arguments of his hon. and learned Friend the Member for Stamford (Sir F. Thesiger), and to the speech of the right hon. Baronet who followed him (Sir F. Baring), and he could not help thinking that the objections which had been urged by the opponents of the Bill applied not so much to its principle, as to some of the clauses. His hon. and learned Friend had said, that to the first part of the Bill, which applied to the abolition of passing tolls, he had no objection; and in that view he had been followed by almost every hon. Member who had spoken in the course of the debate. No one could deny but that that was an important principle which it was desirable to establish and carry out. The hon. and learned Member for Belfast (Mr. Cairns) said, that if he could be satisfied that it was the intention of the Government to abolish those dues, he would give his support to the second reading of the Bill. He (Mr. Baines) could assure the hon. and learned Gentleman that the object of the Government was, after provision had been made for the charges now existing, to get rid of those dues altogether. [MR. CAIRNS: The arrangement as to compensation?] It was said that the principle of the second part of the Bill was open to objection. That principle, as he understood it, was, that no part of the community should be at liberty to tax other parts for purposes peculiar to itself, and in the advantages of which the parts taxed had no share. He would not say that there might not be exceptional cases, and he understood his right hon. Friend (Mr. Lowe) to say that the Government were aware of that, and were ready to give consideration to every such case. Two or three had been named —Hull and Bristol. It was suggested that there were others, but those were not cases that touched upon the principle of the Bill, but cases that might be brought forward in Committee upon their special merits, since no two of them stood upon the same ground. He had for a long time enjoyed the honour of representing the town of Hull in Parliament, and he had met on that day some of the most intelligent of his former constituents, who told him that the Bill would work great benefit to the shipowners. They acknowledged that Parliament had done right in abolishing the Navigation Laws, but they said that they were now exposed to a great competition, and could not meet their rivals in the great race of competition if they had to bear unjust burdens of this kind, which gave no consideration in return. His present constituents, who were interested beyond any other class in the great woollen manufacture of England, represented to him that not a bale of goods came to Leeds or the West Riding by navigation which did not come up the Humber on one side of the island, or the Mersey on the other. They said they were willing to meet their rivals in the great race of competition, but they had a right to come to Parliament and say that they ought not to pay taxes levied for the benefit of another community, and in the levying and disbursement of which they had no voice whatever. Those taxes swelled to a certain extent the cost of every bale of goods, and he thought his constituents had a most reasonable ground of complaint against these dues. It was said that the present Bill attacked the rights of property, but between such property of corporations and the property of individuals a distinction existed which had been recognised again and again by the Legislature. His hon. and learned Friend (Sir F. Thesiger) virtually admitted that when he admitted that the Legislature ought to do away with passing tolls. What was that but dealing with the property of corporations? and was it not conceding the whole question? He wished, before resuming his seat, to call the attention of the House to a passage of the Report of the Commission appointed to inquire into the local charges on shipping. The Commission had among its members an able and accomplished lawyer, Mr. Colin Blackburn, and the Report of the Commission stated—

> "Before the enactment of the Municipal Corporation Act in 1835, the charges now carried to borough funds, which form the greater part of the charges under consideration, belonged to the old municipal corporations, and were applicable, without much control, to whatever purpose the governing body of these corporations pleased. But this Act changed the system entirely. The whole of the property of the old municipal corporations and their officers, including the charges levied by them on ships, or on goods carried in ships, is now carried to the borough fund, and applied exclusively to the purposes enumerated in the 92nd section of the Act. It is true that these charges are in many instances of great antiquity, but it is only since 1835 that they have been appropriated to the present purposes; they were in that year, by the authority of the Legislature, taken from those who formerly possessed them, and for the first time appropriated to the benefit of the ratepayers. It appears to us, therefore, that the corporations have no just claim to oppose the change, should the Legislature see fit to abolish these charges, or to apply them to harbour purposes, and thus to the benefit of those on whom they are levied."

He would not trouble the House at greater length, but would only commend that view of the Commissioners to its serious attention.

Sir FITZROY KELLY said, he could not allow the Bill to pass to its second reading without calling the attention of the House to what he considered its real principles, for he believed the Government were not aware of what that principle was, or of the consequences that must follow if it passed into a law. The principle of the Bill was nothing more nor less than to take away from corporations having property that which they had in trust for the inhabitants, whom they represented, without any misdeeds on their part, and without any compensation. He believed that the right hon. Gentleman the Vice President of the Board of Trade had, however unintentionally, misled the House as to the real character of the Bill. It was said to be "A Bill for the Abolition of Passing Tolls and the Regulation of Local dues on Shipping." Upon the subject of passing tolls they apparently were all agreed. The right hon. Gentleman, however, had left the House in perfect ignorance as to what portion of the sums collected at seaports affected the shipping. No return of the town-dues collected had been laid upon the table, but the House was left to gather, from the speech of the right hon. Gentleman, that £163,000 a-year was collected in the shape of town-dues at the various seaports. From that sum some £20,000 would have to be deducted for the town-dues collected at Bristol and Hull; and of the remaining £143,000, the House had been informed that £125,000 was collected in the port of Liverpool alone. It had been said that this was not, strictly speaking, property, but merely a tax which might be dealt with by Parliament. He thought that argument had already been dealt with. But it was then said that those dues were formerly levied by the corporation of Liverpool, and that by some oversight of the framers of the Municipal Reform Act, they were transferred to the borough council. He certainly heard with some surprise that reference made to the Municipal Reform Act, and he ventured to say that a more direct calumny on that Act, and the framers of it, had never been uttered within the walls of Parliament. He apprehended the principle of the Municipal Reform Act was, in the first place, to transfer the control of the affairs of the boroughs, and the management of their property, from corporations, select and limited in their theory and character, to bodies newly created—new corporations elected so as to be true representatives of the inhabitants of the boroughs at large. It was, therefore, the direct and avowed purpose of the Municipal Reform Act, in relation to the property of the corporations, that that which was formerly the property of select and self-elected bodies, should become the property of the inhabitants of the boroughs, and accordingly they found in the ninety-second section of that enactment that that property became beneficially and absolutely the property of the inhabitants of the borough. Now, that, he asserted, was the principle which the present Bill directly violated. The Corporation of Liverpool possessed that property —vast in amount—for the benefit of the inhabitants of the borough of Liverpool, and they gave a valuable consideration for it. He would venture to ask whether, if the Earl of Sefton had still been the possessor of that property—if it had remained in the hands of that nobleman's family—they would have confiscated his property—taken it away from him without compensation? Supposing the different market gardeners in the neighbourhood of the metropolis, or the parish of St. Paul's, were to unite, and were to purchase the tolls of Covent Garden Market from the present Duke of Bedford, would the case be different? They might take away that property on precisely the same principles as they now proposed to take away these dues. The two cases were precisely similar. He might remind the House that the corporation of Liverpool had purchased this property at a remote period, and had enjoyed it, without interruption, down to the year 1832, when, for the first time, their claim to the levying of those dues was resisted. In that year a trial came on before Lord Denman upon the subject, when he (Sir F. Kelly) himself was engaged as counsel with the late Lord Truro, then Sir Thomas Wilde, who scarcely would have allowed the point to escape him if he could have found the slightest ground to urge that the dues might be impugned. That case was absolutely undefended, and the title of the corporation was fully established; and, even in those days, although corporations at that time did not hold property of this description, perhaps, under the same circumstances which existed in the present time, yet he must say, in defence of the corporation of former times, that the great dues were all invariably applied to the general benefit of the port and town of Liverpool, and never in a manner to which the most jealous reformer could make objection. The right to those dues had, since the year 1832, remained with the corporation of Liverpool, and had risen to a large amount. The right hon. Gentleman (Mr. Lowe) admitted—fairly, but necessarily admitted—that the rights of private property were sacred, but that the rights of creditors on that property must also be held sacred. If the Bill were to pass into a law, the effect upon the corporation of Liverpool would be, that whereas they had borrowed upwards of £2,000,000 upon the security of those dues among other property, their creditors would not be entitled to indemnity, compensation, or security to the extent of a single farthing. He regretted that neither of his hon. and learned Friends the Attorney General or the Solicitor General were present, for he had intended to have appealed to them whether he had not truly stated what would be the effect of the Bill in that respect. The thirteenth clause professed to respect the rights of creditors—that was to say of the mortgagees of corporate properties—but it would afford no protection whatever to the creditors of the Liverpool corporation, because all the security which they had for the repayment of their loans and interest was the personal bonds which had been given to them by the corporation. No mortgages whatever had been executed in the case of the Liverpool corporation. And that corporation had contracted those loans with the direct sanction of the Lords of the Treasury, in conformity with an Act of Parliament, which permitted them with that sanction to borrow to the extent of £3,000,000. The £2,000,000 which they had borrowed was a charge upon the borough fund, which would have to discharge that debt, in the event of the Bill passing into a law. The principle of the Bill was neither more nor less than the taking away, without compensation, from bodies of individuals—the inhabitants of Liverpool for instance—property which they had bought and paid for under the sanction of the law.

MR. LINDSAY said he should move that the debate be adjourned.

VISCOUNT PALMERSTON said, he hoped that the House would at once agree to an adjournment of the debate—a course which the importance of the question appeared fully to justify. If the debate were now adjourned, he should propose that it be resumed on Friday, and that the Army Estimates be taken on the Monday following.

MR. DISRAELI said, he regretted that so early in the Session, and when their labours had as yet been so light, the House should have unnecessarily fallen into the evil habit of adjourning its debates. But since that course had been sanctioned in the present instance by the leader of the House, it would be vain to resist it. He could see no reason, however, why the debate should not be resumed to-morrow, for he saw no necessity for carrying it over to Friday. True, there were some interesting notices on the Votes for to-morrow, but they were not of so urgent a character that they should be allowed to impede the decision of the House on a question of such importance as the present. He did not apprehend that there would be an objection from any quarter of the House to the suggestion he would now take the liberty of offering—that Members having notices on the paper for to-morrow should withdraw them, so that the debate might be resumed with as little delay as possible. After the discussion that had already taken place, it was by no means desirable that the country should for any length of time be left in suspense as to what he felt confident would be the unequivocal decision of the House on a subject of the deepest interest. He hoped, therefore, that they would hesitate before sanctioning the proposition for an adjournment till Friday. For that day the hon. and learned Member for Sheffield (Mr. Roebuck) had given notice of a Motion with regard to the strange act of the Government in proposing the appointment of a board to inquire into the conduct and report of their own Commissioners. He would not now enter into the discussion of that subject, nor express an opinion on the notice of the hon. and learned Gentleman, but he was bound to say that the conduct of the Government in proposing that Court of Inquiry was of so singular a character that he felt that it demanded the immediate attention of the House, and if the hon. and learned Member for Sheffield had not moved in the matter it was the intention of a right hon. Friend by his (Mr. Disraeli's) side to have brought forward a motion on the subject, and to have solicited the opinion of the House upon it. If the present debate was to be adjourned till Friday—a day already set aside for the discussion of another subject of scarcely inferior importance, it would be a most unsatisfactory arrangement. As the House and its leader seemed desirous of an adjournment, he would not be so arrogant as to oppose it, but he hoped that the noble Lord would reconsider his plan of public business and agree to the resumption of the debate on to-morrow evening, so that Friday might be available for the Motion of the hon. and learned Member for Sheffield. He would also observe that, as the hon. and learned Member for Sheffield had given notice of his intention to move an amendment on Friday on the Motion for going into Committee of Supply, he (Mr. Disraeli) would put it to the hon. and learned Gentleman and to the noble Lord whether, upon a subject of such peculiar importance, it would not be more fair to the House that the hon. and learned Gentleman should have an opportunity of bringing forward a substantive proposition? They, on that (the Opposition) side of the House, might not entirely agree with the hon. and learned Gentleman, but they did desire an opportunity to express their opinions on so important a subject, and there would be, as the Motion of the hon. and learned Gentleman now stood, no means of moving an amendment to his proposition. It was a subject of paramount importance upon which there ought to be a public discussion, and he thought the opinion of the House should be taken upon the subject of the Court of Inquiry by a substantive motion. He, therefore, would ask the noble Lord to reconsider the question of adjournment, and to also accede to the other suggestion he had made.

VISCOUNT PALMERSTON said, that not being in the secret of the hon. Gentlemen opposite, he could not be supposed to know whether they were willing to waive their rights for to-morrow, but if the right hon. Gentleman was authorised by them, or they being present acceded to his proposition, the Government could have no objection to proceeding with the debate to-morrow.

SIR FITZROY KELLY and MR. MALINS severally withdrew the Motions which stood in their name for to-morrow.

MR. ROEBUCK said, in answer to the observations of the right hon. Gentleman the Member for Buckinghamshire, that he had taken the only course that was open to him, but was quite prepared to bring forward a substantive Motion if the Government would give him a day.

Motion for the adjournment of the debate until to-morrow *agreed to.*

ST. JAMES'S PARK.

SIR BENJAMIN HALL said, he rose to move for a Select Committee to consider the best means of communication between those parts of the metropolis which lie north of St. James's Park and those parts which lie south and south-west thereof.

Mr. HINDLEY said, he should move that the House do now adjourn. So important a Motion as that which the right hon. Baronet now wished to make ought not to be taken at that late hour of the night.

Mr. MICHELL said, he would second the Motion for the adjournment of the House. The right hon. Baronet contemplated, not merely the destruction of the park, but a large expenditure of the public money. Instead of calling for a Select Committee in the matter, he thought it would be much better if the Government acted upon their own undivided responsibility.

Motion made and Question proposed—"That this House do now adjourn."

Sir BENJAMIN HALL: Sir, before the Motion for the adjournment of the House is put, I wish to make a short statement explaining the real object which the Government have in view in asking for this Committee. It is well known that for a considerable time past a desire has been expressed on the part of the public that a convenient communication should be opened between the one side of St. James's Park and the other; and, therefore, all that the Government now seek by the appointment of a Committee is, that there should be a full and impartial inquiry as to the best means of supplying that *desideratum*. My right hon. Friend (Sir G. Grey) has laid on the table, by command of Her Majesty, two plans which I directed to be prepared for effecting this object; but it is not at all the intention of the Government to confine the attention of the Committee to these two plans. Care will be taken to make the terms of the reference sufficiently wide to enable the Committee to consider any other plans that may be suggested to them, and after what has proceeded from the public press, and from other quarters on this subject, I cannot but think that the most convenient course to pursue would be to have a Select Committee to inquire into the best means of attaining the desired communication. I did not think it would have been necessary for me to say anything on such a simple Motion; but as I have been called upon to say this much, I may observe that the public mind has been led away by the rumours that have been extensively circulated to the effect that a desire has existed to exclude the public from St. James's Park, and more especially to prevent them from passing in front of Buckingham Palace. The best answer I can give to that is, that at the very time when these reports were most industriously circulated, and even previously thereto, I had received instructions to prepare a plan which should admit the public immediately in front of the palace. That simple statement I think will sufficiently show how purely gratuitous and unfounded are the allegations to which I have referred. I can only further assure the House, should it be its pleasure to assent to this Committee, that we have no wish to convert this into a party question. The Committee shall be as fairly struck as any Committee can be; and notice will be given of the names to-night, that any hon. Member wishing to object to any particular nomination may have an opportunity to do so at once. The Government are desirous of affording the communication which is so anxiously sought by the public, and I think there ought, therefore, to be no time lost in sending the matter before a Select Committee.

Mr. HENLEY: No doubt, Sir, a desire has been manifested on the part of the public to have a communication opened between what is called Belgravia and St. James's Street; but then, to mystify the question, the Government propose to make a communication from the north to the south side of the park—that is, from St. James's Street to Westminster, which is an entirely different matter. I fully believe that no objection has ever been entertained to the public going past the palace; but I can easily conceive that there may be other parties who are anxious to prevent that "run" from being made; and I suspect that this is a case in which there has been the dragging of a red herring across the line to throw the hounds off the real scent. Therefore, there are to be all sorts of plans; and with his usual liberality the right hon. Baronet says, "I am not the man to confine you to my own two plans. You may lay any other plans you please before the same Committee"—a mode of proceeding about as certain to divert public attention from what they really want as any one could possibly contrive. If you start half a dozen hares at once for the hounds to catch, I will be bound to say the hounds will not catch any one of them. Living myself in Westminster, I confess that I feel considerable interest in this question. My family derives no small advantage from the park, and I do not wish to see the place cut to pieces. If, therefore, there is to be an inquiry, I hope it will be a fair one; and I trust the Government have not come to us on this question pledged beforehand; but rather that they will be open to consider candidly any representations that may be made to them, and that, in point of fact, they will secure to the public what the public undoubtedly want—namely, a communication from St. James's Street to Belgravia. No one ever heard of the public wishing to go across the water in the park till somebody smelt out that the right hon. Gentleman had got a beautiful plan, when a decided opposition to the project sprang up in various quarters. Let a communication, then, be opened from Belgravia, but not across the park.

VISCOUNT PALMERSTON: Sir, there can be nothing more ample, I think, than the order of reference which my right hon. Friend (Sir B. Hall) proposes to make to the Committee, and, therefore, the alarm which the right hon. Gentleman (Mr. Henley) feels is quite unfounded. There is no intention on the part of the Government to confine the Committee to any one particular line of road; and to prevent all possibility of cavil, the Committee will not consider any particular communication—any passage to Belgravia but from one side of the Park—from that large area extending from Hyde Park Corner to the Horse Guards. Nothing can be more complete than the order of reference; and, with regard to the red herrings alluded to by the right hon. Gentleman, I am quite persuaded the right hon. Gentleman will be kept to the proper scent, and that he will not be diverted by any plan which may be thrown in his way.

VISCOUNT EBRINGTON said, he thought they might have had a communication between those two places without waiting for the Report of a Committee or the order of the Board of Works. A present and immediate communication between the two districts was greatly required, and might, he thought, be given at once, and it seemed hardly necessary to have the intervention of a Select Committee to define what all knew was desired by the public generally. Every one in his own experience knew that the traffic between what he might call old London and Westminster and Belgravia was daily increasing. A communication between those districts was therefore required; and he hoped that, pending the Report of the Committee, something might be done to effect it.

SIR GEORGE GREY said, that all persons who were in the habit of passing through the Stableyard Gate—and all persons in private carriages could now pass through it—were aware that there was a very dangerous corner in that short route, and that that was the only communication between St. James's Street and the park. If that was still to be the only communication, and it was to be thrown open to all public vehicles, or at least to omnibuses and cabs, very serious accidents might occur. He would ask the House, then, whether they were not of opinion that an inquiry should take place with a view of ascertaining whether the communication might not be improved?

MR. ROEBUCK said, he would suggest that there was another means of establishing a communication between St. James's Street and the park—namely, by removing the German Chapel at St. James's Palace, and he thought that was a road which might very properly be opened.

MR. KINNAIRD said, he had been told a few days ago that after eight o'clock in the evening persons were allowed to pass from the Pimlico Gate to St. James's Street. The other evening he took that road, when he was stopped by a policeman and turned back. Perhaps the Home Secretary would give orders to the policemen that, at all events, during the dusk of the evening, this privilege might be accorded to the public.

SIR JOHN SHELLEY said, it was no doubt of great importance that, as the noble Member for Marylebone (Viscount Ebrington) had recommended, the communication between Belgravia and what he had called Old London, should be improved; but among his (Sir J. Shelley's) constituents there was a great desire that the traffic at Charing Cross should be relieved by the establishment of a communication between Pall Mall and Westminster. He thought the Committee proposed by the Government might fairly take the whole subject into consideration with the view of ascertaining the best mode of affording accommodation to all parties.

LORD CLAUD HAMILTON said, he begged to express his concurrence in the suggestion of the hon. and learned Member for Sheffield (Mr. Roebuck).

MR. HINDLEY said, he was still of

opinion that a Motion on a subject of so much importance should not be brought forward at so late an hour, and he was unwilling to withdraw his Amendment for the adjournment.

Motion *negatived.*

Mr. HINDLEY said, he must appeal to the noble Lord at the head of the Government to consent to the postponement of the appointment of the Committee. On going into the library that night he found there the two plans which had been laid upon the table, but they had not been placed in the hands of hon. Members. He thought that copies of those plans ought to be printed and circulated among Members before they were called upon to form a decided opinion on the subject.

Viscount PALMERSTON said, if the House was now called upon to come to a decision, the objection of the hon. Member, that plans of the proposed routes had not been circulated among hon. Gentlemen, would undoubtedly have considerable force; but as the question was to be referred to a Select Committee the House would not be called upon to pronounce any opinion upon the subject until that Committee had made its Report. He thought they need not fear that before that Report was presented plans would be in the hands of hon. Gentlemen, and that they would have full time for their consideration.

Motion *agreed to.*

Select Committee *appointed*

"to consider the best means of Communication between those parts of the Metropolis which lie North of the St. James's Park and those parts which lie South and South-west thereof, and to report thereupon to the House."

Paper [presented 18th February] *referred:*—(Queen's *Consent* signified).

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, February 26, 1856.

Minutes.] Public Bills.—1ª Mercantile Law Amendment; Mercantile Law (Scotland) Amendment; Delamere Forest.

MERCANTILE LAWS OF THE UNITED KINGDOM.

The LORD CHANCELLOR, pursuant to notice, rose to call the attention of the House to the Second Report of the Commissioners for inquiry as to the Mercantile Laws of the different parts of the United Kingdom. He must first state to their Lordships that, in the latter part of the year 1852, and the beginning of 1853, very great complaints were made in the manufacturing districts of England and Scotland, particularly at Manchester and Glasgow, that, with regard to a number of matters of everyday occurrence to parties engaged in trade, there were a number of differences between the laws of the two countries which embarrassed them much, and for which there were no adequate reasons. Meetings were held at Manchester, Glasgow, Birmingham, Leeds, and other large towns, and petitions were presented complaining of this state of the law, and praying that the laws of the two countries on mercantile subjects might be assimilated. He felt that, however desirable it might be, that there should be one uniform law pervading the whole of Great Britain and Ireland, yet that any attempt to make the laws of Scotland identical with those of England must end in failure, because the people of Scotland were naturally attached to their own laws, and though he thought them generally not so good, he was ready to admit that in some respects they were better than those of England. The law of Scotland being familiar to the people of Scotland, any attempt to alter it in its nature would be absurd and chimerical; but, at the same time, that was not sufficient reason why differences of law in matters connected with trade and commerce common to either side of the border should not be rectified, or why useful improvements, impossible to obtain in their integrity, should not be obtained partially. With that view a Royal Commission was issued to inquire into the subject, composed partly of lawyers, and partly of mercantile persons. At the head of the Commission was a distinguished lawyer—the present Master of the Rolls in Ireland (Mr. Smith), and with him were associated an English Judge, Mr. Justice Creswell; a Scotch Judge, Lord Curriehill; and two barristers of high repute—Mr. Bramwell, now Baron Bramwell, and Mr. Anderson, who had the good fortune to possess a thorough knowledge of the laws of both countries, and being a Scotch Advocate, and one of Her Hajesty's Counsel at the English bar. To those were united three gentlemen of great eminence in commerce—Mr. Hodgson, president of the Chamber of Commerce at Glasgow; Mr. Bazley, president of the Chamber of Commerce at

Manchester; and Mr. Slater, of the firm of Morrison and Co., the largest retail firm, he believed, that existed in the United Kingdom. In order to ascertain what the grievances were and what remedy might be applied, papers pointing out the differences in the law and requesting opinions how far changes were practicable, and, if practicable, how far desirable, were sent to the different Chambers of Commerce in the kingdom, to the law societies, and to such private individuals as were supposed to be able to throw light upon the subject. At the end of twelve months a vast number of answers had been received, and upon those answers the Commissioners proceeded to frame a Report, recommending what changes it would, in their opinion, be desirable to accomplish. To attempt to explain those changes would be as impossible, as he thought useless, because from the very nature of the inquiry, they related to a series of fragments of the law, unconnected with each other, and unlikely to arrest the attention of any one who had not gone through the whole Report, and comprehending the whole course of reasoning on which the Commissioners acted. He had given full attention to that Report, and, although he could not say that he was prepared to concur in all the recommendations of the Commissioners, he had had two Bills prepared—the one altering so much of the law of England as they had very properly recommended should be assimilated to the law of Scotland; and the other, under the sanction of Lord Curriehill, and the Lord Advocate, assimilating the law of Scotland to the law if England, to the extent which he could recommend their Lordships to approve. He should lay those Bills on the table, and if their Lordships would, after they had been circulated, give them a second reading, he should then move that they be referred to a Select Committee, to meet as soon as possible after the termition of the circuits. His noble Friend, the Chief Justice, would probably afford his assistance. If there should be another eminent lawyer in the House, whether for life or longer, he trusted to receive his assistance also, and his other noble and learned Friends would, no doubt, give the subject their best attention. He did not mean that the Committee should consist entirely of lawyers. He should be glad to see some noble Lords connected with Scotland upon it, and, if they were not familiar with the subject, they could be the organs of communication from others, should any of the alterations be deemed inexpedient or useless—for it was needless to say that his sole object was to place the law in the state most convenient to persons engaged in trade between the two kingdoms. The subject to which he should first refer was that of Bills of Exchange. It was surprising there should be, on the borders, such a difference in the law on this subject as actually existed. In England the holder of a bill of exchange was in the first place bound to apply to the acceptor for payment, and, if the acceptor failed to pay, then he could have recourse to the other parties to the bill—to the drawer or endorser—provided that, within what the law called a reasonable time, he gave notice to those persons that the acceptor had failed to make payment. A "reasonable time" had long been settled in England to be the day or next day after the bill was presented, but in Scotland fourteen days were given, and it must often happen that poor persons on the borders, whom the laws ought to protect, were not aware of the difference, thought they had fourteen days to give notice, and lost the right to apply to any of the other parties. On the other hand, in Scotland, to have recourse to other parties a bill must be protested before a notary; but that was not necessary in England. It both respects the Commissioners recommended that the law in Scotland should be made to conform to that in England, and it certainly was very desirable, whether the time was fourteen days or two days, that there should be one uniform rule. Connected with the same subject there were points on which the laws of both kingdoms ought to be not merely assimilated, but altered. In former times acceptance of a bill of exchange might be made, either by writing on the face of the bill, by writing on another piece of paper, or even verbally. By an Act passed in the first year of the reign of George IV., it was enacted that the acceptance to inland bills of exchange should not be valid unless the acceptance was in writing on the bill itself; and that had been found to be extremely convenient. This enactment, did not, however, affect foreign bills, with regard to which there might be acceptance by anticipation by writing, or by mere word of mouth as far as Scotland was concerned. The Commissioners recommended that there should be only one way of acceptance throughout the United Kingdom—that acceptance of bills, whether foreign or English, should be by writing on the face of the bill itself. In England, if a bill were transferred by endorsement, after it was due, the person to whom it was transferred did not take an absolute right, but only the same right as the person transferring it; for the obvious reason that, if it had been paid, the transfer should not enable the person receiving an overdue bill to enforce payment again. That was not so in Scotland, and the Commissioners recommended strongly that the same rule should be adopted. The next subject to which he should refer was a very important one—with regard to contracts for the purchase of goods. In England, if a man contracted to buy so many bales of cotton or bushels of wheat, and the seller failed to deliver them, the purchaser could only bring his action for damage for the breach of contract; but in Scotland the purchaser, as in the case of real estate in England, could obtain a decree that the specific goods, whether cotton or wheat, should be delivered, and, if the seller failed, then that he should make good the deficiency by damages. It was strongly recommended by the Commissioners that this law should be extended to England, and he could see no reason why it should not be adopted. There was now a proceeding under the Common Law Procedure Act, by which in a case where chattels were detained the party claiming could obtain judgment to compel the holder to deliver them up, and the Commissioners believed it would be easy to frame a clause to apply a similar rule in respect of contracts to deliver goods, and Mr. Baron Bramwell had framed a clause to meet that object. In another matter there was an anomaly in Scotch law with respect to carriers, who were responsible for accidents which happened to goods while under their charge, except in case of fire. The Commissioners could not see why there should be that difference, and recommended that the exception should be abolished. With respect to shipping there was a rule which now prevailed, that when the ship was in a foreign port, if repairs became necessary, the captain of the vessel by implication of law had authority to perform the repairs, and to pledge the owner's credit for the expenses incurred; but not so when the owner resided at what was called a home port. That was reasonable enough; but the question had arisen, what constituted a home port? The distinction drawn was sometimes absurd enough. For instance, it had been decided that Leith was a foreign port to Newcastle. That appeared to be a strange state of things to exist in the present days of rapid intercommunication, and the Commissioners recommended that all the ports of the United Kingdom, including those of the Channel Islands and the Isle of Man, should be considered as home ports. The Commissioners had further recommended a change which he (the Lord Chancellor) had introduced into the Bill, but at the same time with considerable doubt whether it would be advisable to adopt it. It was well known to all lawyers as well as to most non-legal persons, that in the reign of Charles II. the statute called the Statute of Frauds was passed with a view to prevent, as far as possible, fictitious contracts being palmed off upon persons, and which might be supported by perjury; and, among other things, it was enacted that no contract for the sale of goods above the value of £10 should be valid unless it was in writing, or unless there had been part performance, or unless there had been money paid on account. That was the law of England, but in Scotland it was different, and great inconvenience had arisen upon the borders from that difference of the law of the two countries. The Commissioners discussed which of the two laws should be adopted, and came to the conclusion that that particular section of the Statute of Frauds should be repealed. They were influenced in coming to this conclusion by the examination of persons engaged in trade and commerce at Manchester, Leeds, Glasgow, and Dublin, who stated that the law was practically disregarded, for not one contract out of 100 was put into writing. He (the Lord Chancellor), however, had recently received a communication from Mr. Levie, a very eminent solicitor in the City of London, who informed him that in almost all cases in that City contracts were reduced to writing, and was of opinion that the change proposed by the Commissioners would be distasteful to the mercantile community of London. If upon examination it should appear that the balance of advantages would be to reverse the recommendation of the Commissioners, he (the Lord Chancellor) would be quite willing to strike the clause out of the Bill, though, on the whole, he inclined to think, that the balance of advantage was in favour of its retention. Having stated the recommendations upon which he had acted, he would next advert to one or two matters in which he had not been able to agree with the Commissioners. According to the law of Scotland, a minor—that was a person above fourteen, but under twenty-one—could enter into trade and make contracts relating to trade to any extent; so that a boy of fifteen might involve himself in speculations to such an extent as to swallow up all the property to which he might succeed on attaining twenty-one years of age. He (the Lord Chancellor) did not feel sufficiently confident of the advantages of that law to recommend its adoption in England. Again, in Scotland, married women could bind themselves as partners in trade; but the Commissioners did not recommend the extension of that principle in England. They had, however, recommended, and he had adopted, an alteration in the law of prescription relating to mercantile contracts in Scotland, which every one admitted to be in a most complicated state. The Commissioners proposed to adopt the limit, as in England, of six years, and a clause had been framed with that view. Upon showing the Bill, however, to his hon. Friend the Lord Advocate, that learned Gentleman conceived a difficulty would be produced by confining the change to mercantile contracts, and had undertaken to introduce, in the present Session, a Bill of a more comprehensive description, entirely remodelling the law of prescription in Scotland. Again, there was another law in Scotland which did not appear to be conformable to good sense, which required certain facts to be proved in writing. Thus, payment could not be proved, except by writing—a rule which appeared to be exceedingly inconvenient, and a clause had been framed to alter that rule; but, as the Lord Advocate thought the laws relating to evidence generally should be amended, the clause had been struck out. There were other minor changes, but he had explained the general nature of the Bills which he sought to introduce, one of which was to amend the laws relating to trade and commerce in England and Ireland, and the other to amend the laws relating to trade and commerce in Scotland. Those Bills he now asked their Lordships to read a first time, and upon the occasion of their second reading, a week or ten days later, he should move to refer them to a Select Committee, in which he should be most happy to receive any assistance, in order to produce measures which would be useful and satisfactory to the community.

The noble and learned Lord then *presented* a Bill to amend the Laws in England and Ireland relating to Trade and Commerce; and a Bill to amend the Laws of Scotland affecting Trade.

Lord BROUGHAM said, he highly approved the course which had been taken by his noble and learned Friend in having, in this instance, departed from the general rule adopted by their Lordships in introducing a Bill for a first reading without entering into any argument in support of its provisions. However good that rule might be in regard to Bills in general, yet, when it was proposed to make an alteration in the law affecting the mercantile interests of the country, it was a matter of great convenience that some statement should be made at the earliest stage, in order that public attention should be attracted to it. He approved of its being proposed to legislate on this important subject. Their Lordships would remember that in the month of November, 1852, a very important congress of persons from all parts of the country—England, Scotland, and Ireland—sat to take into consideration the subject of assimilating the mercantile law of the three portions of the United Kingdom. A Commission was afterwards appointed to inquire into the subject, and the result of the inquiries of that Commission was the Report which formed the foundation of the measures now proposed to their Lordships; many of the recommendations contained in that Report were exceedingly fit to be adopted by Parliament, and all of them were worthy of being made the subject of full and continuous discussion. There were many other Bills necessary to be introduced in order to assimilate the commercial law and many other laws that were now at variance in the different portions of the kingdom.

Lord CAMPBELL expressed his entire approbation of the introduction of those measures, and saw no reason why the law affecting the matters they related to should not be assimilated throughout the United Kingdom. With reference to the transfer of land, which in Scotland was comparatively simple, but in England was a most complicated process, there would be more difficulty. The feudal law had existed so long under very different circumstances in the two countries, that the assimilation of the law affecting real property would be a most stupendous undertaking. But with respect to mercantile law, and the law relating to contracts made by minors and married women, they might be altered without difficulty or inconvenience; and no doubt the alterations would work well. The latter subject must of course be made to depend very much upon the law of marriage, with respect to which he might almost say that there was no law of marriage in Scotland at all. All along the border country, between Carlisle and the German Ocean, the marriage customs were so various and uncertain, that there was not one child in fifty of whom it could be accurately said whether it was legitimate or illegitimate.

Then the said Bills were severally read 1ª.

CONVICTS—TICKETS OF LEAVE.

VISCOUNT DUNGANNON moved an Address for—

> "Return of the Number of Convicts who, since the passing of the Act 16 & 17 *Vict.* cap. 99, have received Orders of License:
>
> "Of the Number of Convicts who, after receiving such Orders of License, have been convicted of or charged with subsequent Offences:
>
> "Of the Number of Convicts whose Orders of License have been revoked: And—
>
> "Of the Number of Convicts whose Licenses have been refused or withheld in consequence of their Misconduct."

EARL GRANVILLE said, that there was no objection to grant the Returns moved for; but he begged to inform the noble Viscount that similar returns had been already ordered to be laid before the other House of Parliament.

VISCOUNT DUNGANNON said, that those Returns would answer his purpose. He would now ask the question of which he had given notice on the subject—whether it was the intention of Her Majesty's Government to continue giving tickets of leave to convicts? He believed it was a well-known fact that a very considerable proportion of these persons had, since their liberation, returned to their former course of crime, and it was shown by proceedings at quarter sessions and elsewhere, that throughout the country cases of the most atrocious character had been participated in by them. It seemed to him that the ticket-of-leave system, so far from having been attended with any good result, had proved most mischievous in its tendency and productive of serious evils. He could not, therefore, forbear from asking what were the intentions of the Government, wishing it, at the same time to be understood that, should the answer he received be unsatisfactory, it was his intention, after the production of the returns which had been moved for in the other House of Parliament, to bring under the consideration of their Lordships some Resolution bearing upon the subject.

EARL GRANVILLE said, it was not in the power of the Government to make any alteration in the ticket-of-leave system without an Act of Parliament, and he could only state that it was not at present their intention to bring in any Bill for that purpose.

VISCOUNT DUNGANNON wished the answer he had just received had been of another character, for he felt assured that the system, as it now existed, tended largely to the increase of crime, and crime, too, of the worst possible description. Throughout the country he believed the system was universally condemned, and he hoped that for the good of society some attempt would be made to remedy the evil.

THE MARQUESS OF SALISBURY said, it was quite in the power of the Government to effect such alterations in the system as to cure the evil complained of. He was surprised to hear the noble Earl (Earl Granville) say, that it would be necessary to have an Act of Parliament to alter the system. It was in the power of Government to diminish the evil, by placing these persons under the surveillance of the police, and no Act of Parliament was required to enable them to do that. The present system was causing great mischief in the country. The regulations of the system were in the power of the Government, and they were responsible for its operation. As chairman of quarter sessions, he could bear personal testimony to the evil consequences of the system at present pursued.

THE EARL OF HARROWBY said, that necessarily, if no transportation was allowed, criminals, after a certain period of imprisonment, must be turned out again upon the country. And if they were detained until their sentences had expired, they would be released without any surveillance at all. It might be a question, whether they were not let loose upon society too soon; but it could hardly be said that they would be likely to do less mischief without what was called a ticket of leave, than they did now in spite of this precaution. He did not see how, if transportation were no longer possible, the evils attending the necessary release of criminals in this country when their sentences expired, could be chargeable altogether upon the ticket-of-leave system. The whole question, however, was a most difficult one, and if any suggestions could be offered involving a practical improvement upon the present mode of proceeding, he was sure they would be gladly received and acted upon by the Secretary of State for the Home Department.

The Earl of MALMESBURY considered the speech of the noble Earl (Earl of Harrowby) to be one of the most alarming he had ever heard in his life. The noble Earl declared it was perfectly impossible to retrace our steps with regard to transportation.

The Earl of HARROWBY: No; I merely said, that a great portion of the evils attributed to the present system arose from the fact that, having abolished transportation, our criminals must, sooner or later, be turned upon the country.

The Earl of MALMESBURY said, he understood the argument of the noble Earl to lead to this conclusion, that we could not return to the system of transportation. He utterly dissented from that. We were at present in a period of trial and experiment. We were trying to see if the system of transportation could be dispensed with; and it remained to be seen whether the substituted system would succeed. It might be that its evils might be remedied without abolishing it; or other means of punishment might possibly be within our reach. But he hoped that it would not be taken for granted that expatriation as a punishment was impossible. At present the degree of apprehension entertained throughout the country as to the operation of the ticket-of-leave system was very great. It was not only timid persons who partook in this apprehension, but really experienced and well-informed people in responsible positions were beginning to be alarmed. In his own county (Hampshire) this year a proposition had been made by a very able chairman of quarter sessions, Sir W. Heathcote, for the addition of seventy constables to the county police force. Now, as the rates in Hampshire were double what they were ten years ago, the proposition was not at all a pleasant one, and it was opposed by himself and others; but they were compelled to yield to the force of reasoning, by which their chairman showed that the great increase of crime owing to the number of convicts returned under the tickets of leave, and who were hovering on the borders of Berkshire (where there was no rural police), rendered absolutely necessary such an increase of the police force. This was not the period for the abolition of transportation. If experience should warrant us in dispensing with it, well and good; but the Government must not consider the present system as established for ever; and he would venture to add, that if it be possible we must return to a system of transportation.

The Duke of ARGYLL said, the Government did not mean to say that we could not return to transportation, but certainly we could not return to the system of transportation which had been departed from, and send convicts to colonies which had already refused to receive them, unless, at all events, they altered their minds, which they were not likely to do. If any new system of transportation was adopted, it must be to new territories which had not the advantages of our older colonies. He feared that the present system, which was merely experimental, could not be permanent, and then no doubt it would be necessary to consider how a new system of transportation could be carried into effect.

Lord CAMPBELL said, he hoped the present system was not fixed, and that there was no irrevocable determination to abandon transportation. It was quite true that prisoners at home must be set free at some time or other, and without any surveillance; and this rendered it most important, if we would avoid the monstrous calamity of having London and our large towns filled with *forçats*, that we should return to some system of transportation. Undoubtedly, we could not force our convicts on the old colonies which had rejected them; but there might be in the Falkland Islands or elsewhere other settlements to which they might be sent; not, however, with the advantages belonging to the older colonies, where there was a population to absorb the discharged convicts, and where they could renew their character; as above 40,000 of them had done in Australia, where they were now earning their livelihood honestly. He hoped that ere long the Government would earnestly endeavour to restore some system of transportation.

The Earl of ST. GERMANS said, the subject was much too important to be discussed incidentally. But he believed that any future system of transportation must be based upon a principle perfectly different from that which had formerly been in operation. We must reflect with horror upon the dreadful abuses of the old system, which was quite useless for punishment or reformation. The colonies were right in pressing for its abolition. The prædial system was so uncertain, that if a convict happened to fall to the lot of a kind master, he was scarcely in a state of punishment at all; whereas, on the other hand, if a different fate befell him the horrors of Norfolk Island might have been realised—horrors which it was impossible for him farther to advert to, so fearful were the crimes which had been committed—such were the horrors which had been disclosed in the evidence taken before the Committees which had sat upon the subject. He hoped that some noble Lord would ere long give notice of bringing the subject forward, that it might be properly considered.

LORD MONTEAGLE hoped that the House would not finally decide on this most important question on the evidence which was taken before the Committees referred to by the noble Earl, because it was partial, limited, and one-sided. He would never force the colonies to accept convicts; but if the question were properly and discreetly managed, he thought the colonies would accept convicts for their own advantage. The colony of Western Australia accepted convict labour from this country, and the colony of Moreton Bay petitioned to have the same advantage as the people of Western Australia. The objection to the reception of convict labour did not come from those places, but from the other colonies. He admitted that if the principle of transportation were taken up again, it should be taken up on the ground of its being beneficial to the colonies, and not on the ground of economy to this country, or the necessity of getting rid of our criminal population. He did not believe they could ever revert to the system of Norfolk Island, which formed a dark page in the history of this country. The question of transportation had been decided against the best feelings of the Legislature, and against the wishes and experience of the colonies. If they had been properly dealt with, with due management he thought a time might come when those who rejected transportation would be least disposed to resist it, if resumed under proper regulations.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 26, 1856.

MINUTES.] NEW MEMBERS SWORN.—For Wigtonshire, Sir Andrew Agnew, bt.

PUBLIC BILLS. — 1° Nuisances Removal, &c. (Scotland); Bankruptcy (Scotland); Married Women's Reversionary Interest; Annuities; Consolidated Fund (£1,631,005. 1*s.* 5*d.*); Exchequer Bills Funding.

3° Charitable Uses.

POOR LAW MEDICAL RELIEF—QUESTION.

MR. PIGOTT said, he begged to ask the right hon. Gentleman the President of the Poor Law Board, whether it is the intention of Her Majesty's Government to carry into effect the recommendations contained in the Report of the Select Committee on Medical Relief of Session 1854, or to make any change in the present system?

MR. BOUVERIE said, that the recommendations of the Committee on the subject were three in number; one was to the effect that the attention of the Poor Law Commissioners should be directed to the propriety of making a gradual diminution of the area of the districts of the medical officers. Another was, that the salaries of the medical officers should be increased; and the third, that after a certain date in last year the medical officers should have permanent appointments, and should not be removable from office except upon dismissal by the Poor Law Board. The last recommendation had already been carried into effect, an order of the Poor Law Board directing that after the 25th of March last all appointments of medical officers should be permanent. With regard to the medical districts and the salaries of the medical officers, those were matters not immediately under the control of the Poor Law Board, they being settled in the first instance by the Guardians; but the recommendations of the Committee had been attended to by the Poor Law Board, who had directed the Guardians to take into consideration the carrying out of those objects; and considerable increase was going on in the amount of the allowances to the medical officers.

BANK OF ENGLAND—QUESTION.

MR. OLIVEIRA said, he wished to make an inquiry of the right hon. Baronet the Chancellor of the Exchequer, with reference to the Order in Council of the 7th day of December last, now laid upon the table of the House, authorising an additional issue of bank-notes by the Bank of England, to the extent of £475,000, pursuant to the 5th section of the 7 & 8 *Vict.*, cap. 32, what arrangement had been made between the Government and the Bank of England to carry into effect the provision of the 9th section of the said Bank Charter Act, which requires the Bank of England to allow the public the profits derived from any additional securities beyond the stipulated amount of £14,000,000, fixed by the Act, after deduction of expenses?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said that the Bank Charter Act defined the principle of the arrangement between the Government and the Bank of England. The compensation on account of the profits of the additional securities would be carried out when the year had elapsed. It would be the duty of the Government to make arrangements with the Bank with respect to the amount to be paid on the account.

THE CRIMEAN REPORT—QUESTION.

SIR DE LACY EVANS: Sir, I have an important question to put to the First Lord of the Treasury, whom I do not see in his place, but I, nevertheless, feel it my duty to allude to the subject. In the Report presented by Sir John M'Neill and Colonel Tulloch the average mortality of the British army in the Crimea has been given, but not the mortality in the separate regiments. Circumstances, however, were stated in a passage of the Report, from which it would appear that the mortality in some regiments had been greatly above the average. I therefore wish to ask the noble Lord at the head of Her Majesty's Government if he has any objection to lay the entire documents before the House? An hon. and gallant Friend of mine on the other side of the House (Colonel North) has alluded to the same subject, and a question has been asked, and a statement been made by the noble Lord at the head of the War Department in another place—

MR. SPEAKER: I must inquire if the hon. and gallant Member is going to put his question?

SIR DE LACY EVANS: Sir, this is a matter of grave importance. Three different statements have been made on the subject, and I wish to know how they are to be reconciled, and it is, consequently, necessary to explain this on asking the question. The noble Lord (Viscount Palmerston) has stated that there were other documents besides the Report—that these documents were highly useful, and had therefore been sent to the medical officers, but that they were not of a nature to make it useful or expedient to lay them on the table of the House. Then the hon. Gentleman the Under Secretary for the War Department, when a question on the same subject was put to him by an hon. and gallant Member opposite, said that the Commissioners had differed in opinion as to the part of the Report in question, and for that reason the documents had not been laid on the table. On the other hand, the noble Lord the Secretary for the War Department has stated elsewhere that the whole of the documents had been laid in their integrity upon the table of the House. What I wish to know, Sir, is, which of these three statements is the correct one?

MR. FREDERICK PEEL said, he could not at all admit that there was any discrepancy between the statement of his noble Friend and his own. He had stated that the mortality Returns did not form a part of the Report; and then he had gone on to say why they did not, namely—that the Commissioners had differed in opinion as to the propriety of their publication. On the other hand, his noble Friend at the head of the War Department was asked—admitting that the Returns in question did not form a part of the Report—was there any objection to their publication in another form? When the answer was, that objections were entertained to their publication, but that they had been referred to the Army Medical Department. Thus there was no discrepancy at all between the two statements. He would, however, take the opportunity of stating, in reference to his explanation, why the Returns had not formed a part of the Report—that Colonel Tulloch had since written to him stating that his answer was not correct, and that the difference of opinion to which he (Mr. Peel) had adverted, was in respect of some other Returns, and not the mortality Returns. To that, all he could say was, that he had stated what Lord Panmure told him was his impression, after the interview that had passed between him and the Commissioners. No doubt it was possible that Lord Panmure might have erred in his opinion; at the same time it was clear that the mortality Returns ought to be comprised in a separate paper, while the objections to their publication were precisely those stated by his noble Friend at the head of the Government.

SIR DE LACY EVANS: May I ask are the Returns to be laid upon the table at all?

MR. FREDERICK PEEL: Not at the present time.

THE GERMAN LEGION—QUESTION.

MAJOR REED rose, pursuant to notice, to ask the hon. Under Secretary for War whether the attention of the War Office has been called to the alleged riotous and insubordinate conduct of certain soldiers of the British German Legion, stationed at Shorncliffe. Whether it is true that a collision has taken place between the police (aided by the inhabitants) and the soldiers, in which several persons were severely injured; that the Riot Act was read and application made to the camp for assistance; that drunkenness prevails to a disgraceful extent, and in some cases the men have refused to obey their officers; and if so, whether any and what means have been taken to prevent the recurrence of such dangerous proceedings?

MR. FREDERICK PEEL said, that by a report received from the commanding officer at Shorncliffe, it appeared that there had been a riot amongst some of the soldiers of the German Legion, which had called for the interference of the police at Folkestone. It had ended by one soldier being taken up and committed to prison. The next day some further disturbances arose, and an attempt was made at a rescue, but it was very shortly suppressed, and the ringleaders taken into custody; and would be brought to trial before a court martial. As to the second part of the question, relative to the drunkenness of the soldiers, the statement was totally unfounded, so far as he had any information.

TURKISH ROADS—QUESTION.

MR. W. EWART said, he begged to ask the First Lord of the Treasury whether it would be within the views of the Government to employ its influence with the Ottoman Government to promote the construction of a serviceable road from Trebizond to Erzeroum, as a means of opening the central parts of Asia to commerce and manufactures?

VISCOUNT PALMERSTON said, Her Majesty's Government had for several years been urging the Turkish Government to construct a road between Trebizond and Erzeroum. The reasons alleged for not undertaking this important work had been the want of adequate means to cover the expense, but very recently the most urgent representations had been addressed to the Turkish Government as to the absolute necessity, not merely in a commercial, but in a military point of view, of completing that road.

EAST INDIAN LAW EXPENSES—QUESTION.

MR. OTWAY said, he rose to ask the right hon. President of the Board of Control whether he was aware of the proceedings that have recently taken place in the Prerogative Court of Canterbury, in re Dyce Sombre, and of the judgment of the Judge, the Right Hon. Sir John Dodson; and whether the Court of Directors of the East India Company have the power to disburse generally moneys from the revenues of India for any object or objects, including the discharge of law costs and expenses incurred by them in this country without his sanction and authority?

MR. VERNON SMITH said, that with regard to the hon. Member's question he did not rise to afford any further information on the case, as he knew nothing of it except what was accessible to everybody through the medium of the newspapers. With regard to the second part of the question, the East India Company had certainly not the general power alluded to by the hon. Member; but by the Act 3 *Will.* IV., cap. 35, the Board of Control was precluded from sending any question to the Court of Directors with regard to their law expenses, and from inquiring into any communications between the Board and its solicitor. Whether that provision applied to an extensive lawsuit, such as the one alluded to, was a question for the House to determine, and which he would take care to have inquired into.

MR. OTWAY: Am I to understand that the Company can incur any amount of expense, say £100,000, without the authority of the Board of Control, provided it comes under the head of law expenses?

MR. VERNON SMITH: That depends entirely upon the interpretation of the Act.

LOCAL DUES ON SHIPPING BILL—QUESTION.

Mr. LINDSAY said, he wished to ask the right hon. Gentleman the Vice President of the Board of Trade, in reference to the Local Dues on Shipping Bill, whether it was intended that the Board of Trade should have the power of applying taxes raised at one port for the benefit of another? Whether any taxes levied at any port, and paid to the Commissioners of Customs, would be applied to any purposes except to the payment of the debts, or to shipping purposes, at the port where levied? And whether, if applied to shipping purposes, it would be so applied by the Board of Trade, or by local harbour authorities?

Mr. LOWE said, in answer to the first question of the hon. Member, that it had never been intended to confer any power on the Board of Trade by the Bill to apply taxes raised at one port for the benefit of another port. Neither had it been contemplated to apply the money raised at any port to any other purpose than the payment of debts or to shipping purposes at the port where they were levied, and if they were to be applied to shipping purposes they would be administered by the harbour authorities, and not by the Board of Trade. All that the Board of Trade required would be an estimate of the manner in which any particular sum was to be expended, in order to guard against any of those dues being applied to purely municipal purposes.

THE CRIMEAN REPORT—QUESTION.

Mr. ROEBUCK said, that he had intended to make a Motion in reference to that Report, but he was given to understand that he could not bring in a Bill upon the subject. He therefore begged to ask the noble Lord at the head of the Government whether he had any objection to state the names of the Commissioners appointed to inquire into complaints relative to the Report of Sir John M'Neill and Colonel Tulloch, and likewise if he would lay upon the table a copy of the Commission under which they were appointed?

Viscount PALMERSTON said, that he held the Commission in his hand, and it would be laid immediately on the table. The names of the Commissioners were as follows: Lord Seaton, General M'Mahon, Earl Beauchamp, General Rowan, Sir John Bell, General Peel, and General Knowles.

LOCAL DUES ON SHIPPING, &c., BILL.

Order read for resuming adjourned Debate on Amendment proposed to be made to Question [26th February], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words, "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

Viscount PALMERSTON: Sir, I am anxious to state to the House the course which Her Majesty's Government, on full consideration, have felt it their duty to take in regard to the measure now under discussion. Sir, that measure was proposed to Parliament upon a full consideration of the matters to which it relates. Her Majesty's Government felt that the burdens which now exist on shipping and on the industry of the country, by reason of the different imposts and duties to which this Bill relates, were matters deserving of the interference of Parliament, for the purpose of relieving the interests concerned from the charges and burdens under which we thought it unfitting that they should continue to labour. Sir, it was with that view that the measure now waiting for second reading was submitted to Parliament. In the discussion which has taken place, nothing has been adduced by those who have opposed the measure which in any degree tends to shake the confidence of Her Majesty's Government as to the justice or as to the policy of the course which we have pursued. This, however, is not the moment to enter into the arguments that have been adduced; but I think it right to inform the House that the opinion of Her Majesty's Government has not been shaken, either in regard to the question of right, or in regard to the question of policy. But, Sir, in the course of the discussion it was made manifest that in regard to the cases of the towns which will be affected by this measure, there are a far greater variety of different circumstances and complicated interests than, perhaps, Her Majesty's Government were at first led to suppose. These are matters which every hon. Gentleman will see we are perfectly incompetent to deal with in a Committee of the whole House. It is impossible, in conducting a debate in a Committee on a Bill in this House, to arrange separate provisions in respect of peculiar cases, especially if certain provisions in such measure be neither satisfactory to the House nor just to the parties concerned. Now, this Bill consists of two portions; one more simple, the other more complicated; one relating to passing tolls, the other relating to differential duties and to dues paid to towns. It is, Sir, more especially with regard to the last of these two classes of cases that we found that there was a great variety of representations which were entitled, and very justly entitled, to be made by the towns that would be concerned in the measure. Indeed, my right hon. Friend the Vice President of the Board of Trade has informed me, that within the last two or three days circumstances have been represented to the Board of Trade on behalf of the towns of Hull and Bristol that led that Board to think that special provisions ought to be framed for these particular cases. Well, Sir, these special provisions to exclude either or both of these towns would be matters of considerable difficulty to a Committee of the whole House. Considering then, Sir, the great difference of opinion that exists in this House with regard to the operations of that portion of the measure—considering that it is not the duty of Her Majesty's Government to call upon the House to bestow its time and attention in a manner the least likely to lead hon. Members to any just and satisfactory conclusion — Her Majesty's Government have come to the opinion that it would be more convenient to the House, that it would be more conducive to the public convenience and the interests of the country, and that we should be more likely to come to a clear understanding or a satisfactory conclusion on these points, if these complicated details with regard to differential duties and town dues were referred to the consideration of a Select Committee of this House. And, Sir, I hope that when such proposal is made the House will deem it right to adopt it. The matter is now in such a condition that it cannot rest as it is; and viewing the question, either as regards justice to the towns concerned or the satisfaction of the public, the investigation can, in my opinion, best be carried on, and a new Bill be best devised by, a Select Committee of this House. Well, Sir, for that purpose it would be useless for Her Majesty's Government to ask this House to carry on for the present the consideration of the Bill now before it. The course most respectful to the House and most consistent with the public interests would be for Her Majesty's Government to withdraw the Bill now before the House, for the purpose of taking the whole question into consideration, and referring to a Select Committee those matters of complicated detail—those matters to which I have referred—that we may endeavour to see whether the more simple matter can be made so distinct from the other and more complicated one as to form a subject of a separate Bill for the consideration of this House. On these grounds, Sir, and feeling that it would be unbecoming of the Government to call on Parliament or on this House to carry on a discussion on a matter of such great public interest, without a probability of that discussion leading to any satisfactory conclusion, I therefore, Sir, propose to withdraw this Bill.

Mr. DISRAELI: Sir, I have heard with satisfaction the declaration which the noble Lord has just made to this House on the part of Her Majesty's Government. I confess, Sir, that last night, after the discussion, when the character of the Bill before us was commencing to be understood, and when propositions so alarming were supported by the Member of the Government to which their advocacy was entrusted in a speech more calculated than any I have listened to in this House to disturb the public mind — to unsettle all that confidence in prescription which has hitherto been one of the most considerable sources of the stability and the security of property and order in this country—I felt it my duty to impress on the House the expediency of coming to a quick decision, and of not postponing to the day proposed by the noble Lord a resolution which I am sure would have been waited for with great anxiety by the public generally, and which it was not, in my opinion, to the public advantage to have delayed. Sir, I therefore hear with great satisfaction that the noble Lord has thought fit to withdraw this Bill; and remembering the debate that took place last night — remembering that although the Amendment to the Bill was moved by an hon. and learned Friend of mine who sits at this side of the House, none of the characteristics of party controversy were imported into that discussion—I think it is, indeed, a source of great satisfaction that the discernment of the House of Commons should have checked the introduction of such crude and ill-considered measures. Sir, I do not clearly understand the view which the noble Lord takes of the position of the Government with respect to this measure so introduced and so withdrawn. I understood the noble Lord to say that Her Majesty's Government would not have felt it to be their duty to introduce this important and comprehensive measure if they had not given it all the consideration which so considerable a project required; but before the noble Lord terminated his observations, I was at a loss to understand on what points of the Bill it was that Her Majesty's Government had expended the consideration spoken of by the noble Lord. The noble Lord says that the Bill consists of two important parts. The first part—that relating to the passing tolls—he spoke of as requiring one mode of dealing; and the second—that relating to local dues—the noble Lord spoke of as being the more complicated of the two. Now, Sir, I cannot think what there is connected with passing tolls that required very deep or prolonged consideration on the part of Her Majesty's Government. The subject is one that has long been considered and thoroughly understood—one on which this House has for a considerable period been prepared, I might say unanimously prepared, to deal. Why, Sir, I myself more than three years ago proposed a measure on the subject to this House, which measure, I may say, was, even at that moment of party excitement, received with general favour. Therefore, Sir, I cannot understand that this great consideration, on the part of Her Majesty's Government, was demanded by that portion of the measure which referred to passing tolls. But then it follows, of course, that this deep consideration, for which the noble Lord took credit, was given to the second portion of the Bill, which referred to the local dues. Yet we find them dislodged from that position also, for it appears from the speech of the noble Lord that upon all circumstances connected with local rates and differential dues the Government were in a state of hopeless ignorance till they had heard the debate which took place in this House last night. Why, Sir, it is but natural to suppose that the Board of Trade has given to this subject very considerable consideration. The Board of Trade is now represented in the Cabinet; till lately it was not represented in the Cabinet; but, at the present moment, we see the fruit of the happy circumstance of the Board of Trade being represented in Her Majesty's Cabinet. Her Majesty's Government must have had the most authentic and authoritative information on the subject to assist them in this elaborate consideration to which the noble Lord has referred in so triumphant a tone. We are now told that it was only within a few hours of the discussion of this measure, introduced by the right hon. Member for Kidderminster, that some of the most important circumstances connected with differential dues were for the first time made known to Her Majesty's Ministers. Therefore, Sir, I ask, what came of that consideration—that severe and profound consideration, which, according to the noble Lord, this question received from Her Majesty's Government before the Vice President of the Board of Trade was fully authorised to introduce it to your notice? What, Sir, I want to know from Her Majesty's Government is, what portion of this measure received their consideration? I want it to be proved to the House that any portion of this Bill was so favoured. In the interests of representative government and for the sake of the reputation of Her Majesty's Ministers, I desire that they should be vindicated from the suspicion of having launched a measure of this vast importance without at least considering the bearings of the case, and without taking the trouble to acquaint themselves with the probable consequences of their project. At present, Sir, I am totally at a loss to understand whether Her Majesty's Government gave any thought at all to the subject. We have no information that any of those circumstances which in the discussion of last night were especially referred to as so "anomalous" and so "unjust," ever having occurred to the minds of Her Majesty's Government previous to the debate on the proposed Bill yesterday evening. We are now informed by the noble Lord that it is the opinion of Her Majesty's Government that a Select Committee of the House of Commons should thoroughly investigate this subject; but, Sir, if this subject has been thoroughly investigated and considered by Her Majesty's Government—as we are informed by the noble Lord it has been—what necessity is there for the House of Commons to be called upon to undertake the duties of the

Government, and to be asked to do that which we should as a matter of course expect to see performed by the Administration of the country? I want to know, Sir, what is the use of a Cabinet—what is the advantage of the Sovereign having responsible Ministers, if those Ministers, plunging with rash precipitancy into a subject they have not cared to master, first bring forward crude measures, and then, recoiling from the consequences of public defeat, say, "We are unable to deal with the question; we call on the House of Commons, in the shape of a Select Committee, to fulfil the duties of the responsible advisers of the Crown." Why, Sir, this is the appeal made by Her Majesty's Ministers after they have brought forward a measure which has alarmed every possessor of property in the country. Was theirs, I ask, a light proposition? Ought such a proposition to have been made without grave deliberation; or, having been made, is it to be endured that the Government should not be prepared to accept the responsibility of their ill advice in a matter of such moment? They have recommended the House to deal in a most summary manner with the Municipal Reform Act—a measure of comparatively recent enactment, and one which has received the support and sympathy of great masses of the population. Was that a light proposal, or one of insignificant importance? Will it be said that it is the duty of a Select Committee of this House to usurp the duties of the Cabinet, and to superintend the legislation of the empire? For my own part, Sir, I pledge myself at this moment to no particular course on the subject of the noble Lord's proposition, but as far as present circumstances afford the means of arriving at a judgment, it appears to me that the suggestion to settle this question through the medium of a Select Committee is little less objectionable than that process of direct legislation which the Government has been compelled to relinquish. In such a proceeding I can only see the alarming characteristics and the disturbing consequences of the Bill which the noble Lord has been obliged to withdraw. The noble Lord tells us that what is needed for the satisfactory treatment of this question is ample information; but there I differ from him. Why, Sir, the noble Lord has ample information, and any one who has attended to the subject during the debate on this Bill must have ample information on the matters to which it relates. What we complain of, and what the country complains of, Sir, is, that the Government have attempted to deal with property which they had no right to touch; and I say that they have no right to bring the holders of that property before a Select Committee of the House of Commons. But I will say no more on the subject, for I can only treat this proposition of the noble Lord as one which covers perhaps not disgracefully his retreat. I cannot, Sir, believe that after due deliberation, Her Majesty's Ministers, remembering all that has occurred in respect to this question, will continue to think that it is one which should be referred to a Select Committee of the House of Commons. Sir, having said so much on this subject there is another point to which I must advert before I sit down; and that is the general conduct of the Government with regard to the business of the Session in this and the other House of Parliament. When Parliament assembled, considering the critical state of our foreign relations, there was an anxiety—which I thought most creditable to the House—to ensure as much Parliamentary tranquillity as was consistent with the fulfilment of the public duty of Members on both sides of the House. Sir, I can fairly say, that so far as I was myself concerned, and also in dealing with any slight influence which I may possess, I did feel that it was quite consistent with doing my duty as an independent Member of Parliament not to disturb the Government, but to allow them to concentrate their attention on the great and responsible objects which now, in the face of Europe, they are called on to fulfil. I have wished, Sir, as I am sure every one in this House has wished, to do nothing to damage the reputation of the Ministry. I have, Sir, been most anxious that we should not give foreign nations the idea that the Government of Great Britain was a weak Government—a Government that had no resources on which it could permanently rely. I had hoped, Sir, that whatever there might be to reprehend in the general tone of our Parliamentary proceedings—that whatever may be the rumours of political strife in the Parliamentary world, we should, at least, show Europe that an English Minister, having to fulfil a great duty to his country, might rely with confidence on the sympathy and forbearance of a patriotic House of Commons. Such, Sir, was the hope I fondly cherished. But what has happened? Ever since Parliament commenced its sittings for the present Session—a period of about a month—feebleness, blunders, misfortunes, defeat, and discomfiture have been the lot of Her Majesty's Government. And, Sir, who has defeated them?—who has discomfited them—who has reduced them to this state of perplexity and humiliation? Not the Opposition—not their own supporters. Themselves alone are the authors of their misfortunes—themselves alone have brought about a state of affairs which at the present moment is most deplorable and most earnestly to be deprecated. But, Sir, it is not in this House only that we mark the results of their infatuated policy. In another place what scenes have we witnessed? At a moment when the utmost forbearance was evinced towards them from both sides of the House, they must needs enter on a crusade against all the legal authorities of the land; and, taking advantage of the indulgence of their adversaries and the tranquillity of the political world, nothing would content them but wantonly and most unnecessarily to open a question which, had they been gifted with the most ordinary sagacity, they must have foreseen would lead to protracted controversy and profound excitement. What I charge against them is, that having a forbearing Parliament (*cheers from the Ministerial benches*)—yes, I repeat it, a forbearing Parliament, which would not even step out of its way to expose the blunders of the First Lord of the Admiralty—the Ministers would seem to have passed their time and employed their counsels in devising among themselves questions which could not fail to agitate and distract the public mind, and which they should have known could only end in their own embarrassment and discomfiture, and assuredly produce no benefit to the country. It is not merely that, most wantonly—as it appears to me—they created life peerages. I complain also of the conduct of the Government in the matter of the Report of the Crimean Commissioners—a document thrown upon the table of the House without consulting the proper official authorities, and in a manner which does not afford the slightest evidence of that forethought, caution, and prudence which we have a right to expect from men who assume the duties and the character of statesmen. What a piece of business you have made of it, with your life peerages, your Crimean Reports, and your Boards of Generals, to investigate the conduct of men whom you were bound in honour and policy to have supported! But this is not all. Not satisfied with attacking the constitution of the heriditary peerage of England, not satisfied with creating all this scandal about the officers of the army, you must take this occasion, of all others, to assail the municipal institutions of the country. Even though Her Majesty's Government were as satisfied of the soundness of their views on this question of the municipalities as they have declared themselves to-night to be; and even although those views were as right as I believe them to be erroneous, I still maintain that this was not a fitting season for taking the step which they have done. But this is not all. Another measure, I allude to the Police Bill, has been introduced by them, into this House, which is certainly not friendly to that system of local self-government which the majority of us will, I trust, always seek to uphold. Is this a proper season even for bringing forward that measure? Yet, night after night, these dangerous courses are adopted by the Government; and now we have a striking example of the consequences to which such conduct inevitably leads. Parliament has sat only for about a month; on both sides of the House there has been but one anxious desire to veil the weakness of the Government, if, unhappily, they are weak; and yet at a most important crisis in the history and fortunes of this country Her Majesty's Government have so skilfully managed their affairs that they have secured for themselves a startling defeat in both Houses of Parliament.

Mr. LABOUCHERE: Sir, the right hon. Gentleman who has just sat down began by saying that in the course of the discussion on the measure which was before the House last night a great abstinence from party spirit was exhibited; and I freely acknowledge that that statement is an accurate representation of what took place on that occasion. The grave questions then before the House certainly were debated by Members on both sides, who, while giving conscientious expression to the opinions they entertained, yet knew how to refrain from mixing up with that expression anything that savoured of mere party animosities. But I am greatly inclined to suspect, from the tone of the speech which we have just heard, that if the discussion of this measure had been continued to-night, and the right hon. Gentleman had taken part in it, it would not have been allowed to terminate in the exemplary and forbearing spirit in which it commenced. I apprehend that the address to which we have just listened from the right hon. Gentleman would have undoubtedly formed a part of that entertaining oration of which we have unfortunately been deprived by the premature suspension of this debate; and, therefore, I must be permitted to say that I think that oration would not have been wanting in as great an infusion of party bitterness, personal hostility, and appeals founded on topics totally extraneous to the immediate question under consideration as it has ever been my fate to listen to in any debate in this House. The right hon. Gentleman says he felt bound to interpose on this occasion in order to protect the reputation of Her Majesty's Government. I am sure the Government ought to be much obliged to him for the great magnanimity he has displayed in the discharge of that friendly office; and yet I regret that the vindication thus generously volunteered has not been so complete as to supersede the necessity which compels me to offer a few observations on the animadversions by which it was accompanied. The right hon. Gentleman seemed to think that my noble Friend at the head of the Government was guilty of great inconsistency in stating, that although the principles of the measure submitted for a second reading yesterday had been seriously considered by the Government before being brought under discussion in this House, yet, after the debate that had taken place, in which such a variety of opinions were expressed and so many particular cases were quoted, it would be advisable to refer a part of the question to a Select Committee. Now, Sir, I, for one, really see no inconsistency in that assertion. Is there the least ground for saying that this measure has been taken up crudely or hastily by the Government? What are the facts of the case? In the first place a Commission was appointed to inquire into this subject; and no man, whether he agrees with or differs from the Report of the Commissioners, will dispute that they were men whose character and ability fitted them to conduct such an investigation. Therefore, the Government did not undertake to deal with this question until it had been duly examined. I will ask, likewise, is the subject a new one to this House? Why, the very grievances that we are now considering have year after year been pressed on the attention of the House and the Government; and when it fell to my lot several years ago to propose the repeal of the Navigation Laws, I was repeatedly taunted for not coupling that great change with a subsidiary measure like the present, doing justice to the shipping interest. And it is, in fact, in redemption—a tardy redemption, I admit—of the pledges then given by me and other Ministers on that subject, that the Government introduced the Bill before the House. To say, therefore, that this measure, based on the principles which have received the sanction of the Government, is one which it was improper for them to lay before Parliament is a statement so extraordinary that I was astonished to hear the right hon. Gentleman make it. In what position do we now stand? I do not wish to speak with levity of the objections that have been urged even to the principle of this Bill by hon. Members of great authority in this House. I differ widely from the opinions expressed yesterday by those hon. Gentlemen as to the tenure on which town dues and other property of that description are held by local corporations. Yet I readily allow that that is a subject on which men may honestly differ, and one which may require very mature consideration from this House. We are opposed on the principle of our Bill by many independent Members sitting on both sides of the House, combined with whom there are also arrayed against us those other hon. Gentlemen who represent the various seaports of this country. The latter class of Members are of course perfectly justified in speaking the sentiments of their constituents, yet, on such a question as this, it is obvious that some deduction may fairly be made from the weight otherwise due to their opinions. Anybody who has had any experience of the business of this House knows what infinite difficulties beset any department of the Government which merely seeks to benefit and do justice to the whole community by measures which, perhaps, incidentally affect the interests of some particular class. This source of embarrassment is no new story. When the head of one of the strongest Governments which England ever possessed—Oliver Cromwell—at the height of his power, attempted to pass certain measures of law reform interfering with the interests of that important body, the legal profession, he was compelled reluctantly to throw up his project, bitterly exclaiming, "I find that the sons of Zeruiah are too strong for me." I have thought it right to make these remarks because I believe that the House will think they detract a little from the song of triumph which the right hon. Gentleman deemed it consistent with his usual good taste to indulge in on this occasion. He has launched also into a variety of irrelevant topics on which it is hardly necessary that I should follow him at present. For example, he says, "See what a forbearing Opposition the Government have had to meet." I am afraid, from the disposition now manifested by the right hon. Gentleman, that the exercise of his forbearance must have cost him a great deal; and no doubt he feels much happier for the relief which he has given himself this evening. I, however, can assure the right hon. Gentleman on the part of Her Majesty's Government, that we ask for no forbearance. If hon. Gentlemen opposite, as Members of the British Parliament, having a serious responsibility resting upon them, conceive at any time that such is the critical state of public affairs that they would not be justified in obstructing or thwarting the Government in an unnecessary manner, no doubt they will refrain, upon public grounds, from factiously pursuing a course inconsistent with the interests of the country. But, then, the Government will be under no particular obligation to them on that account. Some insinuations, however, have been thrown out by the right hon. Gentleman which I cannot allow to pass altogether unnoticed. The right hon. Gentleman has thought proper to assail my right hon. Friend near me (Sir C. Wood). He says, "Why, look at the forbearance we have shown towards the blunders of the First Lord of the Admiralty." Now, Sir, I should like to know to what blunders the right hon. Gentleman refers. Instead of dealing in this vague railing, why does not the right hon. Gentleman bring forward a specific Motion, and tell the House distinctly what has been the maladministration of the First Lord of the Admiralty? I do not mean to claim all the credit for what has been done for my right hon. Friend; our predecessors, and especially the right hon. Baronet the Member for Carlisle (Sir J. Graham), are entitled to participate in it, but I believe that, owing to the ability and unwearied industry of my right hon. Friend in the discharge of his official duties, a British fleet such as never before rode the ocean has been equipped under his administration of the Admiralty. And if, as I heartily pray may not be the case, our present hopes of peace should be disappointed, I believe it will be found that England has now at her disposal a weapon which will enable her triumphantly to protect her interests and vindicate her honour—a weapon, let me add, which will greatly enhance her influence in negotiation as well as prove a most effectual instrument for the prosecution of war, should further warfare unhappily be necessary. The right hon. Gentleman also dragged into this discussion the subject of the Wensleydale life peerage as a kind of make-weight. I know not if that question is to be brought before this House; but, at all events, I will not now trouble the House with any observations upon it. Indeed, I have to beg pardon of the House for trespassing on its attention as long as I already have done, but I really could not permit the most unprovoked attack of the right hon. Gentleman opposite to pass wholly without comment.

Mr. HEADLAM said, that as one of that class of Members who had been particularly alluded to by the right hon. Gentleman who had just sat down, he wished to observe that, even if he had had no connection with the shipping interest, his opposition to this measure would have been equally as decided as it now was. He must, therefore, express his satisfaction at the course that had been adopted that night by the Government. Indeed, he only regretted that that course had not been taken at an earlier period, and before such principles as those embodied in the Bill had been enunciated in that House. A measure, however, dealing with the question of passing tolls, if judiciously framed, would confer a great boon on the shipping interests, and would most probably meet with the concurrence of both sides of the House. He begged to say, as the representative of a seaport, that his constituents were perfectly prepared to submit their case to a Select Committee. He was willing to admit that the strict maintenance of the present law might be attended with some hardships and inconveniences, but he thought it would not be difficult to devise a scheme that would be fair and just towards the holders of the description of property which would be affected by the Bill, while it would obviate the complaints urged against the present operation of the law.

Mr. HADFIELD said, he was of opinion that some benefit had arisen from the discussions which had taken place on this subject. The people had learnt that, by virtue of old documents for which a few shillings were given some centuries ago, dues which were charged upon the earnings of their hard labour were levied and appropriated by the town of Liverpool to the amount of £125,000 a year. He thought, also, that the discussion might not be without its effect upon the corporation of Liverpool, who must remember that there were other outports which were as easily accessible, and where cargoes might be discharged upon more reasonable terms.

Amendment and Motion, by leave, *withdrawn.*

Order for Second Reading *discharged.*

Bill *withdrawn.*

CHARITABLE USES BILL.

Order for Third Reading read.

Bill read 3°.

MR. WIGRAM said, he must complain of the manner in which the Bill was drawn up. He considered that there was a great necessity for amending Clause 2, which swept away some of those safeguards which the Statute of *Geo.* II. provided against the exercise of undue influence in the execution of deeds of conveyance in mortmain. The necessity of the attestation of two witnesses, and of the proper enrolment of such deeds, he thought ought to be enforced. He would therefore move the insertion of certain words into the clause, with the view of rendering the measure more effective.

MR. ATHERTON said, he objected to the Amendment, on the ground that it would, if carried, render the measure a failure in its application to a great number of deeds and instruments already executed. He was of opinion that the Bill provided ample safeguards, one of which was, that the period of twelve months should have elapsed between the execution of the deed and the death of the donor.

MR. HENLEY said, it was most inconvenient to have a Statute in full force, and to be asking continually for Acts to remedy the imperfections contained therein. All the precautionary measures hitherto gathered around those transactions were by the present Bill thrown away. A person might have been influenced to put his name to an instrument which he knew at the time was valueless. Such instrument might be kept back for a considerable time, until a Bill such as this was made law, which would at once cure all the defects in the deed. He thought it would be much better to consider the whole working of the law on the subject, rather than adopt the present Bill. He was in favour of the Amendment.

MR. HADFIELD said, he should support the clause. Many mistakes had been committed in the Mortmain Act simply on account of carelessness, and he hoped that in the present Bill such a reproach would be avoided.

THE SOLICITOR GENERAL said, he must remind hon. Members that the Bill had been introduced into the House last Session, that it had been fully discussed, and that its principle was then very fully admitted. The Mortmain Act prescribed certain solemnities, some of which were of an important character, while others were merely formal. The present measure only interfered with the latter. He considered that it was a matter of great public utility that the clause as it stood should be retained.

MR. MALINS said, he concurred in the opinion that it was quite desirable to remove certain restrictions; but he regretted that the hon. and learned Gentleman (Mr. Atherton) did not make his clause prospective.

Amendment *withdrawn.*

Clause *agreed to.*

Bill *passed.*

COURT OF CHANCERY (IRELAND) BILL.

MR. J? D. FITZGERALD said, he would now move that the following names form the Select Committee on the above Bill—namely, Mr. Solicitor General for Ireland, Sir James Graham, Mr. Edward Ellice, Mr. Henley, Mr. Walpole, Mr. Keogh, and Viscount Monck.

Motion *agreed to.*

On the name of Mr. Cairns being put by the Speaker,

MR. GROGAN said, he should propose, as an Amendment, the name of Mr. Napier instead of Mr. Cairns, as he believed the latter hon. and learned Member would prefer being relieved from the duty of acting as a Member of the Committee.

Amendment *agreed to;* and the name of Mr. Napier inserted in the place of Mr. Cairns.

The following Members were then appointed:—Mr. Macartney, Mr. Henry Herbert, Mr. William Fitzgerald, and Mr. Whiteside.

Motion made, and Question proposed, "That Mr. De Vere be one other Member of the said Committee."

Mr. SEYMOUR FITZGERALD said, he proposed to insert the name of Sir FitzRoy Kelly instead. He had no feeling against Mr. De Vere, whose impartiality and ability he was most willing to acknowledge. But the subject of inquiry was one of considerable importance, and required men of great experience and knowledge of the law to investigate it. He could not avoid remarking that of the Members nominated to serve on the Committee, nine were selected from the Ministerial side, and only six from the other side of the House. From the active part taken by the hon. and learned Member for East Suffolk in all questions relating to legal reform, and from his thorough knowledge of the practice of the Court of Chancery, he thought that it was most desirable he should be appointed a Member of the Committee. As he viewed this question as an Imperial one, affecting England as well as Ireland, he could not see how any objection could be raised against his proposition.

Amendment proposed, to leave out the name of " Mr. De Vere " and to insert the name of " Sir FitzRoy Kelly," instead thereof.

Mr. J. D. FITZGERALD said, he had endeavoured to form the Committee so as to secure the best assistance from all parts of the House, without the majority being lawyers. He had proposed, therefore, that there should be seven lawyers, and of the remaining eight Members that three should be Irish country gentlemen; but the effect of the Motion of the hon. and learned Member would be to add the name of an hon. and learned Gentleman who was certainly a very eminent member of the profession, and by striking out the name of one of the three country gentlemen, to make the lawyers compose the majority. His sole anxiety was to secure upon the Committee the services of persons who understood the subject, and there was not a gentleman upon it who more thoroughly understood it, or had devoted more time to its consideration, than Mr. De Vere.

Mr. WHITESIDE said, it would be most useful to have upon the Committee a member of the English bar, who would be able to explain to it the valuable effects of the reforms which had already been accomplished in this country under the Report, for which they were mainly indebted to his right hon. Friend (Mr. Henley), and the right hon. Baronet the Member for Carlisle (Sir J. Graham). His hon. and learned Friend (Sir F. Kelly) had informed him (Mr. Whiteside) that it was not his intention to go circuit, that he would therefore be disengaged, and that he would attend the sittings of the Committee if he could; and he put it to the House whether anything could be more reasonable than to put upon the Committee a Gentleman who was so peculiarly fitted to give advice and assistance on the question.

Colonel DUNNE said, he did not think the Committee was constituted fairly, and he was sure it would not satisfy the people who were most concerned in the question —he meant the people of Ireland. He should not like to remove the name of Mr. De Vere, but he could not imagine why some of the names were proposed, unless it was that the views of the hon. Gentlemen were known to be in accordance with those of the Government.

Question, " That the name of Mr. De Vere stand part of the Question," put, and *agreed to.*

Mr. De Vere to be one other Member of the said Committee.

Motion made, and Question put, " That Sir Erskine Perry be one other Member of the said Committee."

The House *divided :*—Ayes 128 ; Noes 69 : Majority 59.

On the Motion that Mr. Kirk be a Member of the Committee,

Mr. WHITESIDE said, he must contend, without meaning any personal disrespect to that hon. Gentleman, that in reference to such a question as that of Chancery reform, his hon. and learned Friend (Sir F. Kelly) was much more fitted to give the Committee useful information and assistance than the hon. Member for Newry. He held that there ought to be a practising member of the English bar upon the Committee, and he confessed that he should be greatly astonished if the House negatived the Amendment which he now made, that the hon. and learned Member for East Suffolk (Sir F. Kelly) be substituted for Mr. Kirk.

Mr. J. D. FITZGERALD said, he had proposed the name of the hon. Member for Newry because he was not alone an extensive merchant, but an intelligent man, and the representative of a very large district and class in the north of Ireland whose interests would have to be considered in connection with the questions that would come before the Committee. With regard to the hon. and learned Member for East

Suffolk (Sir F. Kelly), he was perfectly disposed to add that hon. and learned Gentleman, and also the Solicitor General for England, to the Committee, if either of them could give his attendance.

MR. WHITESIDE said, he had mentioned that Sir Fitzroy Kelly would attend on the Committee if appointed one of its Members.

SIR GEORGE GREY said, that there could be no objection to placing the two Gentlemen mentioned by the hon. and learned Member for Enniskillen on the Committee, but that a notice to that effect should be given by him.

MR. DISRAELI said, he thought the proposition of Government a fair one.

The name of Mr. Kirk was then *agreed to.*

ST. JAMES'S PARK.

Select Committee *nominated.*

MR. HINDLEY said, he must again complain that the Motion was pressed forward with such indecent haste that Members had not time to examine the list, and move other names if they desired to do so. He objected to the cutting up of the ornamental garden of St. James's Park, which he regarded as the greatest beauty the metropolis possessed. He should as soon have thought that the Government would have proposed to pull down Westminster Abbey as to interfere with St. James's Park, by carrying a road though the centre of the plantation and erecting a bridge over the ornamental water. He was told there was a bridge across the Serpentine, and that it did not injure the appearance of the park. But there was plenty of space in Hyde Park, while St. James's Park was already much too small for its purpose, and the great beauty of that park was, that the landscape gardener who had laid it out had managed to make so much out of so little. He had been anxious to move an instruction to the Committee that they should not entertain any plan that would interfere with the ornamental garden, but he had been prevented by the late hour at which the question was brought on, and the haste with which it was pressed to a decision. It was open to him now, he was aware, to meet the present Motion with a direct negative, but he would not do that, preferring to throw the responsibility upon the shoulders of the Committee and the Government of maintaining the ornamental garden in its present state.

SIR BENJAMIN HALL, in reply to a question from Sir Henry Willoughby, stated that one plan which had been laid upon the table, and would be referred to the Committee, was for a road from the western end of Pall Mall through Lord Sydney's house, taking a portion of Lord Ellesmere's grounds, and passing on by the north-west side of the canal to Buckingham Gate. That plan would be submitted to the Committee, with every other plan that had been proposed.

COLONEL GREVILLE said, he understood that the duty of the Committee would be to consider the best mode of communication between the north and south sides of the park.

SIR BENJAMIN HALL said, that the inquiry of the Committee would undoubtedly be what were the best means of communication generally. He apprehended that that would be very easily decided, and that the Report would be presented in the course of a very few days.

Motion *agreed to.*

The House adjourned at a quarter after Seven o'clock.

HOUSE OF COMMONS,

Wednesday, February 27, 1856.

MINUTES.] PUBLIC BILLS.—2° Justices of Peace Qualification; Annuities; Consolidated Fund (£1,631,005 1s. 5*d.*); Exchequer Bills Funding.

CONTRACTORS DISQUALIFICATION REMOVAL BILL.

Order for Second Reading read.

MR. MITCHELL said, he wished to make a few observations on the reasons which induced him in the first instance to bring forward this Bill, and on those which now induced him to withdraw it. In the first place, he must observe, that supposing a check on political favouritism towards contractors to be required, he did not think the check which he had proposed to repeal was the proper one; he held that the proper check was the constitutional responsibility of both Ministers and Members, and not a system of penalties. The existing check was notoriously evaded, and any man having a contract with the Government who desired to obtain a seat in Parliament might with the utmost facility get over the difficulty by transferring the contract to persons with whom he was connected. A case in point was that of the late Mr. Soames, who being one of the largest shipping contractors in the country, and being anxious to enter Parliament, transferred his contracts to his nephew. Another reason why he proposed this Bill was, that he considered the present prohibition very unjust towards the mercantile body. He did not see why a Member of Parliament should be excluded from the field of fair competition. The third and main ground was, that he thought the present system detrimental to the public service, inasmuch as it narrowed the field of competition as regarded articles required by the Government. Entertaining those opinions, however, he withdrew the Bill—first, because he found that there was a strong prejudice in the House against it, and because he thought that, by pressing it forward at that moment, he would prejudge the question. He hoped that when the House had bestowed further consideration on the subject, and when the question was brought forward, as he trusted it would be, by some one of greater weight than himself, the attempt at legislation would be attended with a different result. His second ground for withdrawing the Bill was, that his hon. Friend the Member for Stoke-on-Trent (Mr. J. L. Ricardo) had given notice of his intention to move for a Committee of Inquiry into the whole system of contracts. He would only say, in conclusion, that having watched the proceedings of the Admiralty for about twenty years, he had never seen in them the slightest trace of political favouritism. He should therefore move that the order for the second reading be discharged.

Mr. T. DUNCOMBE said, he would second the Motion for the discharge of the order with the utmost cordiality. He had intended, if the Bill had been brought forward, to have moved that it be read a second time that day six months. It afforded him great pleasure to find that the Bill was to be withdrawn. So long as it was got rid of, it did not matter how or what was the reason given. The Bill it proposed to repeal had been passed in 1783, after a great struggle; it had been passed by an unreformed Parliament, and if a reformed Parliament thought proper to repeal it, he, for one, should prefer the unreformed Parliament. It had been passed at a time when Fox, Whitbread, and other great men of the day had stood forward as the champions of the measure. The same Parliament which passed the Contractors Bill passed also the Bill for the disqualification of revenue officers. Yet that was in days when the landed interest was in the ascendant; when the great commercial interests, the great commercial towns of Birmingham, Manchester, and Sheffield, were not represented in Parliament. The case, however, at the present time was altered, and, of the two, the commercial interest was in the ascendant in Parliament. Now he thought, that though they might be a free-trade Parliament, they ought not to be a free jobbing Parliament. But where the counting-house was in the ascendant, it struck him that speculation would not be in abeyance; and surely, if it was not in abeyance, it would be much assisted and fostered by the recognition and countenance of Government. For the sake, then, of the public, and for the sake of Government themselves, he would deprecate any change in the law. Men holding contracts, if in Parliament, who might be unable to finish their contracts by a specified day, would come to the Government, demanding only a few days' delay, and if that request was refused them, they would tell the Government—"Here we are, dragged through the mire, night after night, in your service, and yet you refuse us the smallest favour."

Mr. WALPOLE said, he quite concurred in the observations of the hon. Gentleman who had just sat down. It would never do for that House, while it was endeavouring to solve the difficult question of getting rid of the corrupt influences exercised upon electors, to enact a law abolishing a check upon corrupt influences that might be exercised upon the elected. Unless the House of Commons kept itself perfectly free, not only from corruption, but from every suspicion of corruption, it would sacrifice its independence and in a great measure lose its utility. There was one point, however, to which he wished to call the attention of the Government. The subject had been brought forward in consequence of what took place last Session, in reference to a particular species of Government contracts—namely, loan contracts. The hon. Member for Finsbury (Mr. T. Duncombe) was a member of that Committee, which arrived, although not unanimously, at the conclusion that engagements for loans to the Government did not come within the statute of George III. The Government, however, would remember that their own Attorney General, and, he believed, his hon. and learned Friend the Member for Stamford (Sir F. Thesiger) took a different view of the subject, and as the Government were now actually contracting a new loan, he thought it would be right and proper for the Chancellor of the Exchequer to bring in a declaratory and enacting Bill to decide the doubt, by providing that contracts for loans made to Government were not, while open to public competition, within the provisions of the statute of George III. He was as eager as the hon. Member for Finsbury that the law with respect to all other species of contracts should remain in its present condition, but he would beg to press upon the Government the expediency of introducing a measure such as he had suggested with regard to that particular species of contracts.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I am glad that my hon. Friend the Member for Bridport has, in the exercise of his discretion, withdrawn the Bill, as I came down to the House prepared to vote against the second reading in the event of its being pressed to a division. I quite concur with my right hon. Friend opposite (Mr. Walpole) in the opinion that it is not desirable to make any alteration in the existing law with regard to contracts between public departments and contractors for the supply of goods, or the rendering of different sorts of services to the Government. Those contracts are entered into by the simple authority of the different departments, such as the Admiralty, the War Department, or the Stationery Office; no Resolutions with respect to them are submitted to Parliament, and the departments have power to vary their terms after they have been entered into, and to grant indulgences to the contractors while they are pending. The departments have, therefore, the unquestionable power, if they are disposed to use it, of influencing the conduct of the contractors—and I think that Parliament, in 1783, exercised a wise discretion in passing a measure imposing that disability upon contractors which the hon. Gentleman, by his Bill, proposed to repeal. The provisions of the Act of 1783 are liable to two objections—one is, that the law is often rendered inoperative by being evaded by persons who, although they are Members of this House, hold contracts, but execute them in the name of a partner or some other individual; the other is, that a person sometimes inadvertently enters into a contract while a Member of this House without considering the effect it will have, and forfeits his seat unknowingly. I admit that each of these objections has a certain degree of force; nevertheless, they apply equally to almost all penal Acts. Almost all those Acts admit of evasions, and are occasionally applied to persons who are not aware of their existence; but if objections of this sort were allowed to prevail against them, our criminal code would be reduced to a very small shred. It does not, therefore, appear to me that there are any sufficient reasons for overthrowing the policy with regard to the disqualification of contractors which has been adhered to since 1783. My right hon. Friend (Mr. Walpole) adverted to that part of the Act which relates to loan contracts. Now the Committee which sat last Session investigated very fully the law of that subject and its history, but not its policy, and I confess that anything more perplexing than the history of that law it never fell to my lot to examine. The proceedings that took place when the Act was under discussion, and the manner in which it has been acted upon, render it extremely difficult to arrive at the intention of the Legislature with respect to loan contractors; but one thing, however, is undoubted—the subject received great attention at the time, as it was taken up by the Whigs as a sort of party trial at the end of the American war. The Act has been well known to Parliament, to the Executive Government, and to all persons likely to take contracts for loans; and, from the date of its passing to the present time, it is well known that Members of Parliament have entered into engagements in a variety of loans, without any attempt being made to apply it to them. No one until last Session ever raised the question of its applicability. The conclusion to be derived from all this appears to me, although not particularly obvious, to be very simple. It was seen from the beginning that a contract for a loan was of a totally different nature, both as respects the law of the case and the character and essence of the contract, from a contract entered into for the supply of articles or the rendering of services to a public department. A loan contractor is merely a go-between, not a contractor, in respect of the nation represented by Parliament on the one hand, and certain persons who wish to purchase perpetual annuities on the other. The national faith with regard to perpetual annuities is engaged by the Act of Parliament, but Parliament delegates no power of pledging it to the Executive Government. Nevertheless, it is impossible for Parliament to make a contract with the public for a loan without a preliminary proceeding. A proposition by an individual Member of this House to make a loan must end in nothing, for he would be unable to say, "I am in a condition to prove that there are persons who will enter into the contract with you upon certain terms." In order, therefore, that there may be some basis upon which to found the action of Parliament, it is necessary that a preliminary proceeding should take place, and Parliament wisely —I may almost say, necessarily—has intrusted the Executive Government with the power of entering into preliminary negotiations for the purpose of ascertaining that there are persons ready to lend a large sum of money to the public upon certain terms. Now, this is, in effect, nearly all that is done at the meeting at the Treasury between the First Lord and the Chancellor of the Exchequer and certain capitalists from the city. The parties agree upon certain terms, which are then submitted to Parliament for approbation and ratification; if Parliament think that this preliminary engagement, made with certain contractors, representing a large number of subscribers, consists of terms favourable to the public, they ratify it, while if, on the other hand, they think the terms are unfavourable, they repudiate it. This is the nature of the transaction which is laid before the House in the shape of Resolutions. If the House agree to those Resolutions a Bill founded on them is introduced, defining in precise terms the engagement into which the public enters, and to which subscribers to the loan bind themselves. Thus, the contract entered into upon the public and national faith is embodied in an Act of Parliament, and the Executive Government have no power of varying the terms of that contract. They can grant no favour to any individual subscriber; they cannot place one person in a more favourable position than another. They are as much bound by the terms of the Act as any one of the public, and, therefore, with regard to contracts of this class, no question of corruption can arise. As far as I am able to understand the subject, the decision of the Committee of last Session is well founded in point of law, but, admitting that there is a doubt as to the interpretation of the words of the Act, which are not very clear, there can be no doubt as to the question of policy, or as to the entire distinction in essence and in character between contracts for loans and contracts for the supply of coal, timber, and other articles to public departments. My right hon. Friend opposite suggested that, as the question of law is not quite clear, it might be desirable to bring in a Bill declaring and enacting that loan contractors are not subject to the penalties of the Act of 1783. It appears to me, however, that the decision of the Committee of last Session is founded upon very strong reasons, and I should be much inclined to allow the case to rest on that decision, and not to attempt further legislation. But, looking at the authority of the advice of my right hon. Friend, who presided over the Committee, and who is a thorough master of the subject, the question shall receive my most careful consideration, although I hope he will excuse me from giving him a definite answer with respect to it at present. I have only to add that the opinion I have now expressed agrees exactly with that which has been expressed by my hon. and learned Friend the Solicitor General, who was also a Member of the Committee.

Mr. NAPIER said, that as a Member of the Committee which sat last year on this subject, he had no hesitation in declaring that his opinion quite accorded with the decision of the majority, although, in consequence of his having to proceed to Dublin, he had been obliged to content himself with putting his views on paper. He held that the negotiation of the Government with the contractors was entirely a preliminary proceeding, as the whole thing, after the conclusion of the contract, came under the review of Parliament. There could, however, be no doubt that the opinions of highly competent persons did not coincide in that view; and, therefore, he thought the introduction of a declaratory Bill was highly desirable, as making that perfectly conclusive which seemed to him to accord with the spirit of the law.

Mr. HADFIELD said, that there was another question, though of small character, which he considered required the attention of Her Majesty's Government. At present the Government often required sureties for certain individuals in its employment. Now, who would be surety in such a case? The moment any person became surety to the Crown, he was recorded in the public courts as a Crown debtor, and could no longer sell a yard of his land. Why not alter the law, so that persons might be security without being recorded as Crown debtors, and unable to sell their land? That state of the law prevented the Government, in many cases, from obtaining the best securities.

MR. HENLEY said, he was very glad the Bill had been withdrawn. He gathered from what had fallen from his right hon. Friend (Mr. Walpole) and the right hon. Baronet the Chancellor of the Exchequer that it was their opinion that persons contracting for a loan of money were exempted from the provisions of the present law relating to contractors, but at the same time it was also desirable to make the law on that point more clear. Whenever any Bill for such a purpose should be introduced the whole question would of course come under discussion, but in the meantime he must say that he did not recognise the distinction so elaborately drawn by the Chancellor of the Exchequer, who said that whatever took place between himself and the loan contractor was provisional and conditional on the assent of Parliament. That might be true technically, but in practice the Parliament invariably confirmed the bargain made by the Chancellor of the Exchequer. The right hon. Gentleman went on to draw distinctions of two kinds between the different cases. He laid down, with regard to ordinary contracts, that there might be variations in the making of a bargain, or in varying the conditions subsequently; while with regard to a loan such a condition was impossible, as all the terms were settled by Act of Parliament. But the right hon. Gentleman had not ventured to say that favouritism in issuing the bargain might not be possible. Now, it appeared to him, for instance, to involve quite as much corruption on the part of the Government to allow the minimum price of Consols which they were willing to offer to leak out previous to the contracting of a loan, as if they offered one contractor a higher price for his goods than another. He rose, therefore, to express a hope that, if the law was not to remain as it was, but was to be made more clear and intelligible, tthey should not be precluded on the occasion from sifting the whole principle at stake. He had some recollection of the old loans made in the days of the Goldsmids, and he well remembered how, upon the occasion of the terms of one loan proving unfortunate, that family was placed in a most painful position through not being able for a long time to get discharged from their obligation by the Government of the day. With regard to the statement, that the arrangement between the Chancellor of the Exchequer and the loan contractor was only provisional, previous to its sanction by Parliament, he would observe that he was inclined to think that the persons making the bargain were responsible to the Crown for the whole loan.

THE CHANCELLOR OF THE EXCHEQUER intimated dissent.

MR. NEWDEGATE said, he was opposed to the introduction of a declaratory or enacting measure on this question, for he thought a special enactment would have the effect of diminishing the force of the precedent established by the decision of the Committee of last year. It seemed to him that the precedent, relating, as it did, to the privileges of the House and to its special functions, supplied a better safeguard than any declaratory Act of Parliament; for as soon as ever the law was issued disputes might arise as to its interpretation, besides which they would run the risk of having to enact in the case of each loan a separate declaratory Act for the regulation of that loan.

Order for Second Reading *discharged;* Bill *withdrawn.*

JUSTICES OF THE PEACE QUALIFICATION BILL.

Order for Second Reading read.

MR. COLVILE, in moving the second reading of this Bill, said, that the alterations which he proposed to make in the existing law were very small ones. He was not seeking to repeal any existing qualification, save one, and that was the qualification by reversion. That exception had been suggested by a right hon. Friend of his, and he thought with great justice, for if a money qualification was supposed to have any merit, it certainly could not attach to a person who merely held a reversionary interest in property. According to the present law all justices of the peace were required to possess £100 a year in land; he proposed to extend the right to persons holding £300 a year in personal property, or to the holders of office under the Government or the East India Company with salaries to that amount. He thought that thereby a class of persons eminently fittted by their previous habits as well as acquirements to fulfil the duties of magistrates, would be open for selection to the office of justice of the peace. There were four Acts of Parliament—three of them being obselete—which he proposed to repeal, the surviving Act being the 18

Geo. II. cap. 20. And his object here was to embody all the Acts relating to justices of the peace in one Statute. With the same view, therefore, he would repeal two sections of two other Acts—namely, that which disqualified attorneys and solicitors in England and Wales from acting as magistrates, and also that giving to County Court Judges the right of acting as *ex officio* magistrates. The only further extension which he proposed was, to render eligible for the commission of the peace the eldest sons of all persons qualified to sit as Members of Parliament—the provision to embrace the new law of Victoria; whereas at present it only extended to the law of Anne. In thus extending the qualification for the magistracy from landed to personal property he was only copying the example many years ago set by Parliament in recognising the possession of personalty as a sufficient qualification for a seat in that House. In no instance had that alteration of the law been found to work badly; and certainly the class of representatives at present were not less respectable than they used to be. And should the House consent to adopt the alteration of the law relative to the magistracy which he now ventured to suggest, he had no doubt but that it would work equally successfully as the change relative to the constitution of the House of Commons. It should be borne in mind that, under the present law, persons not possessing an acre of land contrived by a sort of *hocus pocus*—by getting a rent-charge of £100 from a friend, or by some other means—to procure a qualification for the commission of the peace. He thought it would be more creditable to magistrates to have, instead of such sham qualifications, a real qualification from personal property. If it should be objected that under his Bill persons not contributing to the county rates might be justices and have a voice in the disposal of the county revenue, he would observe that that was the case to a certain extent at present, as a justice in one county might have his qualification in another.

Mr. DEEDES said, he was sorry he could not give his unqualified approbation to the Bill, and that regret was heightened from having seen the names on the back of it. One of those names was that of the right hon. Member for Dorsetshire (Mr. Bankes), upon whose judgment he placed the greatest reliance. The object of the Bill was to substitute personal for property qualification. He was aware that in many parts of the country there was some difficulty in obtaining magistrates, but he thought that the extension of the qualification to personal property was likely to be productive of greater evil than had existed under the present system. Magistrates who were obliged to qualify by landed property were much more likely to discharge the duties of their office with greater satisfaction to the public than those who had been appointed upon the qualification of some situation yielding £300 a year, who might be, in other respects, strangers to the locality, and who had no knowledge of the district. The Bill, instead of giving facilities to lords lieutenant to supply the wants of districts by the appointment of magistrates, would increase their difficulties by the pressure it would put upon them by candidates for the commission of the peace. When this Bill was brought forward last year it proceeded to a certain stage and was then withdrawn, with the view of extending it to Ireland. The representatives of Ireland, however, objected to such a proceeding, and the measure was not pressed. Now, if it were good for England he did not see why it would not be equally good for Ireland. If the measure should ever reach Committee, he would certainly feel it his duty to press for some very great alteration in it before he could assent to its passing into a law.

Sir GEORGE GREY said, the Bill now before the House was introduced for the purpose of substituting personal for property qualification to the office of justice of the peace. Last year he had not opposed the second reading of a similar Bill, and he proposed to take the same course this year. He thought that many of the clauses would be productive of good. It had been objected that the qualification ought to depend on personal property, as it was personal property that now paid rates and taxes. But even now persons might vote in respect of rates and taxes who had very little interest in those rates and taxes. The same objection as to the appointment of persons to the magistracy who would, perhaps, be strangers to the district in which they would have to discharge their duties, would equally apply to the present system, for the property from which they were qualified might be situated in a different district altogether. Such persons, therefore, might have by law no interest whatever in the funds of which they would have the administration as justices of the peace. There was, however, a salutary check to any abuse in the hands of the lord lieutenant, who, no doubt, would hesitate to appoint any gentlemen to the magistracy but such as had a direct interest in the county where they were to exercise their functions. In that respect he confessed he did not think that the proposed alteration in the law would work badly. It was, however, doubtful to him whether a mere qualification of £300 arising out of a salary should be held sufficient. He would offer no objection to the main principles of the Bill, reserving to himself the liberty of proposing some alterations in Committee.

Mr. VANSITTART said, he objected to the principle of the measure, which was, in his opinion, altogether subversive of the representative system hitherto generally recognised in all their institutions. As regarded his own county (Berkshire), he believed that the appointment of persons to the magistracy who had no property nor any direct interest in the district, would create the greatest possible annoyance and heartburnings amongst the ratepayers. He thought that the present subject ought to be considered in connection with the establishment of the rural police, as the one was more or less dependent on the other. Although he admitted that in some instances the lords lieutenant exercised their power in a reckless manner, nevertheless he contended that, generally speaking, they made most just and judicious appointments to the magistracy. He also objected to a measure of this kind being introduced by a private Member and not by the Government. If the Bill passed, a lord lieutenant might appoint any number of persons he pleased to the magistracy, who, though utter strangers to the district, would have the administration of the ratepayers' money without a proper control.

Mr. KER SEYMER said, he must declare himself in favour of the principle of the Bill. No measure that could be brought forward but would be open to some objection. The question here was, whether the advantages of the present meaasure did not outweigh any disadvantages that might be supposed to arise from it. He was decidedly of opinion that it would effect a great improvement in the present system. No doubt the Bill gave additional power to lords lieutenant to appoint improper persons, but they could equally do so at present. The check was in public opinion over the lords lieutenant. Persons who opposed the Bill were not aware of the difficulty of finding magistrates in some districts. Objections were raised to clerical magistrates, but very often no other were to be had. We were a travelling people—magistrates were travellers all over Europe—and in certain seasons were not to be found in their respective districts. In his own experience he knew an instance where in one of two consecutive petty sessions no magistrate attended, and in the next only one. It had been said that the lords lieutenant might appoint further magistrates when necessary, but it was not stated by what means it was proposed to carry out that proceeding. With reference to what had been said by the right hon. Baronet the Home Secretary as to the unfitness of East India officers for the position of justices of the peace, he could only say that he knew many of those officers, and he had every reason to believe that they would be perfectly fitted to discharge such duties.

Mr. BASS said, he thought that the Bill would give great scope to the appointment of proper persons. He could confirm from his own experience the statement that had been made as to the want of magistrates in certain districts. His chief objection to the measure lay in its exclusion clauses. By the proposed Bill, attorneys and solicitors were prohibited from acting as justices of the peace. They were a most valuable class of men, and he could see no reason for their prohibition. It was well known that they were not precluded from acting as justices of the peace for boroughs, and he found it difficult to conceive why that which was good for the boroughs should not be equally good for the county. He admitted that attorneys practising at quarter sessions should not be allowed to sit on the bench at sessions. But as regarded the numerous class of attorneys and solicitors not practising at quarter sessions he could see no reason whatever for their disqualification.

Mr. RICE said, that while admitting the policy of appointing such professional gentlemen to the magistracy, he certainly thought that they should be disqualified from practising at petty or quarter sessions.

Mr. HADFIELD said, he did not see why attorneys and solicitors should be excluded from the magistracy, but he would not permit them to practise in the courts in which they acted as magistrates. The profession of a solicitor eminently qualified him for the discharge of judicial duties, and he could see no valid reason why they should be excluded.

Mr. BANKES said, he was willing to admit that the Bill would require much consideration in Committee. The duties of the magistracy were most important in every respect. The point raised as to the admission of attorneys and solicitors he considered was well worthy of attention. If that class of persons were still to be excluded from the commission of the peace, that exclusion should be based upon grounds that would cast no reflection upon such gentlemen, for it was well known that the magistrates derived the greatest assistance from those who had acquired a knowledge of the legal profession. He trusted that the House would assent to the second reading of the Bill, with a view of considering those details in Committee.

Mr. T. DUNCOMBE said, he was about to state that which would be almost high treason in him to say, seeing that he was surrounded on all sides by the "great unpaid," but, in his opinion, it was the duty of that House to insist upon a stipendiary magistracy being appointed. It was said that in some districts there were not magistrates enough. That might be so, but certainly in others, judging from the results of their doings, there were too many. In many places the unpaid magistracy were actually sitting in judgment on their own cases. They might, perchance, decide justly, but under such circumstances it was folly to expect that their decisions would give satisfaction. How much a system of stipendiary magistrates was needed in the north of England! In the manufacturing districts cases frequently occurred of disputes between masters and men, when it was considered that the decisions of the magistracy were generally influenced by interested feelings. If, however, such questions were always submitted to a stipendiary magistracy, the results would be considered much more satisfactory by the working classes. Questions arising from poaching were also left to the decisions of the "great unpaid," when it was felt that the poachers had no chance whatever of an unbiassed decision. The judgments of stipendiary magistrates would always be viewed in the light of equity and justice. On the whole he would be disposed to vote against the present Bill, as tending to increase the evil of which he complained.

Mr. W. EWART said, he viewed the Bill as far as it went as one of the requirements of the age. In Scotland no qualification at all was required, and the magistrates, as well as the representatives of that country, formed a most respectable and efficient body. He fully concurred in the suggestion for the admission of attorneys and solicitors to the magistracy as being persons peculiarly qualified to discharge the functions of such an office. He would also urge the establishment throughout the country of an officer similar to that of the sheriff in Scotland. He would give his cordial support to the Bill.

Mr. LASLETT said, he thought the only object of the House should be to obtain efficient county magistrates, and he thought solicitors well qualified, especially those who merely practised in Chancery suits, and who were possessed of large fortunes. With regard to clerical magistrates he was enabled to say, that in the districts with which he was most intimately acquainted, if clergymen were disfranchised, there would be no magistrates at all.

Mr. MUNTZ said, that there were some things very good in the Bill, while there were other things most objectionable. He had often witnessed cases in which the clerks had really acted as magistrates, and the magistrates had acted as clerks. He concurred to a certain extent with the observations made by the hon. Member for Finsbury (Mr. T. Duncombe); but there was one serious objection he thought to the appointment of a stipendiary magistracy, and that was, that it would be opposed to the great fundamental principle of our liberties—namely, our representative system. A stipendiary magistracy would also extend the centralisation system, and would inflict a blow upon the principle of local government. As to the objection raised in respect to a magistrate sitting in judgment upon a case which he was personally interested in, he (Mr. Muntz) was confident that no man having any pretensions to the character of a gentleman but would retire from the bench under such circumstances.

Bill read 2°.

ANNUITIES BILL.

Order for Second Reading read.

The CHANCELLOR of the EXCHEQUER, in moving the second reading of this Bill, said, he would take that opportunity of stating the course which he should propose to pursue in reference to the observations made on the other side of the House on the subject of the liability of contractors under this Bill. Individually, he entertained no doubt as to the rectitude of the decision arrived at by the Committee of last Session, and he should be very sorry, if the matter rested merely on his own judgment, to take any step which could be construed in any way as throwing a doubt upon that decision. Nevertheless he could not shut his eyes to the fact that some gentlemen of great weight and authority thought that the law on the question was open to great doubts. He therefore thought it desirable that some course should be taken to clear away those doubts by legislation or otherwise. He was unwilling to press the House to a decision upon the question of the liability of those contractors to incur penalties for sitting in that House. He fully admitted the force of the arguments of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), although he did not think that they fell within the meaning of the Act relating to Government contractors. The course, then, which he proposed to take was, to introduce in Committee upon the Bill an indemnity clause for the subscribers to the existing loan—a clause simply declaring that subscribers to the loan should not be liable to any penalties under the Contractors Act. Such a clause would, of course, have the effect of exonerating all those subscribers, and, at the same time, it could not be held to throw any reasonable doubt upon the decision of the Committee. It could not, therefore, reopen the question. If the House should agree to the suggestion, he would undertake to introduce a clause to the effect he had described.

Bill read 2°.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Thursday, February 28, 1856.

MINUTES.] PUBLIC BILLS.—1ª Charitable Uses. 2ª Turnpike Trusts Arrangements.
ROYAL ASSENT.—House of Commons Offices; Metropolitan Police.

LEGAL EDUCATION (IRELAND).

LORD BROUGHAM *presented* a petition from Members of the Bar of Ireland, praying that in any measure respecting Legal Education, Ireland may be treated as an integral part of the United Kingdom, and the Irish Bar placed on a footing with the Bar of England. The noble and learned Lord said that the petition was signed by sixteen Queen's Counsel and 160 other members of the bar of Ireland. The petitioners stated that they had read with great satisfaction the Report of the Commissioners appointed to take into consideration the subject of legal education, and the recommendations contained in their Report. They considered the subject to be of great importance as connected with the administration of justice in England, India, and the Colonies. They lamented that no specific reference had been made to Ireland in the Report; but he thought that omission arose from the fact that so much had been done already in Ireland for legal education under the auspices of a right hon. and learned Friend of his for whom he entertained the most profound respect—ex-Lord Chancellor Blackburne—than whom there was not a more able, more learned, or more honest and honourable man. He (Lord Brougham) spoke not merely in reference to that learned Judge's judicial integrity, for neither against him, nor, thank God, against any other Judge in the United Kingdom, could the shadow of a suspicion rest on that ground—but he spoke in reference to this, that, having long known him with admiration though mingled with regret as supporting opinions and acting on principles opposed to his own, he knew what his conduct had been officially and individually, and he knew that no shadow of a shade of suspicion had ever been cast upon his honest and honourable bearing in all the relations of public or private life. The petitioners then submitted that the claims of the Irish bar to be placed on a footing of equality with the English bar rested on the great principles of imperial and civil equality as recognised by the Union, and prayed that, in any measure in reference to legal education, Ireland should be treated as an integral part of the United Kingdom. To such a prayer he imagined no man could offer any objection. He was not conscious of any preference whatever having been given to the bar of the one country over the bar of the other in all the promotions in England, in Ireland, or in the Colonies; and the proposition that, on every principle of justice and equality, the Irish bar were entitled to the same consideration, was one which he was sure all their Lordships would admit. There might have been in former times, in different parts of the United Kingdom, objections to some judicial appointments, and to some appointments not judicial, but he was quite satisfied those objections could not justly be entertained now, with regard to judicial appointments especially, and he hoped and trusted they never would again prevail.

LORD CAMPBELL cordially concurred in every sentiment uttered by his noble and learned Friend, and in the eulogy he had pronounced on the ex-Lord Chancellor Blackburne. If it would tend to the consolidation of the Union, he should have no objection to the English Judges going the Irish circuits, and the Irish Judges the English circuits. He would just as soon be about to leave for Tipperary as for Northampton.

Petition to lie on the table.

TURNPIKE TRUSTS ARRANGEMENTS BILL.

Order of the Day for the Second Reading read.

THE EARL OF HARROWBY *moved* that the Bill be now read 2ª.

THE EARL OF DERBY expressed his astonishment that the second clause of the Bill should have been so framed as to give the Secretary of State power to interfere with trusts not only where they were insolvent, but where they were perfectly ready to meet the whole of their engagements. He trusted that the noble Earl (the Earl of Harrowby) would think it necessary to afford some explanation why the Government had proposed such a departure from the present law.

THE EARL OF HARROWBY said, the clause was intended to give facilities to arrange the debt and interest of trusts which were not insolvent, but in which trustees and creditors were agreed upon the desirability of such a proceeding. Some such cases had been brought under the notice of the Secretary of State where the parties were anxious to make some arrangements, but had no power to do so.

LORD REDESDALE said, the clause was precisely the same as one which was struck out of a Bill sent from the House of Commons at a late period of the last Session. If the creditors of a turnpike trust were ready to take less interest, there was no law to prevent them; but this Bill would enable two-thirds of the creditors to obtain the provisional order of the Secretary of State, and to bind the other third, although the trust was perfectly solvent, and capable of paying that to which the creditors were fairly entitled. He disliked the practice of introducing into Bills, the titles of which suggested mere matters of form, such powers as these, and he hoped the noble Earl would consent to the clause being struck out.

LORD ST. LEONARDS observed, that the Bill contained a clause which went to the root of all the rights of persons connected with turnpike trusts, whether those trusts were solvent or not. He hoped the noble Earl would postpone the second reading, and consider whether the objectionable clause should not be struck out.

THE LORD CHANCELLOR was surprised that his noble and learned Friend should say, that, because one clause was objectionable, therefore the Bill should not be read a second time. The noble and learned Lord must know that no alteration could be effected until they went into Committee, and a mere postponement of the second reading would attain no good result.

LORD ST. LEONARDS did not object to the second reading if the noble Earl would undertake to strike out the second clause in Committee.

THE EARL OF HARROWBY hoped the noble and learned Lord would postpone his objection until the Committee upon the Bill, and in the meantime he (the Earl of Harrowby) would consider whether the second clause should be retained.

EARL GRANVILLE thought their Lordships were adopting rather an irregular course. The House was willing to assent to the main portion of the Bill and to allow it to be read a second time. It would be better, he submitted, to defer any discussion upon particular clauses until the next stage.

Motion *agreed to;* Bill read 2ª accordingly; and *committed* to a Committee of the whole House on *Tuesday* next.

THE APPELLATE JURISDICTION OF THE HOUSE OF LORDS.

THE EARL OF DERBY: My Lords; I am quite aware that I should be chargeable with the most unpardonable presumption if it could be supposed for a single moment that the Motion which I am about to submit to your Lordships would in the least degree interfere with or prejudice that Motion of which my noble and learned Friend behind me (Lord Lyndhurst) has given notice of for a future day; and still more so, if it could be for an instant imagined that, in bringing forward this question, I was seeking to take out of the hands of my noble and learned Friend a subject upon which his authority and influence are—I will not say immeasurably superior to my own, for I have none—but which, with all deference to other noble and learned Lords in this House, I do not hesitate to say are superior to any man's, here or elsewhere, in dealing with this important question. The Committee for which I am about to move, if agreed to, so far from interfering with, will rather prepare the way for and facilitate the Motion of my noble and learned Friend, who will be in a position to deal with the question to much greater advantage after the subject shall have been considered in Committee. As I understand no opposition will be offered to my Motion, beyond the introduction of a few words proposed by the noble Lord President of the Council, I shall refrain from troubling your Lordships at any great length.

As to the appellate jurisdiction of your Lordships' House, I imagine it to be a representation of that jurisdiction which has been from the earliest times inherent in the Great Council of the Realm; and when, in process of time, various elements of that Council gradually fell away, the jurisdiction originally vested in the Great Council remained in that portion of it—the greater Barons—which now constitutes your Lordships' House. I am now speaking of the jurisdiction as to law. With regard to the jurisdiction in equity, that is of comparatively modern date, but this House has invariably exercised that jurisdiction, and ever since the memorable discussion between Lord Coke and Lord Chancellor Ellesmere, there has been no doubt but that that jurisdiction is also inherent in this House. It will, perhaps, rather shock some of your Lordships to hear me say, that, highly as I value this privilege, I do not consider its maintenance so absolutely essential for the fitting discharge of the other functions of this House as some appear to think it. I undoubtedly consider it a very high privilege and a very important one; and as regards the noble and learned Lords the law Members of this House, it unquestionably does rest on them a very high, a very important, and a very responsible jurisdiction. And even as to the House at large I am not prepared to say that that authority is not also vested in them, nor am I prepared to say that the semblance of that authority is not practically a source of power in public estimation, and one which I might regret to see the House deprived of. But of this I am quite certain, that if it were necessary to adopt an alternative between the maintenance of any privilege of the House, however important and valuable, on the one hand, and on the other a failure in the administration of justice towards any of Her Majesty's subjects, I am quite sure that not one of your Lordships would hesitate as to which alternative to adopt, but that you would all say, "Let justice be fairly and impartially administered, whatever privileges this House may be called upon to abandon." But I do not pretend to decide whether it is or is not necessary to abandon that privilege, and all the observations which I have to offer to your Lordships proceed upon the assumption that it is desirable to maintain this privilege of the House. I may be permitted, before going further, to remind your Lordships that from the earliest times not only the Peers of the realm, but also the Judges of the land and other high functionaries, were summoned by writs of summons to assist in the discussions and deliberations of this House. What part they took in those discussions and deliberations—whether they were confined to those subjects which fell specially within their provinces, or which were specially delegated to them by a majority of the House—whether, whatever the subjects they had to discuss, they were called upon to deliberate or to determine, or both, is, I believe, a matter of considerable uncertainty. That their powers have been more restricted of late may be safely inferred from the difference which I am informed by excellent authority exists in the form of the writs now issued and that of the writs of former days. The writs issued to the Judges and other high functionaries—I believe that, beside the Judges—the Attorney General and the Solicitor General alone are now summoned—have this very important variation from the writs by which your Lordships are summoned to this House. Your Lordships are called upon to assist in advising and determining, but the Judges are called upon to attend to advise and assist; but the important words "to deliberate and determine" are omitted from their writs. Therefore I should rather infer that the practice in early times was the same as the practice in modern time, and that the Judges were only summoned to advise and assist, and not to vote and determine. My Lords, how is the present tribunal practically constituted? Technically, it is supposed that all causes are heard and decided by your Lordships' House; and it is owing to that fiction of the law that a circumstance often occurs which has not a very creditable appearance, and which attaches a stigma to your Lordships' House as a court of appellate jurisdiction. The fiction that the whole House are judges in cases of appeal renders it necessary that the same number of Peers should form a quorum when the House is sitting in its judicial character as is required when assembled in its legislatorial character; the consequence is, that if there should only be one or two noble and learned Lords present, it is necessary that certain lay Lords should also be present to make up the quorum to constitute a House. But none of those noble Lords ever think of interfering with the determination of the House as a court of appeal. The practice is, for the Lord Chancellor to move that your Lordships do assent to such and such a decision; but, in truth, none of the lay Lords ever affect to give their opinion upon the question before the House, or even to pay attention to the proceedings; they regard the whole case as one in which they have no sort of duty to exercise, or on which they have any opinion to pronounce. Whether the judicial character of your Lordships' House should be relieved of that appearance of impropriety I shall say a few words before I sit down. But, practically, the lay Lords are rather like the lay figures introduced into the painter's *studio* for the purpose of completing the judicial canvas, but they do not perform their parts in adding any grace or force to the *tout ensemble* of the whole. But before I come to consider the remedy to be applied, if any remedy be required, to the defects of the existing tribunal, it is necessary that I should consider what are the objections raised against the practice of this tribunal as it now exists. I beg at once to say that I do not concur in all of those objections; on the contrary, I believe some of them to be very exaggerated, and others to arise from misconception. I apprehend the objections to be seven in number. First, the small number of Judges; secondly, the attendance of those Judges not being compulsory; thirdly, that, not being compulsory, the number attending is uncertain; fourthly, the great chance of a failure of justice from the circumstances of the Judges being equally divided in opinion, when no judgment would be delivered; fifthly, the appeal being from a judge sitting in one capacity to the same individual sitting in another capacity; sixthly, the tribunal sits only half the year, the consequence of which is that for the remaining half justice is closed against the suitor; seventhly and lastly, in case of Scotch appeals it is no adequate tribunal by which they can be decided. I will proceed to consider these objections, but not exactly in the order in which I have stated them. First, as to the fact that for one half of the year the tribunal of the highest court of appeal is closed—this is an objection—if it be one—which is inseparable from the primary question, whether an appellate jurisdiction should be vested in the House of Lords or not? because, of course, if it be right that the House should possess that jurisdiction, then the tribunal can only sit while the House of Lords itself is sitting. Without at all undervaluing the principle that justice should be made accessible to every one, and that judgment should be carried into execution as soon as it is consistent with due deliberation and fair argument, I am not quite sure that in matters of appeal it is always right to give the greatest possible facilities; still less do I think it desirable to accelerate appeals as fast as possible; for, in the first place, the presumption must be in favour of the correctness of the judgment of the court which has already decided on the case; but we can imagine many cases in which an individual, having a decision adverse to himself, might, in the heat of the moment and in the irritation of defeat, lodge an appeal in the House of Lords, from which, if he had had three or four months' time coolly to consider what would be the probable consequence of that appeal, he might be induced to forego his purpose, and thereby save all parties from a great and vexatious expense, and relieve your Lordships' House from an accumulation of business. I think there is more force in the objection, so far as it is an objection, that in many cases an appeal is simply one from the decision of a judge sitting in one capacity to the same judge sitting in another capacity. I can imagine that the judicial mind, from long training and habit, may be equal to the task of hearing with perfect impartiality arguments against a judgment already delivered by himself, and may be capable of being induced, after such arguments, of giving a decision contrary to and in reversal of his first judgment; but I must say that this is a position at all events in which neither with regard to the Judge nor the suitors, is it desirable that a man should be placed; because if it does not actually interfere with, it is calculated to cast suspicion on the due administration of justice. I admit that this is a circumstance which can hardly occur in your Lordships' House, because the Lord Chancellor, who always presides here, has in very few cases any original jurisdiction. With regard to the other law Lords who attend appeals, they can from their very position have no original jurisdiction. Consequently, the appeal must be in most cases to an original judicature. There is, however, a case in which I think an appeal may place your Lordships in a not very favourable position, especially in the eyes of the public, in regard to the proper administration of justice. I mean where there is an appeal from the Vice Chancellor to the Lord Chancellor, who reverses the decision of the Vice Chancellor. An appeal is then made to the Lords against that reversal. Now, supposing there to be only two law Lords sitting in your Lordships' House, and they are divided in opinion, the judgment appealed against remains the decision of the case; and thus the Lord Chancellor, in fact, confirms his own former judgment. With regard to the objection of the possibility of there being a division of the court, and, therefore, a chance of a failure of justice—where the court (whether composed of few or many) are equally divided the result must be that they come to no decision at all. But, what is the result of their coming to no decision? If there be two against one, or five against three, the result is, it reverses the decision of the court below; but if they be equally divided the practical effect is this—that in a case of great intricacy and of great difficulty, upon which there are conflicting opinions, and the judicial mind is balanced, the decision will be left in the hands of the Judge of the inferior court; and the inference is, that he has not judged wrong, but that he has judged rightly. It is rather strange that in that most valuable Act, for which the country is indebted to my noble and learned Friend—I mean that which constituted the present Judicial Committee of the Privy Council—there is a provision, not that the quorum should be three, or five, or seven, but that it should not be less than four. Whether that was intentionally done or not, I know not, but such a quorum has the effect I have pointed out in this very case—namely, that of giving the balance to the court below in those instances where there is an equal number of Judges on either side in the court of appeal.

LORD BROUGHAM made an observation, in which he was understood to say that since that Act had passed there had been added to it another, in which it was provided that in certain cases the quorum might be three.

THE EARL OF DERBY: Another objection is, the smallness of the number of Judges, the uncertainty of the number in attendance, and that their attendance is not compulsory. With regard to the uncertainty of attendance, and the attendance not being compulsory, it is quite obvious that the remedy suggested by Her Majesty's Government, would not meet those objections; because the admission of a certain number of legal men to your Lordships' House, if admitted as Peers, would not diminish the chance of the smallness or the uncertainty of the number in attendance, because, being Peers of Parliament their attendance would not be more compulsory than it is now. But next an objection is taken to the very small number of Judges sitting as a Court of Appeal. Now, my Lords, I am not quite sure, however plausible this objection may be, whether it is founded on reason or good sense. The question, I think, is, who the Judges are, rather than how many they are, and, recollect who the Judges in this House are. The law Lords in this House consist first and principally of the Lord Chancellor; and the very fact of the Lord Chancellor having to preside over the judicial proceedings of this House, the highest Court in the empire, imposes upon—I will not say this, but every Government the necessity of placing that political office in the hands of the most eminent man they can find at the bar who concurs with them in political opinions. Now, happily, political opinions are so divided in this country that I do not think suitors in general will have any great cause to complain, either at this or at any other time, if the last appeal from the other high judicial authorities be vested in the ablest men to be found among one or other of the political parties on opposite sides of this House. But, besides the Lord Chancellor of the day, there is probably a man equally learned and distinguished, who has been Lord Chancellor under a preceding Government. At the present moment we are fortunate in having here at least five noble and learned Lords of very great eminence, four of whom have already filled the high and distinguished office of Lord Chancellor. With regard to my noble and learned Friend (Lord Lyndhurst), perhaps the highest authority of all, his venerable age may well excuse him from attendance upon the Court of Appeal. Another noble and learned Lord, the Lord Chief Justice, is also rarely able to attend, owing to his necessary absence in the discharge of his duties elsewhere; but at the present moment you have at least the assistance, in all cases of appeal, of the noble and learned Lord upon the woolsack, of the noble and learned Lord (Brougham), and of my noble and learned Friend behind me (Lord St. Leonards). Now, will you increase the weight of authority of such a tribunal by adding any number of Judges? I do not say it is positively undesirable to make any addition; but do you not run the risk, unless you bestow upon the subject the most careful consideration, of diminishing the authority by adding to the number of those learned persons? Suppose the noble and learned Lord upon the woolsack were sitting alone to decide upon an appeal from Sir W. P. Wood, or any of the eminent persons who practise in the Vice Chancellors' Courts—or suppose, rather, that the Court above were equally divided, and that two learned Lords were decidedly adverse to the judgment of the Court below—suppose that of the other two, one was a distinguished equity Judge, while the other (in a case involving a nice point in equity) was a person conversant only with the common law, not, perhaps, having been very eminent even in that; yet the effect of a Judge being present here would be to overrule the decision of two most eminent men—men best skilled in Chancery practice, and each of whom may have passed the woolsack. That would be a most unsatisfactory state of things, though at the same time I don't mean to say it may not be necessary to increase and enlarge the tribunal. If, however, you adopt such a course, you must next consider in what manner it may be done with the least disadvantage to the constitution of this House, and with the greatest advantage to the tribunal itself. The first suggestion—that proceeding from Her Majesty's Government—though it did not turn exclusively on the defects of the House as a Court of Appeal, yet was one which evidently made the defects of the Court of Appeal, the mainstay of the argument for introducing into this House judicial Peers for life. Now, who are those judicial Peers to be? If they are men holding at the present moment high situations, the duties of their various offices may keep them from regular attendance and prevent them from giving this House such assistance as we desire; and, on the other hand, their attendance on this House may distract them from the performance of their duties in their proper offices. If, on the other hand, they are persons of less eminence, then, in the first place, you do not obtain larger attendance; you do not obtain compulsory attendance; and, at the same time, though you have the number of the Judges increased, you have the authority of the tribunal diminished, in consequence of the addition of men of inferior weight and standing. I doubt whether any such measure would satisfy the profession or the public, or—(which is of vastly greater importance)—would tend to the due and proper administration of justice. My noble and learned Friend at the table (Lord Campbell) suggested that there should be certain great offices which should carry with them a peerage for life. [Lord CAMPBELL: During office.] Such a peerage, like that borne by the right rev. Bench opposite, undoubtedly would not be open to many of the objections justly urged against the admission of non-hereditary Peers generally. No stigma could attach to the son for not inheriting an honour to which the father assumed only in right of his office. But I think there would be this objection to such a provision—namely, that it would ensure only a very imperfect addition to the composition of this House, though more especially regarding it as a Court of Appeal. With regard to the ordinary discussions carried on here, we all know the value of the authority of the Lord Chief Justice; but we also know that upon many occasions, in consequence of his other avocations (and the case would be the same with the Chief Justices of the other court and the Chief Baron of the Exchequer), we have not the advantage of his assistance. In cases of appeal, more especially, I believe the noble and learned Lord never sits. [Lord CAMPBELL: Rarely.] Then, if we are not to have Peers for life, assuming it is necessary to increase the number of the tribunal for the purpose of securing a larger and more regular attendance, we have the alternative of creating Peers for life (the objections to which I will not now enter into at large); the alternative of an official peerage, as suggested by the noble and learned Lord; and we have also the alternative of the possible addition of Judges, upon the principle and precedent introduced by the noble and learned Lord behind me (Lord Brougham) in the Judicial Committee of Privy Council. Upon what principle was the constitution of that Committee of Privy Council founded? Upon a most sound and wise principle—namely, that, with regard to questions affecting the Prerogative Court, the Vice Admiralty Courts abroad, the appeals from the Colonies, and appeals from India (in virtue of the power of the Crown to refer them as it might think fit,—and the extension of patents, the Committee of Privy Council, in whom previously as a body rested the right of deciding and judging upon those appeals, delegated, by the act of my noble and learned Friend, the sole and exclusive considerations of those questions to certain judicial and legal members of their own body, selected and named in the Act, to whom they intrusted, as a committee of their own body, the duty of examining into these cases, of hearing them, and reporting upon them to the Queen in Council, for whom the order founded upon that Report and the judgment proceeded. Now, recollect, that in order to secure the attendance of a quorum of four Members of the Judicial Committee of Privy Council, my noble and learned Friend thought it necessary to appoint no less than twelve or fourteen holders of distinguished offices who were Privy Councillors, besides two persons selected by Her Majesty, and also all persons, being Privy Councillors, who had filled in any previous time any of the offices in question; so that, in order to obtain this quorum of four, it was thought necessary to constitute a body from which the Judges might be selected, consisting of from twenty to twenty-four individuals. Now, my noble Friend opposite, in order to effect an improvement in the appellate jurisdiction of this House, does not, I trust, mean to create twenty or twenty-four more legal Peers for the purpose of gaining four more Judges. The result of any such step would be that, in the first place, as the attendance of these persons would not be compulsory, no guarantee would exist for a regular attendance in the Court of Appeal; and, in the next place, they would have the right to appear in other cases where they will not be wanted, and where their presence will not always be desirable. But how, then, are you to select these four Judges? Observe that the questions which come before the Judicial Committee of Privy Council are questions which proceed from comparatively inferior courts, from the Vice-Admiralty Courts abroad, the courts in the Colonies and in India. But in this high court of appeal the cases which have to be dealt with proceed not from inferior tribunals, but come in the nature of appeals from courts presided over by the most eminent persons in the kingdom possessed of the highest authority in the courts below—from the decisions of the Lord Chief Justice, of the Master of the Rolls, of the Vice Chancellors in equity, of those distinguished men who are constituted Judges in the Judicial Committee of the Privy Council, the appeal is to your Lordships' House as a supreme court; and, my Lords, when I consider the high authorities from whose decisions appeals are made, I think that it is a subject for most grave consideration how far we may weaken the authority—the high, the pre-eminent authority, of these noble Lords who now hear and decide, as the highest court, appeals from the inferior courts, if we increase the highest appellate Court from any but the highest courts in the Kingdom. It must not be supposed for a moment that at present the court of appeal of your Lordships' House is without the means of obtaining assistance; your Lordships have the power in all cases of calling for the advice and assistance of the learned Judges of the Courts of Common Law; but you have not, I believe, the same power of calling in the assistance of the equity Judges, unless they are also Privy Councillors. Now, my Lords, I believe that this state of things has arisen through accident. Up to a period not very remote, the Judges exercised a mixed jurisdiction in law and equity; but when the system of equity became more fully developed, the equity jurisdiction of the Courts of Common Law was transferred to the Vice Chancellors' Courts, and, as the Vice Chancellors are not included in the number of the Judges, we are not able to call upon them for assistance, but in cases of equity we are only at liberty to call for advice upon those who exercise the functions of a judge in the Courts of Common Law. I shall be corrected, my Lords, if I have made any mistake upon this subject, but I maintain that, in questions of common law, the House of Lords, sitting as a court of appeal, has the assistance of the learned

Judges, but that in equity cases it cannot command the assistance of the Vice Chancellors, unless they are Privy Councillors. Now, my Lords, if you are of opinion that our court of appeal requires strengthening, that it requires additions, that a greater number of persons would add to its efficiency, surely the obvious course of proceeding is to avail ourselves more largely of the advice of those whom the constitution and practice of Parliament point out as our legitimate assistants and advisers—I mean the Common Law Judges upon questions of common law, and the Vice Chancellors in questions of equity. Whether those learned persons should be admitted into our assembly for the purpose of assisting and advising only, whether the assistance of the whole should be required, and whether the Lord Chancellor should have the power of calling for their assistance and advice and of insisting upon their attendance, are questions upon which I do not presume to offer any opinion, but I think that they are well worthy of the consideration of a Committee; nor will I venture to offer any opinion as to whether, upon questions of law, those learned persons should be allowed to vote. At the present moment the Judges sit as mere assistants to your Lordships, but they are debarred not only from voting—they cannot even speak, nor can they put a single question to counsel, nor call for explanations on points that may appear to them doubtful, except through the Lord Chancellor. In former times, it is well known that the attendance of the Judges was by no means casual or accidental, but was of daily occurrence; and in comparatively late times, we find that Lord Somers, in the name of the House, rebuked the Judges for neglecting to give that attention to the business of the House which they were bound to render by the terms of their appointment, and threatened them with the high displeasure of the House. It is, therefore, well worthy of the consideration of your Lordships, whether the Lord Chancellor, or the Members of the House, should not have the power of calling in the most eminent men on the judicial bench, as the Judicial Committee of the Privy Council does, for the purpose of hearing and advising on questions of importance in law and equity. This is within the competence of the House, I imagine, at the present moment; but if the judicial persons so called in were to have the power of determining and voting on questions, that, I apprehend, can only be done by authority of an Act of Parliament. I will say but one word with regard to the question of Scotch appeals. As regards Scotland I am bound to say that the present state of things is most unsatisfactory, and that opinion is shared by persons who are very distinguished members of the Scotch bar; and, in point of fact, it was only this morning that I received a letter from an eminent Scotch Judge, saying that he was desirous of stating the cause of Scotland before a Committee if one was appointed. The distinguished individual from whom I received this letter is the Lord Justice General, than whom there is not a greater authority on the inconvenience to which Scotland is subjected by the present constitution of the Court of Appeal in this House. But neither the creation of new Peers of Parliament for life, nor the creation of official Peers, if they are to be conferred on English Judges only, would meet the complaint of Scotland; and if the House should be of opinion that it is desirable in regard to matters affecting England and Ireland to have the advice and assistance, and, if possible, even the vote of the Judges in law and equity, then it follows as a matter of necessity that in the case of Scotch appeals we should have power to summon to our assistance and to place beside us the most eminent of the Scotch Judges, the Lord Justice General, and the Lord Justice Clerk, and perhaps the Lord Advocate, though in his case, not being a Judge, he should speak with more hesitation.

There is but one other point to which I will direct your Lordships' attention, and that is the question of form which requires the attendance of two or three noble Lords to act as judges in our court of appeal. That proceeds from the fact that, according to the construction of this House, the cases of appeal are, by a fiction, considered to be decided by the whole House, and the House itself requires a quorum of not less than three. Now, my Lords, that is not the case as regards the Judicial Committee of the Privy Council. That Council delegates to a Committee of its own body those functions which in reality your Lordships delegate to certain noble and learned Members of your Lordships' House; but the whole proceeding is different. The Judicial Committee of the Privy Council hear the case, and after hearing they report their opinion to the Queen, and the Queen in Council issues an order in conformity with that report. Now, my Lords, if any difficulty arises from the form of the House of Lords, why not refer the appeals to this House to a Committee consisting of the noble and learned Members of the House? This would do away with the farce of requiring the assistance of some lay Peers; and if it be thought fit to have the assistance of the Judges and Vice Chancellors, let them sit as part of the Committee, authorised by the House to inquire and report on the cases. Let the Lord Chancellor, at the meeting of the House, present the report, and move that your Lordships do agree to the report of the Committee. That mode of proceeding would keep in the House the full jurisdiction which it exercises at the present moment, and the decision would be the act of the House, as the Order in Council is the act of the Sovereign. I do not suppose or imagine for a moment, that on the bringing up of the report there would be the slightest disposition to canvass or question the decision; I believe that the Motion for its adoption would be a mere matter of form. At present, I believe, there is nothing in the Resolutions of the House or in law—nothing more than a general understanding—to debar any half-dozen Members of your Lordships' House from coming down and overruling the decision to which those noble and learned Lords to whom I have referred may have arrived; but I do not remember more than one instance in which that has taken place. In that instance, a majority of your Lordships reversed a decision of the court below, and in so doing overruled the all but unanimous opinion of the Judges—that is to say, with the exception of the then Baron Parke, who has lately been created Lord Wensleydale, and one other learned Judge. Notwithstanding the strength of that case, and the amount of political feeling which it engendered, it was unanimously agreed by the whole of the Members of your Lordships' House that, unsatisfactory as that judgment was to many of them, it would be far more unsatisfactory and dangerous if the lay Members of the House presumed to interfere with the judgment of those to whom you had delegated the consideration of the question. I can see no difficulty, therefore, in a Committee reporting to your Lordships' House in the manner that I have suggested, and in the House approving and giving effect to the report of the Committee. This is rather a matter of form than of substance; the great question is, does the appellate jurisdiction of this House stand in need of alteration and improvement? Does it discharge the duties of its high office as satisfactorily as it is possible to have them discharged by any alterations which you can introduce? Because, if it does not, and if there are defects to be remedied, let us deliberately and dispassionately consider what those defects are; let us inquire—if you please by discussion among ourselves, or by calling witnesses before a Committee—into the nature of the defects, and how far the various remedies which are or may be suggested are applicable to meet those defects, and to make this House, as it is the highest, so also the most perfect, the most impartial, and the most unobjectionable tribunal for dispensing those important duties of justice which are involved in deciding appeals from those who, with the exception of this House, are the highest judicial authorities in the realm. I beg to *move*—

> "That a Select Committee be appointed to inquire whether it is expedient to make any, and if so, what Provision for more effectually securing the efficient Exercise of the Functions of this House as a Court of Appellate Jurisdiction; and to report their Opinion thereupon."

EARL GRANVILLE, in rising to propose, as an Amendment, to add after the word "jurisdiction," the words "and, further, how any such provision would affect the general character of this House," said, it is impossible to have listened to the speech of the noble Earl without being deeply interested by the singularly clear statement which he has made of the whole state of the case. There is one point in which I entirely agree with the noble Earl, and that is, that if it came to a question whether this House was to retain or to abandon its appellate jurisdiction, its retention of those functions being prejudicial to the administration of the justice of the country, though beneficial to the character of the House, there should not be one moment's hesitation as to the course they ought to adopt. I also concur in thinking that those functions form a very important portion of your Lordships' duty, and that they go far to strengthen the utility and dignity of the House, and to increase the respect in which it is held by the country. I think, therefore, that it becomes us to endeavour, by every means in our power, to render the discharge of those functions as perfect as possible. The noble Earl stated all the objections that I am aware of which have been raised against the principle of the appellate jurisdiction of this House. I shall not go over, as he did, some of the answers which could be made to those objections; still less do I intend to follow him in his discussion of the different plans which may be suggested for the improvement of the tribunal in question. I refrain from doing this for several reasons; but, more especially, because I am anxious that the Government—if not the opposite side of the House—should go into the Committee perfectly unembarrassed, and wholly free to form an opinion as to what is really the best plan, and without any endeavour to bolster up their own opinions on the subject. I therefore think that I shall exercise a wise discretion in refraining from following the arguments of the noble Earl, although there are some points on which I do not altogether agree with him, and with respect to which I might find it necessary to say something. Instead of doing so I shall confine myself to a very few brief observations with regard to the almost verbal Amendment of which I have given notice. Your Lordships will remember that the other day I took the liberty of stating the circumstances of embarrassment in which the Crown and the House were placed by a recent decision of the House. I said that I was authorised to state that time would be given by Lord Wensleydale for the fair consideration of this most important subject. I pledged myself on the part of the Government that we would approach the question calmly, and without any personal or party feelings, and I expressed a hope that we should be met in the same feeling by all sides of the House. The noble Earl followed upon that occasion, and gave evidence of the spirit with which he intended to enter upon the inquiry, and said, both for himself and others of your Lordships, how painful they felt it to appear, even for one moment, in collision with the Crown on any of its prerogatives—a sentiment, I am sure, in which all your Lordships participate. The noble Earl then made a certain suggestion, and said that he should give notice of a Motion similar to that which he has now moved. To that I replied that if a pledge were given that there should be no unnecessary delay, and if I were satisfied with the terms of the reference, I should be inclined to agree to the proposition. The noble Earl gave the pledge which I indicated, and the same day also he gave the words of his Motion. Upon looking at the terms of that Motion it struck some Members of the Government that it was possible that the Committee might consider themselves excluded from the consideration of the constitutional question involved as bearing on their judicial functions unless some additional words were inserted in the Motion. I was very anxious, however, that no additional words which I suggested should have the effect of raising any angry discussion before we went into the Committee, because I felt that the less the subject were debated before we go into the Committee the more likely we should be to attend to the business of the Committee in an unprejudiced manner. I thought it necessary, however, to propose the introduction of the words of which I gave notice, in order to save the right of any Member of the Committee to propose anything which he thought might tend not only to improve the appellate jurisdiction of the House, but also to meet the difficulties which have arisen as between the Crown and the House. It must be quite evident to your Lordships, that when two Estates of the realm disagree, the most natural way of escaping from the difficulty would be to call in the third Estate, and by the agreement of all three to put an end to that which must be an anomaly, and which, in some degree, reflects upon the constitution. The noble and learned Lord opposite I know very much deprecated the idea of introducing any Bill to obviate the difficulty. He did not state what his reasons were; but no doubt he considered it undesirable that we should provoke any discussion in another place with regard to the functions and constitution of this House. I am sorry to say that the subject has been already introduced into the other House of Parliament, not by any person who is anxious for the strengthening of the appellate jurisdiction of this House, still less by any democratic opponent of the House of Lords or of ancient institutions, but by a representative of the Conservative party in that House. Now I do not wish to reflect for one moment on what may have arisen in the mere heat of debate, more particularly as I feel that it is entirely opposed to the views of the noble Earl opposite that the subject should be used as a weapon of offence in party warfare; but I so far agree with the noble and learned Lord opposite, that I think that if Government were to introduce a Bill on the matter, without any consideration to the feelings of your Lordships, however well framed that Bill might be, such a course would tend to widen rather than to heal the breach which exists; and I cannot conceive any better course of dealing with the question than that of agreeing to the Motion of the noble Earl by which some of the most distinguished Members of this House, being nominated on the Committee, would be able to discuss all the bearings of every proposition that may be made. I frankly admit that this was my object in proposing the Amendment. The words I think cannot be objected to, because, whatever course the Committee may adopt—whether that so strongly urged by the noble Earl of calling in the assistance of the Judges, or any other course—it will, to a certain degree, affect the character and dignity of the House. At the same time, the proposition attributed, without the slightest foundation, to me by the noble Earl of advocating the creation of some sixteen or twenty law Peers, would certainly affect the character of the House. It is almost impossible to go into these questions without in some degree considering its effect upon the House itself. Even upon the point—one of the strongest—of the absurdity of a lay Peer sitting there for days together, and taking no part in the judicial proceedings, the very fact of a formal Resolution excluding him from taking such part ought to be considered with a view to the general character of the House. I am not aware that any objection will be made to the Amendment I propose, which is, to insert after the word "jurisdiction," the words, "and further how any such provision would affect the general character of this House."

Moved, to insert after the word "jurisdiction" the following words, namely, "and further how any such provision would affect the general character of this House."

LORD CAMPBELL said, he did not think there could be any objection either to the Motion or to the Amendment which had just been proposed, and he hoped they would be agreed to. He would not, in ordinary circumstances, have troubled their Lordships with any observations; but he was about to leave London on circuit, and as the Committee might make its Report before his return, he craved indulgence while he briefly stated the result of some very serious meditations on the subject. He agreed that it was of the greatest importance, not only to the dignity and utility of their Lordships' House, but to the public welfare, that their judicial functions should be retained. They were such as entitled it to the respect of the country, and had been attended for ages with veneration; and he thought no other Court of Appeal of equal value could be appointed. He was educated, as a lawyer, with the most profound respect for the appellate jurisdiction of the House. For many years, while he practised as a barrister, he was employed in appeals at their bar, and he must say that, whether the decisions were for or against him, he was always satisfied with the exercise of that jurisdiction, and he believed also that the same satisfaction had been felt by the public. After he had the honour of becoming a Member of the House, for nine years he attended the hearing of every writ of error and every appeal that was argued at their Lordships' bar. During the time that Lord Lyndhurst and the deceased Lord Cottenham alternately held the Great Seal there were four law Lords who constantly attended; and, unless he was much deceived, the decisions of the House, as a Court of ultimate appeal, had given complete satisfaction in England, Ireland, and Scotland. For some cause that he could not assign, a change had taken place in public opinion. One complaint made both in public and private was, that when two noble and learned Lords sat upon an appeal, and they happened to differ in opinion, the case was decided by a mere accident. He thought it would have been much better if such cases had been re-argued before all the law Lords, whose decision could not have failed to give more satisfaction. But whatever the reason might be—and for his own part he had the most sincere respect for the noble and learned Lord who now presided over the House—there was a loud call for some alteration in the exercise of their jurisdiction as a Court of appeal. The question was, what that alteration should be? He would cautiously abstain from again entering upon the subject of peerages for life. Life peerages might be necessary, and if an Act of Parliament were passed for that purpose they might be introduced; but by an Act of Parliament, and that alone, could they be created so as to give a right to sit and vote in the House. But he doubted whether making Peers for life would at all strengthen the appellate jurisdiction of the House. Nor could their Lordships have the assistance of the chiefs who were presiding in the superior Courts in Westminster Hall, because they were necessarily occupied in their own courts. He himself last Session sat four days hearing an appeal from a court of equity, being much pressed to do so by his noble and learned Friend on the woolsack, but it caused great inconvenience, and indeed it was wholly incompatible with the duties of the chief of any of the Courts in Westminster Hall to give any effectual assistance to their Lordships as Judges of appeal. With regard to attaching peerages to offices, that was liable to this objection, that when a Judge retired from his office he would lose his seat in the House, and at a time when he was supposed to be still capable of lending the most efficient assistance to their Lordships he would be declared disqualified, having ceased to hold the office to which his peerage was attached. Nor did he think that a great deal of assistance could be expected from retired Judges, because they must be very far advanced in life, and it could be but seldom that their Lordships could derive advantage from such a source. He was also of opinion that their Lordships could not entirely rely upon mere deputy-Judges. As to the writ of assistance to which his noble and learned Friend had alluded, unless the learned persons were Privy Councillors, their Lordships had no jurisdiction over them, while, if they were made Privy Councillors, and came in as mere assistants, he doubted whether the objections to the appellate jurisdiction of the House would be obviated. Suppose the deputy judges were unanimous, or nearly so, in opinion, would their Lordships venture to give a decision on the other side? He remembered a case where the Judges were absolutely unanimous—it was a question respecting the validity of a marriage in Ireland by a Presbyterian minister—and he and two learned and noble Lords thought it their duty to give a strong opinion against all the Judges; but because there was an equality—three to three—the case was decided according to the rule which declared that where there was an equal division of opinion, the judgment of the Court below should be affirmed. That being so, he thought they would not attain their object by merely calling in certain Judges as deputy assistants. But his noble and learned Friend (Lord Broughham), who was now passing from one part of the House to another, proposed another plan, which was to refer all their appeals to the Judicial Committee of the Privy Council. The establishment of that tribunal did great credit to his noble and learned Friend; but he thought his noble and learned Friend was rather too fond of his own child when he proposed that their Lordships should put the Judicial Committee of the Privy Council in the place of that House, and should be governed by its decisions instead of retaining the appellate jurisdiction in their own hands. That would be substantially, although not nominally, parting with their appellate jurisdiction altogether. Moreover, the Members of the Judicial Committee of the Privy Council were named by the Crown; they held their offices during the pleasure of the Crown, and to a body so constituted it would be wrong to transfer the jurisdiction of the House as the final court of appeal. He now came to the proposal submitted that evening by the noble Earl opposite—a proposal which, although it would require the most mature consideration, seemed to him to be the most judicious mode of attaining the object in view. Let them have a Judicial Committee of their own House. That plan was in accordance with ancient practice, and had been acted on in former days with great advantage. At one time the King's ordinary Council constituted a Judicial Committee of the House, and it appeared from our ancient annals that that Judicial Committee had referred to them all questions of law that came before their Lordships. Those questions were considered by that tribunal as a Committee of the House; and after the Committee had pronounced its opinion the House formally gave judgment, adopting what had been done by the Committee. In his investigations he had found repeated instances of appeals referred by the House to the Judges, of appeals referred to several Lords and the Judges, of appeals referred to several Lords and the Attorney and Solicitor General. Therefore they had abundant precedents for appointing a Judicial Committee to hear appeals and make a report; which report, unless there were strong reasons to the contrary, the House would adopt as the foundation of its judgment. His opinion at present was, that the Committee should consist of all the law Lords who were Members of the House, of the Lord President, who had shown himself to be a most distinguished law Lord, of the Chairman of Committees, and of a certain number of law and equity

Judges, and of Judges from Ireland and Scotland. From that body their Lordships would select a proper tribunal for each case, according to the nature of the case, as was now the practice in the Judicial Committee of the Privy Council. The Committee would not sit in that House, but in some adjoining room, with all the accompaniments of a court of justice. In that manner he believed a satisfactory conclusion would be arrived at in every case. As one instance in which the judgment of a tribunal similar to that now proposed for their consideration was adopted as the judgment of the House, he might refer to a case which took place in the reign of Richard II., between the Prior of Montecute and Lord Richard Seymour. The case was referred to the Judicial Committee and argued before them, and their judgment, confirmed by the House, ordered that the decision of the Court of Queen's Bench should be reversed, and the appellant restored to his rights. This, then, was a precedent for the course now proposed to be taken, which had been the practice from the remotest times. The question was not without difficulties, but those difficulties might be overcome. He hoped that the Committee would examine the late and the present Attorneys and Solicitors General, who had all practised a great deal at their Lordships' bar, and also Mr. McQueen the Lord Advocate of Scotland and others, whose opinions on this question were entitled to great respect. He did not speak of the present moment, but there had been periods when Scotland had had great reason to complain, and when Scotch appeals had been referred to Judges ignorant of Scotch law. He hoped their Lordships would soon have a Judicial Committee, from which they might select the proper Judges to try every case that came before them.

LORD ST. LEONARDS said, he had heard with great gratification the expression on both sides of the House that the present question would not be approached with any party feeling; but he warned the noble Earl opposite (Earl Granville) that it could not be disposed of in so easy a manner as he seemed to anticipate. The noble Earl appeared to think that a pledge had been given on his side of the House that there should be no delay. If by that was meant no unnecessary delay, he was quite willing to concur in such a pledge; but it was evident that a great question like this could not be disposed of without occupying a considerable time. They would have to examine witnesses, because, however reverently the appellate jurisdiction of the House had been treated up to within a short period it was impossible to deny that recently articles had been published directed against the jurisdiction of that House as a final court of appeal. He admitted that nothing could be a fairer subject of discussion; but, at the same time, the appellate jurisdiction of the House had been so long respected, it had so long taken its stand among the institutions of the country, that it was not to be lightly dealt with; and he was, therefore, anxious that some of the many distinguished advocates and others who had so long practised at their Lordships' bar should be examined. He spoke only from what he had read; but in the report of a speech recently delivered by Her Majesty's Solicitor General, but which he (Lord St. Leonards) had little doubt was an exaggeration, there occurred an expression of opinion that the appeal business in the House of Lords was conducted in a manner that led most men to doubt the propriety of the retention of its jurisdiction; and a legal journal, commenting upon the observation, had stated, in terms of censure, that it was most unsatisfactory to the suitor. The article went on to say—

> "The administration of justice should not only be unsuspected, but above suspicion, and it is a serious thing that the highest tribunal of appellate jurisdiction in the country, the last resort of the wearied and almost exhausted suitors, should be exposed to obloquy and contempt, not only by the lay portion of the community, but even by lawyers, with the Solicitor General at their head."

Now, he rejoiced at the appointment of a Committee, even if it went no further than to ascertain on what grounds charges of this kind were brought forward. He had practised at the bar of that House as much as any man in the kingdom. Although more learned men might have assisted their Lordships, there never had been a period when causes were heard with more attention by those who assisted their Lordships with their advice, when more attention was given to the hearing of cases and the decision of the cases, and when more elaborate reasons were given for those decisions, than during the present period in which he found this discontent to be so great. Not a man in England could say that the administration of justice by their Lordships was suspected; and he could not, for one moment, admit that the manner in which the appellate jurisdiction of their Lordships' House had been exercised justified the objections that had been made. It was, therefore, of the highest moment to ascertain whether there was any foundation for the statements which have influenced the public in forming such an opinion as to the exercise of the appellate jurisdiction of the House. In discussing the question of life peerage he was wholly unaffected by anything relating to the appellate jurisdiction of that House: but it had been said that those who opposed the creation of life peerages were determined to maintain that jurisdiction altogether untouched. For himself, he had for the last twenty-five years taken every possible opportunity, as a Member of the other House, and as a public writer on the law, to call the attention of the Government and of the public to the appellate jurisdiction of that House, with a view to improving the mode in which that jurisdiction was exercised. Never thinking that the jurisdiction could be taken away from their Lordships' House, all he had attempted and desired was, that the exercise of it should be improved; for he felt confident that if their Lordships wished to strike away one of the main pillars upon which their House rested, they would denude it of the appellate jurisdiction by which its usefulness to the country would be diminished. In 1830, after he had left office as Solicitor General, he stated to the other House what measures of law reform the Government to which he was attached had intended to bring forward, and he particularly touched upon the question of appeals, and advised the creation of an Equity Court of Exchequer. A court of appeal had since been created, and, therefore his suggestion was no longer necessary. During his whole life he had objected to that to which the noble Earl (the Earl of Derby) had referred that evening—namely, an appeal from a man acting in one capacity to the same man filling a different office. A man appealing from Philip drunk to Philip sober might have some chance of the reversal of the first decision; but there could be no reason for expecting that a Lord Chancellor who, after mature consideration, had arrived at a certain conclusion in the Court of Chancery, would come to an opposite conclusion while sitting in the House of Lords. The evil, however, to which he referred could not be said to have existed in recent times, because, for a considerable time past, the Lord Chancellor had seldom sat in that House without the assistance of other noble and learned Lords. His noble and learned Friend (Lord Campbell) had referred to a case in point in which his noble and learned Friend was called upon to assist in hearing an appeal from a decision of his (Lord St. Leonards) in the Court of Chancery, which resulted in his judgment being unanimously affirmed. He spoke of that to show that the abuse of appealing from the man to the same man did not at present exist; for there were four law lords present, and three of them read written judgments. It seemed to him that there was a grave misunderstanding with regard to what took place in that House. Considerable dissatisfaction had been expressed in reference to cases in which two Members only of their Lordships' House sat in appeal, and, differing in opinion, the judgment of the court below was necessarily affirmed. The impression seemed to prevail that cases of this kind were frequent. There never was a greater mistake. During the three Sessions he had sat as a law Lord with his noble Friend on the woolsack, they had heard eighty-one cases. In seventy-one of those cases the law Lords were agreed, and either affirmed or reversed the decisions of the courts below according to their unanimous opinion. In the great Bridgewater case his noble and learned Friend the Lord Chancellor was opposed by all the four law Lords; but it by no means derogated from the respect and deference due to the opinion of the noble and learned Lord, because a great majority of the Judges agreed with him in that opinion. Putting aside that case, there were nine cases in which they differed. He would here take the opportunity of observing that there were usually three law Lords, and not two, engaged in the hearing of appeals, and he (Lord St. Leonards) and his noble and learned Friend on the woolsack had, throughout the greater portion of the year, the assistance of his noble and learned Friend near him (Lord Brougham). In one of those nine cases, his noble and learned Friend (Lord Brougham) agreed with him, and, consequently, the Lord Chancellor being only one to two, the decision was carried by a majority. In four other cases he differed both from the noble and learned Lord on the woolsack and from his noble and learned Friend (Lord Brougham). The majority again decided, and, therefore, his opinion was overruled. There was no harm, so far, done to the suitors, because the best of all tribunals, if the men were competent and careful, was a tribunal of three deciding by a majority. There were four cases only in which his noble and learned Friend on the woolsack and himself, sitting alone, differed in opinion. The result was, that two of those cases were affirmed according to his opinion, and two were affirmed according to the opinion of his noble and learned Friend. There was nothing singular in that. It was impossible that two men, honestly desirous of discharging their duty, and having to decide on complicated matters of fact and difficult points of law, should not have occasional differences of opinion. It was supposed there was no decision in such cases. That was not so. There was an absolute decision; for, in point of fact, the decree below was affirmed by the actual decision of the House, and settled the law; and therefore, while he did not approve of a tribunal composed of two persons, it was not open to the objections supposed. The public had besides a considerable security against the perpetration of any injustice, in the fact that the two Judges always set forth in deliberate argument the grounds of the decisions at which they had respectively arrived, and they must be aware that their reputations would depend very materially on the force of the reasoning by which they sought to establish their conclusion. Nor must the House imagine that when his noble Friend on the woolsack and himself differed, they came to that House and gave an adverse opinion, without consultation. In cases where there was, unfortunately, any difference of opinion between them, he (Lord St. Leonards) always endeavoured to bring over his noble and learned Friend to his opinion by stating to him fully the grounds upon which he had arrived at any particular conclusion; and his noble and learned Friend always took the greatest pains to examine every case which occurred. Under these circumstances, he felt he was justified in saying that, although he did not approve of a tribunal composed of two Judges only, yet even two Members of the House would form a better appellate tribunal than the Lord Chancellor sitting alone, as he had often done in former times. But the opinions of a Whig Government had not always been averse to a court of appeal composed of two Judges. A former Government had established a court of appeal from the judgments of the Vice-Chancellors and the Master of the Rolls. That court consisted nominally of three judges—the Lord Chancellor and the two Lord Justices—but the fact was, as the Lord Chancellor was almost always otherwise occupied, ninety-nine out of a hundred cases of appeal were disposed of by the two Lords Justices. Thus, Government had not only sanctioned, but had created a court of appeal, composed of two Judges, who, of course, must be expected occasionally to differ in opinion; in which case the result of the appeal was that the original judgment remained undisturbed. But what was the opinion of the present Government? There was now a Bill in the other House, introduced by the Solicitor General for Ireland, for the transfer of the business of the Incumbered Estates Court to the Court of Chancery; and in that Bill a new appellate tribunal was proposed, although he (Lord St. Leonards) could not see any reason for it. He believed that the Lord Chancellor of Ireland was quite able to hear and dispose of all appeals; and during his five years' experience in that office, he never found any difficulty in disposing of all the business which was brought before him. The new appellate tribunal was proposed to consist of the Lord Chancellor and an ex-Chancellor, if one could be found; if not, a common law Judge, who must therefore neglect his legitimate business; or, if neither functionary could be obtained, then the Government could appoint a barrister of fifteen years' standing. That court, however composed, would consist of only two persons, and would at the same time detract from the authority of the Lord Chancellor. He therefore submitted that the idea of inconvenience arising from appeals being decided by two Judges was a novel apprehension in the minds of the Government, as well as, perhaps, in the minds of the public. He might observe that the constitution of appellate tribunals had occupied much of his attention. In 1830, he brought, as he had said, the matter under the consideration of the House of Commons, and in 1835 he addressed a public letter to Lord Melbourne upon the subject. In 1841, being still a Member of the other House, he moved certain Resolutions which were affirmed, and he then brought in a Bill founded on them, to alter the appellate jurisdiction. He proposed that the Lord Chancellor should have two persons appointed by the Crown, and to be called "Lords Assistants," and that they should sit in their Lordships' House in all judicial matters.

If they were Peers they would have a voice in the decision; but if they were not Peers they were to be at liberty to speak and deliver their opinions, but they would not have any voice in the decision. He would not say that that plan might not be liable to objection, but it might perhaps be deserving of further consideration. One of the greatest problems to be solved was, how to preserve the appellate jurisdiction of the House of Lords, and at the same time improve its efficiency. Their Lordships wanted legal assistance—constant legal assistance; because the great benefit of a court of appeal was its fixedness. What the public required was the certainty of the law; but, unless they had a fixed court of appeal, they never could have a certainty of the law. For the last quarter of a century, no man had been more anxious than he to make perfect the appellate jurisdiction of that House, and in 1849 he published a work on the decisions of the House, in which he set forth all the proposals which had up to that time been made for its improvement; and those proposals would of course receive more or less of the attention of the Committee which was about to be appointed. He had given it his most anxious consideration, and he was quite sure that the suggestion of the noble Earl, of giving to a Committee of their Lordships' House that jurisdiction which belonged to the House itself, would not answer. It never could work well. This being his firm conviction, it was not in his power to support the plan proposed by the noble Earl. The best course the House could adopt would be the appointment of the proposed Committee; and he had every reason to believe that the inquiries of that Committee would throw considerable light upon the difficult and important question to be referred to it.

Lord BROUGHAM said, he should abstain from going into any one of the topics so ably handled by his noble Friend (the Earl of Derby) and by the noble Earl opposite (Earl Granville). But it was not at all from underrating the great value of their suggestions, still less from underrating the great and paramount importance of the subject; but it was simply because he considered that it would be inconvenient to anticipate the inquiry that would be made by the Committee by stating what was his impression either of the nature of the defects of the present Court of Appeal, or of the nature of the remedy to be applied. He had been upwards of twenty-five years a member of the Court of Appeal, and he was at the bar the same number of years practising in that court; consequently he must say to his noble and learned Friend (Lord St. Leonards) that his attention was not now for the first time directed to this subject. His hope and trust was, that no sensitiveness would at all relax either the disposition or the determination of their Lordships to enter fully and speedily into the inquiry, by all the means by which an investigation might be most successfully conducted—by an examination of documents, of decisions, of former proceedings, of witnesses, members of the bench and the bar, and, if they could, witnesses from Ireland and Scotland—and by every other possible course. He had himself been restrained from carrying further his measure merely by the fear that he might be trenching on their Lordships' jurisdiction. He trusted they would strenuously pursue the inquiry, and that it might lead to a profitable result was his prayer, his hope, and, he would add, his expectation. He entirely agreed with the noble Earl who had so clearly introduced this question, in holding (as he believed all their Lordships would hold) that if (which Heaven forbid) they had to choose, whether to abandon their judicial functions, or to see in this high court of error and appeal justice administered in a way that was no longer beneficial to the people of this country, then he had no hesitation in saying, "Rather abandon these judicial functions, important as they are to this House and to the constitution, than not provide a suitable remedy for the defects existing in our judicial capacity." He hoped, however, that to this alternative they would never be driven, and that by a slight improvement in their course of proceeding (if an improvement in the structure of the Court should be found impossible), they should retain for this Court that public respect and confidence which he, for one, denied they had ever lost.

The LORD CHANCELLOR: I did not intend to say a single word in this debate, as to which the only regret I have to express is, that some of your Lordships have committed yourselves to an opinion on the question. I wish to leave myself free to go into the Committee unbiassed and unimpassioned. I think it due, however, to my own position, and to that of one or two noble and learned Lords who are in the habit of sitting with me here in a judicial capacity, to make one or two observations upon what has been said to be the lost character of this House as a court of appeal. I do not believe that in the estimation of the country the judicial character of this House is lost; and one material ground for leading me to believe this is, that the common subject-matter of complaint is one which has really no reference to the merits of the case. It is said that one noble Lord hears the case, another hears it answered, and a third is present to deliver his judgment; but these are only objections to the forms, not to the substance, of your Lordships' proceedings. The noble Lords who sit to hear the opening, the continuance, and the judgments are really only present in consequence of a regulation of your House, which I am perfectly ready to say ought at once to be rescinded. The Lord Chancellor, or the noble and learned Lord who presides, should always constitute a quorum. But though this is hardly any reform worth speaking of, it would remove a great portion of that which is stated to be unsatisfactory in publications the authors of which have not looked to the bottom of the subject. The notion that noble and learned Lords come in and hear a portion of the discussion, and then give their judgment without having heard the whole case, is the notion of a person utterly unacquainted with what goes on here. Nothing whatever of the sort takes place. I will not say that in the course of a long argument a noble and learned Lord may not walk away for one or two minutes—the same thing takes place constantly in the Court of Queen's Bench and the other courts; but the learned person so temporarily leaving does not lose the thread of the argument; and to treat that as a special peculiarity of this House as a court of appeal is to betray a total ignorance of what goes on in other tribunals of justice. I have seen the same thing happen in the Judicial Committee; a member of that tribunal has gone out for a few minutes and come back, when he has immediately been put in full possession of all that has passed in his absence. No one can pretend to say that the interests of justice suffer from such a proceeding here or elsewhere. Now, as I said before, I do not wish to pledge myself to any opinion upon the subject before your Lordships. I concur with my noble and learned Friend in fearing that we are instituting an inquiry which, in scope and extent, will be extremely difficult to deal with. However, we shall endeavour to do the best we can, and, as far as I am concerned—and I believe I can say the same for all your Lordships who will act upon the Committee—we will look at the question perfectly dispassionately, with the sole object of coming to the conclusion which will be best calculated to promote the public interest.

The said Motion, as proposed to be amended, *agreed to.*

Lords named of the Committee: Committee to meet on *Monday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 28, 1856.

Minutes.] Public Bill.—1° Metropolis Local Management Act Amendment; Marine Mutiny; Mutiny.

2° Secretary to the Poor Law Commissioners (Ireland).

3° Drainage Advances Acts Amendment.

REPORT OF THE CRIMEAN COMMISSIONERS — MR. COMMISSARY GENERAL FILDER—QUESTION.

Sir JOHN PAKINGTON: I rise to put a question to the Under Secretary for the War Department, of which I have given him notice; but as the question refers to a personal matter connected with one of the officers whose conduct is impugned by the Report of the Crimean Commission, I trust the House will allow me to preface it by a few words in explanation. I this morning received a letter from Mr. Filder, who for some time occupied the position of Commissary General to the army in the Crimea, in which Mr. Filder states, that in consequence of the charges brought against him by the Report of the Commissioners, he had addressed a reply to that Report in a letter to Lord Panmure. Now, Mr. Filder, in his letter, which I hold in my hand, expresses a very strong desire that, in justice to himself, that letter should be laid upon the table and printed. He states that although the Report which refers to him was dated as far back as the 10th of June, he had never the least idea of any charge having been brought against him until he read of it in the newspapers seven months afterwards. And he alleges that it would be no answer to his complaint to tell him that he would be allowed to state his case before the new military Commission. He says it will be impossible for him to place his case before the Commission with the same justice to himself as if his written reply to Lord Panmure were laid upon the table of the House. I may be allowed to add, that in reply I wrote to Mr. Filder, stating that in my opinion his request was a perfectly fair one, and ought to be granted. I, therefore, beg to ask the hon. Gentleman whether there is any objection to lay the written reply of Mr. Filder to Lord Panmure upon the table, and thereby do that gentleman the same justice as has been been done to the cavalry generals, Lord Lucan and Lord Cardigan?

Mr. FREDERICK PEEL: Mr. Filder called upon me some time ago and said it was his intention to deliver in a statement in answer to the Report of the Crimean Commissioners. I was not, however, aware that it had been as yet delivered. But should Mr. Filder give any intimation of his desire to have the statement laid upon the table, there will be objection thereto on the part of the Government. I may say, at the same time, that though I do not now enter into the reasons which led to the recall of Mr. Filder by Lord Panmure, were I to enter into a full explanation of the case, I have no doubt that that explanation would be deemed perfectly satisfactory by the House.

THE BRITISH MUSEUM—QUESTION.

Mr. HEYWOOD said, that some years ago a Commission sat which expressly recommended the abolition of the offices to which his question had reference; and he begged, therefore, to ask Her Majesty's Government whether it is intended, in consequence of the vacancy in the offices of Principal Librarian and Secretary of the British Museum, to carry out the recommendations of the Royal Commissioners of 1850, with respect to the abolition of these two offices, and the appointment in their place of two officers to be nominated by the Crown, the one distinguished for attainments in literature, to have the supervision of the library, the manuscripts, the prints, the antiquities, and the medals; and the other, eminent for attainments in natural history, to have the supervision of those departments of the Museum which are devoted almost exclusively to natural history?

The CHANCELLOR of the EXCHEQUER said, that the constitution of the British Museum was regulated by an Act of Parliament passed in the reign of George II., and it was not competent for Government, without the sanction of Parliament, to abolish any of its offices. As to the subject to which the question referred, it was true that some years ago a Commission was appointed, consisting of several most distinguished men and presided over by Lord Ellesmere, and that Commission investigated the subject and reported. The Commission was not, however, unanimous in its opinion. It recommended two different plans for the reform of the British Museum; and the Government of the day, feeling a difficulty how to act upon that Report, referred the question to the Trustees of the Museum. The Trustees took the matter into consideration, and came to a decision on the recommendation of the late Sir Robert Peel, who was one of their members. The right hon. Baronet prepared a plan of certain alterations, which he embodied in a series of Resolutions, which Resolutions were agreed to by the Trustees, and considered satisfactory by the Government of that day. They were moved for in that House and laid on the table in June 1850. Under these circumstances Her Majesty's Government did not intend to disturb the existing arrangement.

CRIMEAN COMMISSION—COURT OF INQUIRY—QUESTION.

Mr. STANLEY said, that the noble Lord at the head of the Government had stated, on a previous occasion, that it was usual for military courts to sit with closed doors. But as a highly important inquiry was in progress, he thought that the precedent might be departed from; and, therefore, he asked the First Lord of the Treasury if the Crimean Court of Inquiry, composed of general officers, to inquire into the Report of Sir John M'Neill and Colonel Tulloch, is to be a closed or open court? and also if the court would be enabled to take evidence on oath?

Viscount PALMERSTON: On a former evening I said that the general practice with regard to courts of this kind was, that the inquiry should be conducted with closed doors. This inquiry, however, is of so peculiar a nature that it is the intention of the Government that it should be taken with open doors, reserving, however, to the Commissioners that discretion which must properly belong to them of conducting any particular part of it with closed doors. That is a discretion which I am sure the court will not exercise without the fullest and most satisfactory reasons. With regard to the second part of the hon. Member's question; the Commissioners have no power of administering an oath. They are not a court martial under the Mutiny Act, and no military court otherwise composed can examine upon oath unless specially empowered so to do by Act of Parliament.

MONETARY SYSTEM.

MR. MUNTZ rose to move for a Select Committee to inquire how far the present monetary system was in accordance with the requirements of the country, and to consider if it could not be improved and amended. The hon. Member said, that six years had now elapsed since he had last addressed a word to the House on this subject. His reason for remaining silent was, that he wished to see the effect of the recent gold discoveries upon our existing laws; and though he was willing to admit that those discoveries had done something to remedy the evils of our present system, he must affirm that they had not done all that was required. One or two words at the outset were due to himself. He had often been accused in certain journals, whenever he happened to say anything on this subject, of being an advocate of unconvertible paper money; but he ventured to challenge any man to show that he had ever, during the forty years he had paid attention to this question, said or written a word which would fairly justify that representation. The late Sir Robert Peel and himself only differed on this question in one point—the rate of convertibility. Sir Robert Peel believed that our old monetary system as it existed previous to 1797 would be restored by his Act of 1844; while he (Mr. Muntz) thought that injustice would be created by recurring in any degree to the state of things which existed before that period. The only manner in which this question could be fairly investigated was by taking a retrospective view of our monetary system. To begin, then, with the reign of William the Conqueror. [*Laughter.*] Hon. Gentlemen might laugh, but that was almost the only period in which our monetary system was perfectly sound. In the reign of William the Conqueror a pound sterling was a pound weight of silver. There was no difficulty then in answering the question, "What is a pound?" Everybody knew that it was worth exactly a pound's weight of silver. So things continued down to the reign of Edward III., when alterations began to be made, the alterations being caused partly by the increase of population. Further and very considerable changes were made in the time of Henry VIII. That celebrated character was not very nice as to what he did himself, or what he allowed others to do; and in his reign the coin was so clipped that at last it sank to half the value it had when he first took the matter in hand. Queen Elizabeth was said to have restored the coinage; but he denied the correctness of that statement altogether. Elizabeth did not restore the coin, but she adapted it to the existing state of things, and made the coin of a certain value according to her own laws; but she never restored the coin to its former weight. It was, moreover, just about her time that the precious metals were discovered in South America, one effect of which was so great that the price of wheat was raised from 10*s.* to 40*s.* per quarter. Passing on to the reign of William III., large operations took place which materially altered the then existing state of things. The coinage had then become so seriously deteriorated that it became a question between the practical men and the philosophers, what ought to be done; and after long deliberation it was determined to restore the coinage. They called in the coin in circulation, and they recoined the light coin up to the full weight. They had not, however, money enough to carry out the operation to its full extent, there being a deficiency of £1,200,000. In this state of things they established the Bank of England, and borrowed all its capital, amounting to £1,200,000, for the purpose of completing the restoration of the coinage. The money thus borrowed has never been repaid to this time, but the Bank received an annuity of £90,000 on account of it. After the time of William III. the amount of paper circulation increased rapidly. In 1760 it was £4,000,000; in 1785 it was £7,000,000; in 1790 it was £11,000,000; and, in 1797, it was £16,000,000. As might have been expected, this rapid increase was the cause of the panics and misery at various periods, and produced the Bank Restriction Act. In 1810 the attention of Parliament was called to this subject, and the interest which the matter then excited ended in the appointment of the Bullion Committee. That Committee included many clever men; long discussions took place, and among the witnesses examined before it were the Governor and Deputy Governor of the Bank of England, who displayed a most remarkable ignorance of the first principles of monetary science. It considered the depreciation which had taken and was taking place, and recommended, in order to stop it, that there should be a return to cash payments. But the question at what time that should take place was not so easy to determine. Ultimately they agreed to a Resolution fixing the period for resumption at two years from the date of their Report; but they (the Committee) reported that they thought it might take place in two years; but they were of opinion that in that case it might be necessary to circulate the £5 notes for a few years longer. Experience has shown that if the Bank had attempted to return to cash payments at the time recommended this country would have become a province of France, and Napoleon would have ridden over the world. Fortunately, the recommendation of the Bullion Committee was not carried into effect, and the return to cash payments was suspended for some time. No definite idea, however, as to what ought to be done seems to have entered into the head of anybody, and matters went on in the same absurd manner as before. In 1816, a date was announced at which this return should take place, and the preparations made for it by the Bank of England, added to the effects of a bad harvest, produced such pressure and distress as he (Mr. Muntz) had never since seen equalled. Shortly before the date which had been fixed—and it showed the ignorance which prevailed on the subject—there were issued and circulated 6,000,000 sovereigns of the present standard. The result was, as might have been expected, had people taken the trouble to think and bear in mind the surrounding circumstances, every one of these sovereigns found their way into France, where they were melted down and recoined into French money. After this, the interval to elapse before the resumption of cash payments was extended, the circulation of paper increased, and in 1817 and 1818 there was a temporary prosperity equal to the previous depression. Soon afterwards agitation on the subject commenced, and then came the project of the Bill of 1819. The Bank was forced at once to act upon it, the pressure recommenced, and continued during the years 1819, 1820, 1821, and 1822. In the last-named year the distress, especially of the agricultural interest, became so great, and the pressure so dangerous, that Lord Castlereagh proposed and carried a continuation of the circulation of £1 notes for three years to meet the demands of the time. This produced an excess of money, an extraordinary rise of prices, and a temporary prosperity during the years 1823, 1824, and 1825. But at the end of 1825, as might have been foreseen by any man, and as he (Mr. Muntz) foresaw and acted on to a great extent to his own advantage, there was a panic. The quantity of paper in circulation was so great that the price of produce was much higher than the value to be paid in gold; it was impossible that our exports should equal in value our imports; the balance of trade against us became considerable; that had to be paid in the precious metals, and so the panic was produced. After the panic, and the return to a low circulation, there were pressure and low prices from 1826 to 1830. In 1829 and 1830 the pressure was general throughout the kingdom. It produced a great outcry for a better Government and ended in the Reform Bill. Many men, of whom he (Mr. Muntz) was one, joined that agitation, not simply because they cared for a reform in the representative system for the sake of the reform itself, but because they considered it to be a means to an end. If it had been a mere question of reform in the abstract he should have taken no interest in it; but he hoped that that Bill would bring into the House of Commons a larger number of men practically conversant with the affairs of the country, and that thus the legislation of the country would be improved. About the time of which he had been speaking joint-stock banks came into existence, and these, of necessity, had a serious influence upon the monetary system of the country. The practice of circulating bills of exchange, which they introduced, had a considerable effect upon prices, and during the years 1835 and 1836 there was apparent prosperity. Still, however, the law remained in its old position, and there could be no difficulty in foreseeing the result. In the year 1835 he (Mr. Muntz) was examined before a Committee of that House. He then stated that there would be panic, and fixed the time of its occurrence in the last week of October or the first of November, that being the time at which the credits on the exports and imports would expire, and when the balance which there would be against this country would have to be paid in gold. His prognostication had been verified to the letter—the panic came as he had foretold; and he benefited largely by selling when things were dear, and buying when they were cheap. During the years 1836, 1837, 1838, 1839, and 1840 there was a great deal of pressure throughout the country. In 1840 things in general, the Whigs in particular, were in great distress. They tried every remedy but the right one; and eventually they retired, and Sir Robert Peel came in. The first thing he did was one which nobody expected him to do; he began to fiddle at the corn laws. The right hon. Baronet laboured under the difficulty of having to support two incompatible systems—the corn laws and the monetary laws. One or other he was ultimately obliged to give up; and as of the two he was least pledged to the corn laws, he abandoned these. In 1842 he fiddled at that law. Then came the Bank question of 1844, and the Act of that year, which was to make all things perfect. In his (Mr. Muntz's) opinion that Act was the necessary complement of the Act of 1819. If the Act of 1819 was right, the Act of 1844 was necessary. He could never, however, understand upon what principle the issue of notes without a reserve of bullion was limited to £14,000,000, except that the Government owed that sum to the Bank. That limit had no reference whatever to either the actual or the probable circulation. What was the result of that perfect Act? In 1847 the nation was on the verge of bankruptcy; in that year the Bank of England very narrowly escaped a stoppage of payment. The supporters of the system might say, "Oh, but we never changed the law, and yet the Bank weathered the storm." True the law was not changed; but a letter was written which the House would very well remember, and which in effect abrogated the law. If it had not been for the celebrated letter which did everything, although it was said to do nothing, that stoppage must have taken place. That letter showed people that all the money they had might be used. Things gradually righted themselves, and then men said, "It is not the law; the law has not been altered, only a letter has been written." That letter did all. It set the Bank free, and made people generally use their money, and we paddled on. After that came the railway speculation. Sir Robert Peel was very anxious to have a speculation. He said, "Whatever you do, make direct lines;" and he passed the direct Trent Valley line, which lost the London and North-Western £2,000,000. Another period of extreme pressure occurred in 1847, and extended over the succeeding years till 1850. Universal alarm prevailed, and, though few were aware of the cause, all were painfully sensible of the effect. But then came the discovery of gold—the greatest god-send ever known in the history of this country. It was one of the most extraordinary circumstances on record. He knew of nothing like it, for it happened at the very moment when the whole of our monetary system was going to blow up, and when nothing short of a miracle could preserve it from destruction. Such was the history of the monetary system of this country. He did not mean to deny that during the last twenty-three years there had been seasons of prosperity in this country; every one was aware that such was the case; but what he complained of was, that under the present system there was no means of insuring the continuance of prosperity for however brief a period. The evil of the present state of things was, that it was beset with uncertainty, and that when trade and commerce had got into a condition of prosperity there was no such thing as keeping them there. It was apparent that these seasons of pressure and disaster arose from the system, and not from purely natural causes, for he could point out periods when such evils had no existence. Hence it was that he asked for this Committee. He wanted an inquiry, whether it might not be possible to find out some rational and honest means by which to avoid those vacillations, panics, and pressures to which our commercial transactions were, to the great injury of all classes of the people, now periodically subjected. What stability could there be for mercantile operations in a country where the rate of discount upon bills was liable to vary from 2 to 10 or 12 per cent, as was not unfrequently the case in Leeds, Manchester, and other great seats of trade and manufacture? Was that a state of justice for the commercial interests? Was it a rational state of society? Was it not rather a system which enabled all the banks without exception to plunder the public? If Ministers were unable to devise a remedy for abuses so flagrant and evils so intolerable, let them resign the reins of government into other hands—that was all about it. Surely, when it was remembered that a century ago, or even half a century ago, such vacillations and vicissitudes as are now of common occurrence were unknown, it was not too much to conjecture that these modern evils must have some manner of connection with our present monetary system. All he wanted was a well-constituted Committee to examine into these circumstances, and to consider whether it might not be practicable to devise some system that would do justice to all persons and classes, and restore happiness and prosperity to the country.

Mr. SPOONER seconded the Motion.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire how far the present Monetary System is in accordance with the requirements of the Country, and to consider if it cannot be improved and amended."

Mr. PEACOCKE said, he should support the Motion of the hon. Member for Birmingham; but he should do so on grounds very different from those put forward by the hon. Member himself—for he must disclaim being a disciple of the Birmingham school. It appeared to him that that hon. Gentleman had based his arguments upon three fallacies—the first being that the price of gold was fixed. It had been repeatedly demonstrated in that House that the very reverse was the fact. The price of gold was not fixed, while the value of the coin was fixed. For his own part, he regretted that the ounce of gold was not coined into four sovereigns; by that arrangement each sovereign would represent a quarter of an ounce, and the fact that the price was not fixed would be more distinctly fixed in the minds of the people. The next fallacy of the hon. Member was, that the high rate of interest arose from the fact that gold was in demand. High interest did not depend upon the price of gold any more than on that of corn, wool, or any other commodity. What the rate of interest really depended on was, the demand for capital. The rate of interest was low when capital was abundant, and high when it was scarce. One ounce of gold might be equivalent to half a quarter of corn, or to four quarters of corn; but still the rate of interest would be the same. A proof of this was afforded in the fact that, in the reigns of Queen Anne and George I. the relative value of the precious metals was higher and the rate of interest lower, namely, 3 per cent. The third fallacy of the hon Member was, that the Bank, as a bank of deposit, could control the circulation of the country. It had no such power. It might control the issue of notes, but certainly not that of coin. By the last Bank returns, it appeared that the amount of deposits was £12,964,000 to £13,000,000. Now, suppose that the Bank were to endeavour to contract the issue of notes, the depositors would only go to the Bank and draw out their deposits in bullion, so that in effect the process would only amount to the substitution of a bullion for a note circulation. Such being the fallacies which pervaded the speech of the hon. Member for Birmingham, it was not on the arguments of that hon. Gentleman that he (Mr. Peacocke) should support the Motion, but rather on the very high authority of the hon. Member for Westbury (Mr. J. Wilson). He regarded that hon. Gentleman as the highest authority on finance in the House; and an attentive perusal of his book on this subject would conduct a candid reader to the conclusion that the revision of the Bank Charter Act was highly desirable. One reason why he (Mr. Peacocke) thought the Bank of England Charter Act required some investigation was, because its fundamental principle, namely, that the currency should fluctuate according to the issue of the Bank, had wholly failed. A sufficient proof of Sir R. Peel's principle having entirely failed was afforded by the experience of the first four weeks of the present year. The following figures showed the relation between the increase of the circulation and the decrease of the bullion in the Bank of England in the month of January, 1856—

"1st week in January:—Increase of circulation, £272,545; decrease of bullion, £161,602.

"2nd week of January:—Increase of circulation, £247,077; decrease of bullion, £283,234.

"3rd week of January:—Increase of circulation, £480,574; decrease of bullion, £119,958.

"4th week of January:—Decrease of circulation, £34,524; increase of bullion, £8,361."

In all these cases, according to Sir Robert Peel's principle, there should have been a decrease of circulation when there was a decrease of bullion; but the contrary had been the fact, and the decrease in bullion had been accompanied by an increase of circulation. These facts distinctly showed that the principle of the Bank Charter Act of 1844 had, at least so far as that point was concerned, completely broken down. As to the cause of high prices, common reason pointed out that when there was an export of bullion prices would be higher; and when there was a deficient harvest, or when from any other cause provisions were imported, there would be an export of gold to pay for those imports. The prediction of the hon. Member for Westbury as to the operation of the new Currency Bill, when he warned them of the intense and protracted suffering to which the manufacturing industry of the country would be exposed in the event of a failure in the harvest and the continuation of high prices, had in every respect been realised. Let it not be said that in seeking an inquiry into the working of the Bank Charter Act they were launching into the barren regions of abstract speculation, for they had the practical knowledge of how well the Scotch system of banking had succeeded, founded on the principle of unrestricted competition, with no other limit save the convertibility of the notes—

> "In 1846, the trade of Scotland was carried on by £3,500,000. England and Wales, with a population only six times greater, required between £50,000,000 and £60,000,000. The banks of Scotland had £10,000,000 of capital and £30,000,000 of deposits; while the Bank of England had a capital of £14,500,000, with a deposit of only £10,000,000."

One difficulty attending the extension of the principle of unrestricted competition to England, which appeared to have escaped Ricardo, Smith, and other high authorities, arose from the fact that the Bank of England's notes were a legal tender, and bore the nature therefore of a forced currency, men being compelled to accept them all over the kingdom in payment of debts, whether they had faith in the solvency of the Bank of England or not. As long, then, as this condition was upheld, so long we were obliged to provide for the convertibility of the Bank notes. For however able and prudent the management of the Bank of England might be, what was there to exempt it from the precarious accidents to which other banks were subject? In the United States joint-stock banks that were managed as well as ours, and which regularly published their accounts, were seen from time to time to become insolvent; and under the stimulus of a high profit, together with the influence of extensive commercial speculation, the Bank of England might also be led into carrying on transactions beyond the limit of its means, and by this means might become insolvent. Therefore, while our law declaring the Bank's notes a legal tender prevailed, it would not do to leave their convertibility entirely at the discretion of the managers of the Bank; but an extraneous check must be provided operating in some such manner as the existing restrictions. There was a passage in the Report of 1846 on Commercial Distress, which called for some remark. It was this—

> "The Bank is a public institution possessed of special and exclusive privileges, standing in a peculiar relation to the Government, and exercising from the magnitude of its resources great influence over the general mercantile and monetary transactions of the country. These circumstances impose upon the Bank the duty of a consideration of the public interest, not indeed exacted or defined by law, but which Parliament in its various transactions with the Bank has always recognised, and which the Bank has never disclaimed."

He protested strongly against the doctrine that the Bank of England had a duty to perform which did not coincide, but conflicted with its interests as a bank; for if the Report meant anything by this allusion to the duties of that establishment in relation to the "public interest," it meant that it ought to accommodate the public beyond the legitimate limits which its interests, as a Bank, prescribed. If the Bank departed from the ordinary law of supply and demand, and the established rules of political economy, it might, indeed, to some extent, palliate a crisis at its commencement, but must fearfully aggravate its subsequent evils. A deficiency of capital was analogous to a deficiency in the harvest. If, from a sentimental regard to the "public interest," the corn-dealers were in such a crisis to sell their corn at the ordinary rate, the available stock of food would speedily become exhausted, and unmitigated famine would be the certain consequence. So likewise a deficiency of capital must be met by a rising of the discounts; speculation must be checked, commercial transactions restricted, and accounts called in. If the Bank were to pursue a different course, and allow speculation to go on unlimitedly, there might be a flow of prosperity for a few months, but the monetary system must ere long break down, and panic and ruin would follow. For the reasons he had assigned, although dissenting from the principles of the hon. Gentleman, he would vote for his Motion, believing that some species of inquiry into the Bank Charter Act was imperatively demanded.

MR. DRUMMOND said, that it seemed to be the fashion, both in this House and out of it, to recommend examinations to ascertain whether men were competent for the situations to which they aspired. If that House, in an evil hour, consented to this Motion, he should strongly recommend it to direct an examination of the Members of the Committee to be made to ascertain whether at least they understand the Bullion Report—he asked no more. This question was more difficult of discussion than any other that he knew of, because it was, as nearly as any political subject could be, a question of pure science. It was easy for anybody to bring forward an array of isolated facts and tables showing so much export here and so much want of currency there, which could only serve further to puzzle and perplex an already most abstruse question. Unless they bore in mind that in speaking of values they must always hold the precious metals as a fixed standard, they would be beset on every side with utter confusion. The hon. Gentleman (Mr. Muntz) began, apparently much to the astonishment of the House, by going back to the time of William the Conqueror; but he might have reverted to a yet earlier period, and told them that the first transaction on record was that entered into by Abraham for the purchase of a field for the weight of 400 shekels of silver. Let us call our coin by what name we pleased—be it sovereigns or any other denomination—that coin must be the regulator of all our property, whether in land, in personalty, or in other kinds of possessions. The precious metals must be our sole standard and measure of value. Was it said that it was not so fixed a measure as a foot rule? That was very true, and he would tell them why. Fresh discoveries of gold had of late years been made. Those which were made in South America many years ago did not exercise the smallest influence on Europe until the lapse of more than half a century afterwards. Now, however, that intercourse between remote countries was so much easier than it used to be, the effect of such discoveries was of course much more speedily felt. It was perfectly true that the recent gold discoveries in Australia and elsewhere had acted in the same way as though the Bank of England had issued an enormous mass of paper. And what had been the consequence? "Increased prosperity," it would be answered; but those who said this forgot that the reaction had yet to come, and that their high prices and this prosperity, as it was termed, only encouraged an enormous production of our manufactures beyond any possible demand which the existing population of the world could create; the necessary effect of which was, that gold went out of the country in order to pay our debts. And in what did all this result? Why, unless the Bank should raise the rate of discount there would be a national bankruptcy; and whenever the Bank did raise the rate of discount people complained of distress. The hon. Member for Birmingham said a philosopher was a great fool. [Mr. MUNTZ: I did not say so.] At all events, the hon. Gentleman said, "Lord have mercy upon a country governed by philosophers," and he (Mr. Drummond) fully concurred in the opinion. The hon. Gentleman said that, upon this question, practical men were the only fit persons to consult. Almost everybody in that House had no doubt read a very amusing romance, called the *History of England*, by Mr. Macaulay, and they would probably remember the difficulty that was felt at the period of which he wrote upon this very question. There were then living two philosophers, who were supposed to be men of some sense—a certain Sir Isaac Newton and a gentleman named Locke; and they then inculcated the principle which he (Mr. Drummond) was endeavouring to impress upon the House—that to talk of the rise and fall of the metals was downright nonsense. At the time of the Bullion Report—which he was old enough to remember—there was certainly not one banker or one merchant in the House who did not oppose the doctrines which the Report laid down. Sir Robert Peel was placed upon the Committee by Lord Hawkesbury in order that he might convert the Committee, but he was converted himself. He (Mr. Drummond) remembered that one very eminent banker wrote a book to show that there was no such thing as a pound, but that the currency was founded upon an ideal unit. He would venture to give one recommendation to the House. They could not, by any laws they passed, prevent the precious metals from being the sole measure of value. They might certainly, by Act of Parliament, greatly increase the distress; they might throw it upon one portion of the community, and relieve another; they might aggravate that distress in every way; but he believed the soundest advice he could give to the House was that which Mr. Arthur Young gave to the Convention at Paris, when he was asked what laws they should pass with reference to the price of corn. Mr. Young's reply was, "The best advice I can give you is, that you should order your clerk to put his inkstand down the throat of the first man who talks about corn." He (Mr. Drummond) thought if the House pursued the same course towards those who began to discuss the currency, they would confer a great benefit upon the country.

MR. MALINS said, that though he might incur the ridicule of the hon. Member for West Surrey (Mr. Drummond), he felt himself called upon to advise the Government to adopt the course so objectionable in the eyes of the hon. Gentleman. He thought that no man could remain indifferent to what had been passing in this country during the last few months. Great distress had arisen from time to time in consequence of the sudden fluctuations in the value of money; and he was of opinion that it was a subject which called for an immediate inquiry, whether the present law as to the issue of bank notes was founded upon a sound principle? Upon former occasions he had expressed his opinion that the Bill of the late Sir Robert Peel required modification. He did not believe that the question was at all so difficult a one as some persons appeared to think; and if the Members of that House would take the trouble to understand the question thoroughly, it was his impression that the Bill of Sir Robert Peel would not be maintained for one year. What was the state of the law before Sir Robert Peel passed his Bill? He did not mean to discuss the Act of 1819, which was a period of a great financial crisis—that measure might have been wise or unwise—he would not then offer any opinion upon it. From 1819 down to Peel's Bill of 1844 the bank note was by law convertible into gold upon demand. There was, however, this remarkable difference in the law between that period and the period following Sir Robert Peel's Bill. Previous to that measure the Bank was unrestricted as to the amount of notes it should issue—it was left to the discretion of the governor and directors—but they were bound to pay gold for those notes upon demand. It would be found that under that system, the *minimum* rate of discount of the Bank of England was never below 4 per cent, and the *maximum* rate seldom exceeded 5 per cent; and the consequence was that sudden changes were rare, and the rate of discount seldom ruled high. Now, if there be one subject in which it was important that there should be steadiness, it was that relating to the value of money. In consequence of the discount never going below 4 per cent there were no such fluctuations in the value of money formerly as had, unfortunately, happened since Sir Robert Peel's Bill had become law. The right hon. Baronet by his measure introduced, for the first time, this most extraordinary operation—the discretion to issue as many notes as they pleased was taken away from the Bank of England, and they were bound down by positive law not to issue notes beyond a certain amount. It happened that the Government owed the Bank at that time £14,000,000. Sir Robert Peel divided the Bank into two departments. The one was called the Issue Department, and the other the Banking Department; and upon the day when the Act came into operation the securities representing the £14,000,000 of Government debt was put into the Issue Department, and that department was authorised to issue £14,000,000 of notes to the Banking Department, and as many more notes as represented the amount of gold in their coffers. He would assume that that amount was £10,000,000. The Issue Department accordingly handed over to the Banking Department £24,000,000 of notes. In consequence, however, of the screw that was thus put on the Bank, the amount of notes in circulation according to the last return was only £20,000,000 in round numbers. What was the consequence? the Bank had retained for their own use only £4,000,000, which was called "the reserve," or the unemployed notes. Now, the fallacy of Sir Robert Peel's Bill was this: he said that every note issued by the Bank of England should be convertible into gold upon demand, and he fixed upon the magic sum of £14,000,000, which he allowed them to issue without bullion. The Bank did issue that £14,000,000 of notes, every one of which was payable in gold, but which they had not an ounce of gold to pay with. But the fact was, that £24,000,000 of notes was issued, all of which it was provided should be payable in gold on demand, while the Bank had only £10,000,000 of gold with which to meet them. What was the consequence? In June last the amount of gold held by the Bank of England was more than £18,000,000, and the Bank had, therefore, the power of issuing notes to the value of £18,000,000 *plus* £14,000,000, altogether £32,000,000. The public had in use only £20,000,000 or £21,000,000 of notes, so that the Bank had notes unemployed or reserved to the amount of at least £11,000,000. The amount of gold in the hands of the Bank was now reduced to £10,000,000; the Bank, therefore, could issue only £24,000,000 of notes; the public circulation was about £19,000,000, and the unemployed notes amounted to £5,000,000. What was the effect upon the commercial transactions of this country? The bankers, whose purpose this state of the law answered perfectly well, watched the state of the reserve or unemployed notes, and as soon as the amount of gold began to diminish, the "screw," as it was called, was put on; all the commercial transactions of the country were deranged, and the derangement was felt by all classes, from the first merchant in London to the smallest shopkeeper in the kingdom. The operation might be assimilated to that of putting an animal under the receiver of an air-pump, which was being gradually exhausted of the air. The commercial interest of the country was in a similar manner exhausted by the depressing influence of the diminution of the quantity of money in circulation. As he had said, before 1844 the *minimum* rate of discount was never lower than 4 per cent. From the year 1844 to 1855 there had been no less than forty variations of the *minimum* rate of discount. During the year 1855, as they would find by looking into the "City article" of *The Times*, there had been no fewer than eight variations of the *minimum* rate of discount. When the amount of gold in the Bank was £18,000,000, the *minimum* rate was 2½ per cent; now, after we had been incurring a great expenditure to carry on the war, the *minimum* rate of discount for short bills was 6 per cent, and for bills exceeding two months, he believed, 7 per cent. During the last winter the rate of interest had gradually increased, and at present there was no immediate prospect of its being diminished. The error of Sir Robert Peel's Act, he apprehended, was the fixing upon the sum of £14,000,000, which, under any circumstances, the Bank might issue, and requiring their convertibility into gold upon demand. There would be some reason in the measure if Sir Robert Peel said that they should issue notes according to the amount of gold in the Bank; but it was quite evident that if there was only £10,000,000 of gold in the Bank, and that they could only issue £10,000,000 of notes, the commercial transactions of the country could not be carried on. He could not, however, see any rational principle in fixing upon the sum of £14,000,000 for which notes might be issued, and which could not be convertible into gold, as the Act of Sir Robert Peel required. The hon. Member for Surrey (Mr. Drummond) said this was a difficult question, and that they had better not talk about it, and he recommended that those who discussed the currency should be treated as Arthur Young said should be done to those who wrote about corn—cram their inkstands down their throats. But if it was unsafe to discuss this question now, it must have been equally so in 1844. Now, what took place in 1847 completely illustrated the evils of the system, and gave the country warning of the danger to which it was exposed. He would just say in passing that, but for the accidental absence from a division in the Committee of 1848 of the hon. Gentleman the Member for Huntingdon (Mr. T. Baring) and the late Mr. Herries, Sir Robert Peel's Bill would have been condemned by that Committee, the Members having been twelve for and ten against the measure. In the spring of 1847 the gold in the Bank fell very low, the "reserve" also fell to a very low amount, and the rate of interest rose very high; all the usual consequences of a commercial pressure followed. An improved state of things had subsequently taken place, and it was announced that the difficulty was over. Shortly afterwards, however, the pressure was resumed; the gold in the Bank gradually diminished until it was reduced to about £8,000,000. What then, was the state of the Bank? They had issued £14,000,000 of notes, which it was presumed were convertible into gold, although it was well known that there was no gold in the Bank to pay them. The Bank issued £8,000,000 of notes besides, according to the amount of gold in its coffers—the notes in actual circulation amounting to more than £20,000,000. In the month of October in the same year the unemployed notes amounted to no more than £2,000,000, and the Bank would then have been obliged to stop payment but for the letter issued on the 25th of October, which was signed by the noble Lord the Member for London (Lord J. Russell), who was then the First Lord of the Treasury, and the right hon. Baronet now at the head of the Admiralty (Sir C. Wood) who was then the Chancellor of the Exchequer. That letter authorised the Bank to go beyond the limit of the law—that was to say, they were no longer restrained to the issue of £14,000,000 *plus* the quantity of gold, but were authorised to issue any number of notes which they thought the state of the country required. Deputations from the banks in the country and in London were at that period waiting day by day on the Chancellor of the Exchequer, and at length a deputation of bankers and others waited upon the right hon. Gentleman and told him that the financial affairs of the country were in a most alarming state, and that unless something was immediately done to meet the crisis, there would inevitably be a stoppage; they declared that unless some steps were taken to relax the restrictions of Sir Robert Peel's Act, the commercial transactions of the country could not be carried on. Exchequer bills could not be cashed, and a merchant with £60,000 in silver in his possession at that time found himself unable to obtain bank notes for it—silver not being a legal tender—a system of hoarding had been carried on, and the greatest difficulties were experienced in the carrying on of commercial transactions. Well, immediately after the publication of the letter of the Government the pressure ceased; the system of hoarding was given up, money came out freely, bankers were able to accommodate the public, and trade went on prosperously; and all because it was known that the imaginary amount laid down by Sir Robert Peel's Act might be exceeded. It was thus proved by experience that Sir Robert Peel was wrong in fixing the amount to which the Bank might issue notes at £14,000,000, inasmuch as the circulation under such a restrictive system was found to be utterly insufficient to meet the demands of the country; and then at the last moment, the Government were obliged to relax the law. It was a matter of surprise to him that in the face of such facts, and with such experience, the Government had allowed so many years to elapse without making some provision for a permanent relaxation of the law. It was time, he thought, that this question should be fully considered. In looking over the proceedings of the Committee of 1848, he must say he was delighted with the rational views taken by the hon. Member for Westbury (Mr. Wilson), and he hoped they would have the assistance of that hon. Gentleman in carrying out the same views now. Just let the House consider the fallacy under which the commercial classes were led to carry out their enterprises. In the month of June last, there were £18,000,000 of gold in the Bank, so that they could issue £32,000,000 of notes. They had unemployed £11,000,000 of notes, and the minimum rate of interest was only 2½ per cent. Everything went on prosperously, and commercial men entered with energy and apparent security into every department of business. The delusion which the Government then held up was, that money was cheap, and by that delusion they induced men to enter into engagements in that same month of June; but when the months of September and October came the gold had dropped down from £18,000,000 to £12,000,000, and the minimum rate of interest, instead of being 2½ per cent, rose to 5½ per cent. Men perfectly solvent, and generally most prudent in their speculations, were caught in the trap laid for them by Act of Parliament, and were ruined, because, before their engagements had come to maturity, the state of things had materially altered for the worse. Well, from June last to the present time gold had decreased from £18,000,000 to £10,000,000; they had no security that it would not continue to decrease, and he would ask the right hon. Gentleman the Chancellor of the Exchequer what he would do if it should go down from £10,000,000 to £6,000,000? Suppose the gold to diminish to £7,000,000, the quantity of notes issued would then be £21,000,000. Now, the country could not do without an average circulation of £20,000,000; and the reserve of unemployed notes would be, therefore, reduced to £1,000,000. What would the right hon. Gentleman do under such circumstances? What would be his position, and what security had he that in three months there would not be a national bankruptcy? Would the First Lord of the Treasury and the Chancellor of the Exchequer again write a letter authorising the Bank of England to violate the law? Well, then, he asked, whether it did not become a great country like this for its Government to be more prudent and far-seeing than they had hitherto shown themselves in respect to its pecuniary affairs; especially when it was now in great peril, and engaged besides in a war of which no man could foresee the termination? Would the Government have the hardihood to refuse the present Motion, which was one simply asking for an inquiry into this subject? Was it a sound state of things when the minimum rate of interest was 6 per cent, and when it was difficult to obtain money upon any terms? He believed that there was a small increase of £80,000 in gold in the Bank last week, and of £200,000 in the preceding week. Did the Government intend to leave the country exposed to those perils any longer? Will they refuse a Committee of Inquiry at such a time as this, when during the last four months there existed a greater anxiety on the subject than had ever been known before? He asked them to be wise in time, and not to prolong the continuance of such a state of things, until an indignant public shall rise and say, "We will have no more of your money laws—we will have no more of your absurd and ridiculous enactments to hamper our commercial transactions." He asked the Government to appoint a Committee to inquire whether there should not be a relaxation of Sir Robert Peel's Bill. In other words, whether they ought not to do by law that which they had done against the law in 1847, when they took the only course that could have saved the country from national bankruptcy.

MR. POLLARD-URQUHART: Sir, I am aware how much I, as a country gentleman—and representative of an Irish county—and belonging, therefore, to a class who are supposed to be more familiar with potatoes and poor rates than with banking and bullion—require the indulgence of the House in attempting to address it on the subject brought forward by the hon. Member for Birmingham; but in doing so, I beg to assure them that I shall adhere to my usual attribute of brevity.

Sir, the hon. Member for Wallingford has said that he will support the Motion, because Sir R. Peel's Act of 1844 requires revision. Sir, the Motion of the hon. Member for Birmingham seems to me to contain a great deal more than the revision of the Act of 1844; the question now before the House appears to me to amount to this — shall we, or shall we not, consent to any Motion which would even lead to the appearance, or in any way give rise to the impression out of doors, that we had any the slightest intention of tampering with our monetary system, either by altering the standard of value, or diminishing the security which the public have for the immediate and sure convertibility of the bank-notes? For depend upon it, whatever assurances may be made to the contrary, these things will be associated in the minds of the public with the proposition of the hon. Member for Birmingham; and should the House consent to it, rest assured that the idea will go abroad that we do not regard either of these events with as holy a horror as we ought; and this would be tantamount to a confession that we were no longer as jealously and scrupulously careful about maintaining our credit as we had formerly been—an impression which would be at all times injurious to us, and which could not but inflict immediate material damage on us, by diminishing our credit, and so raising the rate of interest, when the necessity of meeting the bills thrown upon us by the war shall compel us to have recourse to another loan. And, Sir, as I think that nothing should induce us to reopen the currency question at this moment, so I think it would be more especially inexpedient—I had almost said more especially dangerous—to do so after the speech of the hon. Member for Birmingham, as our consenting to his Motion would, in some degree, appear as if we had been convinced by his reasoning, or adopted his principles.

Sir, the hon. Member for Birmingham has dwelt at some length, and with considerable pathos, on the disasters that accrued to this country by the return to cash payments in 1819. I fully admit that the shock caused to a great many interests by that return was great, and the damages and losses resulting therefrom were severe; yet retaining my own opinion that, all these circumstances considered, the Act was nevertheless a just, wise, and salutary measure, I admit that the question whether, even for the sake of maintaining our good faith with the national creditor, and for the sake of the many material advantages that are always the reward of good faith, we were wise in encountering all the difficulties and dangers with which it was certain to be followed, might still be a fair subject for discussion in a historic or politico-economic Society; yet I think that almost every assembly of men brought together for practical legislation will agree in the expediency of abiding by an Act passed thirty-seven years ago, regulating the standard of currency, and will allow that the lowering it now would inflict upon one class of people as much injury as restoring it to its former value in 1819 did inflict upon another class. But more than that, I think that a very little consideration of the question, will show that any inclination on the part of the Legislature of a desire to tamper with the currency, or any indifference about maintaining the standard of value, will now be attended with more injury than benefit to the very classes whom it is designed to assist—I mean those classes upon whom the Act of 1819, for a time, pressed most severely — the owners of land subject to mortgages or family settlements, all men trading with borrowed capital, and, to a certain extent also, all payers of taxes. For, I think, it will be allowed that all these classes are now benefiting by the lower rate of interest that has, generally speaking, for the last twenty years or more prevailed in the country; and any one who has given any consideration to the causes which regulate the interest of money will allow that the strict maintenance of our national credit, is one reason why we have been able to effect such a lowering of the interest of our debt since 1819. Everybody allows that high interest and bad security on the one hand, and on the other low interest and good security, always go together; in short, other things remaining the same, the interest of money varies merely as the credit of the borrower, whether that borrower be an individual or a nation; and depend upon it the interest of our debt has been kept down by the same causes which would have enabled any private individual to lower the interest of the debts due by himself. Sir, it was, if I recollect right, in the year 1822, the third year after the return to cash payments, that English credit rose so high, that the then Chancellor of the Exchequer, Mr. Vansittart, was enabled to reduce the interest of our 5 per cent stock to 3½ per cent—in itself no small relief to the taxpayers of the nation, and I think that at the same time the interest of all money lent on private securities underwent a corresponding reduction. I believe that the interest of most mortgages at that time fell from 5 to 4 per cent, and that all advances for the purposes of trade or accommodation underwent a proportionate diminution. That was no small relief to those upon whom the Act of 1819 pressed most severely—the fall in the interest of money from 5 to 4 per cent reduced the pressure of their obligations by exactly 20 per cent, a reduction which I think must have fully compensated for the nominal depreciation in the value of real property and of stock in trade, caused by the return to cash payments a few years previously. Will anybody maintain that this fall in the interest of money lent on private security could have taken place, if the Government had not already been able to effect a reduction of the interest of public securities? Could this reduction have been effected if England had not shown herself scrupulously (in the opinion of some I know overscrupulously) careful of her credit in 1819—if, for instance, she had followed the suggestions made, I believe, by Lord Lauderdale, of coining guineas equal in value to 18*s.* or 19*s.*? Suppose that the experience of the preceding twenty years had shown cosmopolitan capitalists and dealers in bullion, that in any future time of error or difficulty they might be compelled, after for a time receiving their interest for the money they had lent England in inconvertible paper notes, to have the standard by which their original loan was measured lowered 10 or 15 per cent, or in other words to compound for their debt at 17*s.* or 18*s.* in the pound, they would not have been so eager to invest in English securities as to pay such a considerable premium for the 5 per cent stock, that enabled the Chancellor of the Exchequer to effect his operations. In short, we know that other countries have attempted to compound with their creditors in the manner suggested by Lord Lauderdale. After that the paper currency of Austria had become depreciated, she coined florins equal to the then market value of the paper florin, which was only two-fifths of the silver florin, as I am sure is well known to many gentlemen, who in travelling through Austria, have at first been sorely puzzled to know whether they are to pay their bills in "Schein geld," or in "Müntz geld." Russia also, in similar circumstances, coined roubles equivalent in value to the paper roubles, which had then sunk to two-sevenths of the value of the silver rouble. Can it be supposed that if free England had tampered with her currency in 1819, as these great imperial States did then with their currency, that we should now have been able to have reduced the interest of our debt to 3 per cent, that the heavy charges entailed by the wars of the last century and the beginning of this century would not have exceeded an annuity of £24,000,000 per annum, or, to take another instance, the practical fruits of which were last Session brought before the House. Recent circumstances have, I have no doubt, made many Gentlemen acquainted with the Turkish piastre, a round coin of the circumference of a Spanish dollar, containing, however, a large admixture of tin—and worth from 2*d.* to 2½*d.* of our money. Are Gentlemen aware that this coin was originally of the same value as the Spanish dollar, which also goes by the name of piastre throughout a great part of the Mediterranean; but that to meet the exigencies of the Turkish State, alloys of tin were put into it at different times, after the manner practised by our Sovereigns in former times and which has been so highly commended by the hon. Member for Birmingham, till its value was reduced from that of the Spanish dollar, equal to about 4*s.* 4*d.* of our money to its present value—equal, as I said before, to something between 2*d.* and 2½*d.* of our money? Well, and is Turkey substantially the richer for this gross cheating of her creditors by debasing the currency? So far from being in a better position for it, she probably would have been unable to procure the supplies necessary to defend herself against her powerful neighbour if her loan had not been guaranteed by her ally, who, less wise in her generation, as was thought, returned to cash payment in 1819. And look at the credit of the other States, namely, Austria and Russia, compared with ours at this instant. Though their taxes do not press near so heavily upon their population as ours do, and though debt does not bear anything like the same proportion to their ordinary revenue that our debt does, yet we know that Russia has been brought to a standstill partly from want of means to carry on the war; and I doubt very much if Austria could at this instant obtain a loan at a lower rate than 5 per cent, while we were able to borrow the other day at a rate that virtually did not exceed 3½ per cent. Sir, when all these things are considered, when it is evident that we, as a reward for our good faith, are now enjoying the benefit of an unprecedented low rate of interest, few, I think, will be inclined to agree with the sentiment expressed by the noble Lord the Member for London, in one of his earlier productions, that the only reward England derived from the Act of 1819 was, "the satisfaction of having given an example of good faith, rare at all times among nations, but rarer still at the present time among the nations of Europe."

Mr. Pollard-Urquhart

For, Sir, if England has given an example of good faith rare among nations, but rarer still among nations at the present time, is it not owing to this instance of good faith that she is able, at any time, to command the capital of the world at a rate of interest lower than any nation of the present day? Is it not owing to this good faith that she has so often verified the position so beautifully described by Mr. Canning, of keeping down the contending passions of European nations as king Æolus kept in the winds in his vast cave? Is it not owing, also, to her good faith and credit that the tide of conquest of an Eastern despot has been stopped? Is it not owing to this good faith that she, a little island on the west of Europe, is able to say to the autocrat of the vast extent of territory comprised in All the Russias, "Thus far shalt thou go, but no further?" Is it not owing to this same good credit that we have so far been able to lessen the pressure of the obligations contracted in the last war for the freedom of Europe as to have given to the labouring man cheap tea, cheap coffee, and cheap sugar? Is it not owing to this same instance of national good faith that every landowner can obtain money to discharge his incumbrances, or to improve his estate, at a rate so much lower than on the Continent? Is it not also owing to this same good faith that every honest trader can get banking accommodation at a much lower rate here than in other countries of Europe—no small assistance to those who have to compete with untaxed continental rivals? Is it not mainly owing to this good faith that we, a highly-taxed nation, have been able to carry on this competition with untaxed rivals? Shall we now do anything to risk the solid advantages of this good faith, purchased, it may be, by some sacrifice in 1819? Shall we, at the time that our credit is no small source of strength in our negotiations, deprive ourselves of this great source of strength and authority? Shall we now put it in the power of our adversaries to say, "England is no longer formidable; the pre-eminence of her credit is gone; she is not able to obtain money at a lower rate than any other nation, as she used?" Depend upon it, all this will take place if we now consent to a proceeding that is likely to injure our good name. And depend upon it, if we do acquiesce in the Motion of the hon. Member for Birmingham, depend upon it that a notion will get abroad that this Motion will be followed by a suspension of cash payments, as in 1797, to be succeeded by God knows what amount of depreciation or debasement of standard.

Sir, I feel that I have already detained the House too long; but I would entreat all who are interested in preserving the good faith of the nation, every taxpayer who wishes to see the fixed obligations of the country kept down at the lowest possible amount—every landowner who does not wish to have the interest of money raised to 5 or 6 per cent—every person who wishes to ward off the commercial embarrassments usually caused by a permanent rise in interest—every one who thinks national good credit and good faith the very soul of our commercial greatness—every one who wishes for the rapid removal of the taxes which press most on the poorer classes, and cripple the industry, and restrain the employment in the country, to refuse their assent to the Motion of the hon. Member for Birmingham.

MR. WILKINSON said, that he did not know whether they were to have this inquiry, but as it seemed to be supported on totally opposite grounds, it was difficult to see the reason why. Great error arose, on this question, from a confusion of terms, and the habit of mistaking currency for capital. The hon. Member for Maldon (Mr. Peacocke) had, very properly, said that the interest of money depended upon the abundance or scarcity of capital, and not upon the abundance or scarcity of currency. But his hon. and learned Friend the Member for Wallingford (Mr. Malins), who had, he must say, laid down the law upon this subject with all the air of a professor, had complained of the Act of Sir Robert Peel, by which he (Mr. Wilkinson) presumed he meant the Act of 1844, which his hon. and learned Friend said had cramped the action of the Bank, and been the cause of great commercial distress. He contrasted the state of affairs since the Act of 1844 unfavourably with that which existed when the issue of notes was left to the discretion of the Bank of England. Did his hon. and learned Friend remember what had been the result of the exercise of that discretion?—That, upon an occasion previous to the Act of 1844, when a panic had occurred, the bullion in the Bank was allowed to sink down to £2,000,000, and that there was great danger of a suspension of bullion payments? Now it was on this account that the Act of 1844 was passed. It was found not to be safe, always, to trust to the discretion of the Bank of England. And what was the Act of 1844 intended to do? It was intended to secure the convertibility of the bank note, a matter of paramount importance, and that it had effectually secured, because, as his hon. and learned Friend had said, during the panic which ensued in 1847, the bullion in the Bank had never fallen below £8,000,000. But it had not prevented that panic! No—it was not intended to prevent panics, which no legislation upon the currency could prevent: these depended, he believed, upon the great extent of credit in this country, and not upon the amount of the currency; and he did not think that any measure which the wisdom of Parliament could devise would put an end to them. If, in a country like this, from any cause, every man were, at the same moment, to claim all that was due to him, no banks, no system of currency, could meet such claims, and the result must, necessarily, be a panic. His hon. and learned Friend had attributed the panic of 1847 to a deficiency of the currency, occasioned by the Act of 1844, which, he said, had been remedied by a letter of the noble Lord the Member for London (Lord J. Russell), then First Lord of the Treasury, authorising the Bank to issue notes beyond the limit of the law. But everybody knew that no more notes were issued. That letter had not the effect of adding one shilling to the currency:—what it did do was, to restore confidence and the credit of the country, which had been undermined. His hon. and learned Friend had expressed great concern at the diminution of the reserve of notes, and had asked the Chancellor of the Exchequer what he would do if the reserve of notes fell to £1,000,000, and said that the country could not do without a circulation of £20,000,000 of notes. Well, now, suppose there were no notes at all in circulation. Did the hon. and learned Gentleman mean to say that the business of the country could not be carried on without bank notes? True, they were very convenient things; but, if there were none in existence, bullion, bills of exchange, bankers' cheques, and other promissory notes, not payable to bearer, would be resorted to in their place, and all we should lose by the absence of a bank-note circulation altogether would be its convenience and economy. The Bank of England could not control the amount of bullion which would flow into the country, any more than it could regulate the rate of interest, or do many other things which it was supposed to be able to effect. One of the complaints made to-night was, that the Government and the Bank together had been enabled, or compelled, to fix the price of gold. The hon. Member for Birmingham (Mr. Muntz) had told them to-night that the price of gold was fixed, and yet, in the same breath, he said that commodities had risen twenty or thirty per cent. "Other things moved," said the hon. Member, "gold could not." Why, did he not know that, to say that commodities, measured by gold, had risen in price, was tantamount to saying that gold, measured by commodities, had fallen in price? that they were, in fact, convertible terms? This mistake, however, had no doubt arisen, like many others, from a confusion of terms. He (Mr. Wilkinson) had always regarded it as unfortunate, that, in speaking of the law which rendered it imperative on the Bank to exchange its notes for gold, and *vice versâ*, at a given rate, the terms "buy and sell" gold should have been made use of. We say that the Bank is compelled to buy gold at £3 17*s.* 9*d.* per ounce, but to buy it with what? With its paper, which is intrinsically worthless—not with commodities—and not, therefore, in the usual acceptation of the term. The law says, merely, that the Bank shall exchange its notes for gold at £3 17*s.* 10½*d.*, and gold for its notes at £3 17*s.* 9*d.* per ounce; and is intended, and in fact does, regulate the price, not of gold, but of the paper which is issued in exchange for it. But if the Act of 1844 had preserved the convertibility of the note, which he thought the event had shown, and which was all it was intended to do, and if the fluctuation of the rate of interest which had been deprecated did not depend upon the amount of the currency, and, therefore, not upon the Act of 1844, as had been, likewise, shown, what became of the complaint of his hon. and learned Friend against that Act — which complaint was that it had cramped the action of the Bank, and prevented a due supply of currency? His hon. Friend asked what magic there was in the amount of £14,000,000, which is the fixed amount of notes which the Bank is allowed to issue without a deposit of bullion. There was no magic, that he (Mr. Wilkinson) knew of, in this number, but he concluded it was fixed upon, as some amount must be fixed upon, as likely to be a sum which, in all probability, and in almost any circumstances, would not be drawn upon. But suppose this amount had been fixed at sixteen, or eighteen, or twenty millions—to what extent would it have benefited his hon. Friend's case? He apprehended, not to any. For his own part, he thought the proposed inquiry would result in nothing but a waste of time and labour.

Mr. H. BAILLIE said, he thought it would be generally admitted that when Sir Robert Peel passed the Bank Charter Act, the intention of that right hon. Gentleman was, that after the expiration of ten years an inquiry should take place into its operation, and in the event of that inquiry proving favourable, that the restriction should be carried still further, by withdrawing from the private banks all right to issue paper. It was evident, he thought, that such was the intention of Sir Robert Peel. A few days ago, he (Mr. Baillie) put a question to the Chancellor of the Exchequer with respect to the issues of private banks; and he had since received letters from different banks throughout the country which assured him that the answer of the right hon. Gentleman was very favourably regarded; for although it was not very decided, yet at the same time it expressed the right hon. Gentleman's opinion as to what he thought the justice of the case; and they (the bankers) had great confidence that that being the case, the Bank of England would entertain a similar opinion. As to the Motion before the House, he felt with the Government so far, that he did not think the present the most favourable time for entering into the question; but nevertheless he did think that a time must come hereafter, when it would be advisable to submit the consideration of the question to a Select Committee. There were very many causes now in operation which must render such an investigation necessary. Amongst others, he might mention one which had escaped observation in the course of this discussion, namely, that, within the last three or four years, the balance of trade with India had been so unfavourable to this country that no less than £7,000,000 sterling had been annually sent to India in the precious metals and had never returned. This was a serious consideration, for it was evident that if the resources of India were to be developed by means of railroads, and if, as the hon. Member for Birmingham hoped, that country was to send us hereafter our chief supplies of cotton, we should have to pay for both in gold, because the people of

India did not want our manufactures, and the quantity of cotton goods we sent thither was comparatively trifling. It was obvious, therefore, that if such an amount of specie continued to be sent to India without any return, it would consume nearly the whole amount of what we might receive from Australia. That might afford important matter for consideration hereafter; but he confessed he did not see that it was desirable to have a Committee on the subject at present.

Mr. GLYN agreed that this question was one which well deserved the consideration of the House; but he felt that if he adopted the course proposed by the hon. Member for Birmingham he should render himself liable to the imputation of desiring lightly and prematurely to re-open the discussion of the laws which regulate our standard of currency and the general circulation of the country. For his own part he was satisfied by the answer which he had received early in the Session from the Chancellor of the Exchequer, that an inquiry would be instituted by the Government before the expiration of the existing Bank Charter Act. He could not concur with his hon. Friend the Member for Lambeth (Mr. Wilkinson) either in his construction of the Act of 1844, or in his statement of its effect in producing the financial panic of 1847. The panic which occurred in the autumn of that year was entirely removed, as was stated by the hon. and learned Member for Wallingford (Mr. Malins) by the operation of the letter of indemnity, but without the addition of a single bank note to the circulation. He (Mr. Glyn) admitted that fact; for if they looked to the evidence taken before the Committees of both Houses, it was impossible not to admit that the panic in the autumn of 1847 was caused not by any fear of the convertibility of the bank note, which was never for one moment thought to be in danger, but by that which always operated under similar circumstances, a knowledge on the part of those having ample property that there was a fixed amount, beyond which the Bank could not issue notes, except upon the security of bullion in their coffers—that amount being £14,000,000. People walked up and down the City, knowing that though they had in their pockets ample security of the very best character, the time was approaching when they could not convert it into that which was the representative of value in this country—the bank note. This induced the idea that people of property would not have the means, under the Act of 1844, of converting their property into negotiable value; and that was the cause of the panic. And how was it cured? By the letter, which, just at the proper moment, was issued by the Government, the effect of which was as instantaneous as though £5,000,000 of bank notes had been issued. The effect was brought about in this way—when the letter appeared, those persons who had, under the apprehensions created by the Act of 1844, been hoarding their notes, when they saw that further issues would be made by the Bank if the pressure continued, brought them forward; they were thrown into the market, and caused the immediate cessation of the difficulty. He thought it would be a very fit subject for inquiry by any Committee, whether this fixed amount of £14,000,000 was the proper limit, or whether there should be any limit at all—and whether by dealing with the currency in the way indicated by the Act of 1844, they did not, after all, expose the country to an unnecessarily expensive mode of operating, which might be avoided. He saw no reason why £14,000,000 should, under all circumstances, be the limit; because if you had £20,000,000 of gold in the country and £20,000,000 of notes based upon it, the £14,000,000 of issues on securities would not be required; while, on the other hand, when the quantity of bullion was reduced to a very low amount, the necessity for extending the issues on securities under certain circumstances rendered the £14,000,000 limit inconvenient. Why should they continue a system which gave them a superabundant circulation when they did not want it, and occasioned a deficiency when there was a period of pressure? He thought also that that part of the Act of 1844 which regulated the country bank circulation—one of the most important features of the Act—ought to be inquired into. He did not quite agree with the hon. Member who last spoke (Mr. Baillie), that when the Act was passed it was intended at the end of ten years to deprive the country banks of the power of issuing notes—though he considered the system established by the Act was one that in the end would get rid of the country bank circulation. He thought that one of the inquiries that ought to be made was, whether some system could not be devised whereby, without being driven to withdraw their circulation suddenly and violently, private banks might be induced to do so gradually and easily. Another point which must be considered, and one which was at present engaging much attention in the country was, whether the profit and responsibility of the management of the circulation ought not to be vested in public hands. These were all important points; and before they renewed the Bank Charter for another ten years he hoped they would receive consideration. He hoped, therefore, that the right hon. Gentleman (the Chancellor of the Exchequer) would, before the expiration of the Session, appoint a Committee on the subject. The Directors of the Bank of England had a most difficult duty to perform under the existing Act, with very cramped machinery, and he was anxious to tender to them his humble meed of approbation for the course they had pursued during the last few months. Their conduct had been admirable, and they had steered successfully through difficulties of a very formidable character in a way that reflected upon them the highest credit. It was the fashion, when there was a pressure upon the money market, and the rate of discount was enhanced, to say, "This is all done by the Bank;" but the Bank had really nothing to do with producing the effects complained of. The Directors acted as a matter of necessity only, most unwillingly, and in some cases with perhaps a little too much leaning in favour of the commercial interest. They had, however, had a most difficult task to perform; and he must say they had done it right well.

Mr. NEWDEGATE felt some diffidence in following so high an authority on the subjects connected with money and commerce as the hon. Member (Mr. Glyn) who had just sat down, but he hoped that he might claim the indulgence of the House, since in 1844 he had foreseen the inconvenience and evils likely to ensue from the Bank Act then under discussion. He then refused to follow the late Sir Robert Peel on this subject, although he had shown him (Mr. Newdegate) much personal kindness. That was the first occasion on which he had taken any part in the discussions of the House, and he had then moved that, instead of limiting the issue of the Bank of England upon securities to the sum of £14,000,000, the Bank should be allowed to issue £22,000,000 on securities, being the average of its issues on securities for twenty-four years previous to the year 1844. He felt the full force of what the

hon. Member for Kendal stated when he said any absolute limit fixed by law was liable to inconvenience when that limit was approached. One thing, however, was certain, and that was, that the limit to £14,000,000 issue on securities by the Bank of England was calculated to entail such a panic as had been experienced in 1847. What happened in that year? The bullion in the Bank of England was reduced by the necessity which existed for having to pay for importation of foreign corn to about £8,000,000. £8,000,000 issued upon bullion, and £14,000,000 upon security, gave a total issue of bank notes of £22,000,000. That was the point where the power to issue for the purposes of active circulation under the Act of 1844, totally ceased. It was what was commonly termed the "sticking point;" and the commercial public now perfectly well knew that as the bullion in the Bank sunk towards the point of £8,000,000, it approached the point where they would be exposed to the same difficulties that they suffered in 1847; and he was sure no commercial man in that House need be reminded of the dreadful sacrifices of capital that were then experienced; of the instances in which good paper was discounted at 10, 12, 14, and 16 per cent; and at last the arrival of that crisis when Mr. Gurney, having obtained money at the Bank at 9 per cent, went to the Chairman of the Bank Directors on Monday morning, the 25th of October, 1847, and stated his need of further accommodation, to which he had an absolute claim, and was requested not to press his demands for an hour or two, and refrained, because, if he had not, the Directors would either have to refuse him, which would have led to a withdrawal of deposits from the Bank of England, or to violate the Act of Parliament; and in the event of a withdrawal of the deposits under the Act of 1844, the Bank of England, with £8,000,000 in its coffers, would have become positively insolvent. He (Mr. Newdegate) agreed that there would be some inconvenience in pressing the inquiry proposed at the present moment; but let the House consider this, that the Bank of England had not much more than £10,000,000 in its coffers, and that if that £10,000,000 should be diminished by only £2,000,000, the experience of 1847 showed that the Government would then again have to interfere by a letter similar to that of 1847, and thus to restore confidence; or that a panic and evils similar to those of 1847 would be still further exaggerated than they were in that year. And what did it matter whether the Government actually interfered with the Act, or gave an assurance that a competent authority should interfere with it under certain circumstances? Why, it was just the same thing. It restored confidence. And it was the loss of confidence—the destruction of confidence—in 1847 that caused an internal demand for gold by persons who were perfectly solvent—by such persons, for instance, as the hon. Member for Huntingdon (Mr. T. Baring), who, with £60,000's worth of silver in his chest, found it was of no more value than so much lead in obtaining the circulating medium of the country. No wonder, then, that a panic set in. No wonder that the letter of the Government, which contravened the law that had created the panic, relieved the panic, for it rendered capital of value, as essential throughout the world as gold, available to procure money; but he prayed the attention of the House to this, that from the moment relief was given the depreciation which had existed in the value of all descriptions of produce and property began to cease—that the prices of all property began to rise. The effect of the issue of that letter was this, that by an act of the Government which was beyond the law, either threatening to alter, or actually altering, the limit of the issue, the value of every man's property in the country was changed—and he (Mr. Newdegate) asked if it were reasonable or safe to leave the value of every man's property in the country dependent upon the action of the Government of the day, contrary to the law, and independent of any previous sanction of Parliament? Much had been said about the Act of 1844. What was the change then made? It was this. The Bank of England was deprived of the payment which had previously been made by the country for the management of the circulation, and the compensation which the Directors received was their being empowered to trade with the reserved notes—notes which were issued, but which were not absolutely required for the immediate demands of active circulation, that is, were not drawn out of the Bank by the public. By this means the Directors were empowered and required to go into the money or discount market and trade with public capital, which gave them a great command of the market and of the rate of interest; but the accommodation which the Directors thus dealt in and afforded, on the faith of these reserved notes, depended entirely on the bullion in the Bank, for, beyond the £14,000,000 issued on securities, the notes represented bullion possessed at the time of issue by the Bank, while all the notes were convertible that was payable in gold on demand. The consequence was, that the Directors, who were most unjustly accused of acting in a harsh and an arbitrary manner towards the commercial public, must at any cost withdraw the accommodation they had given if the bullion in the Bank sunk in quantity; and they must do it by raising the rate of interest from 2 to 3, 5, and 6 per cent, or any amount that would suffice, by creating a commercial pressure, to withdraw the accommodation they had given. They could not help it; they were bound to do it under the Act. He had heard it said and seen it written—"What had currency to do with credit?" Credit depended upon the supply of capital; he hoped he had shown how. Under the Act of 1844, Parliament had given the Bank of England an absolute command of credit, and bound them to make the rate of discount they demanded vary precisely with the bullion. It was thus that the value of all property was affected, and was made to vary inversely with the variations in the value of money. Then it was said, "Oh, but we have an immutable standard in the pound sterling; the value of the sovereign never varies." The pound sterling contains "123 grains of pure gold; the value of that never varies." True, the price of the pound sterling was fixed by Act of Parliament, for in 1816 it was enacted that gold should be taken by the Bank of England whenever offered at £3 17*s.* 9*d.* an ounce—that is at 77¾ shillings per ounce; but what was a shilling? Why a shilling was a coin that had been depreciated 10 per cent below the value of silver at that period, and had, therefore, a conventional value of 10 per cent above the silver it contained; yet it was by this conventional value of 77*s.* 9*d.* that the price of gold was fixed. There was, therefore, 10 per cent in the shilling less silver than the value fixed upon the shilling by law in 1816. That was the reason why there was never an exportation of the silver currency. The discovery of gold, however, had redressed the value of the shilling, the value of the silver bullion contained in which had risen, and there was now little more than 4 or 5 per cent difference between its intrinsic value and the value it represented by law; and it was this abundance, and this consequent cheapening of gold, as compared with silver, which had given such ease during the last two years—since the arrival of gold from California and Australia. The price of gold was fixed by the Act of 1816; but the real variations in the value of the precious metals could not be fixed, but were to be deduced from the rates of discount charged by the Bank of England. The Bank of England traded on its reserves of notes, which depended upon the stock of gold in its coffers; bullion would be more or less valuable in proportion to its supply, and the supply of notes in the reserve of the Bank was made to tally with the bullion; and the rates of discount exacted by the Bank were made to vary with the supply and value of the bullion; hence the variations in the supply and value of the bullion, that is, of money, were expressed by the rate of discount. Some hon. Members who had spoken on the subject did not seem to have read the three Acts of Parliament on which the currency was founded, namely, the Act of 1816, that of 1819, and that of 1844. His (Mr. Newdegate's) own opinion was, that the Government should take warning by what happened in 1847. He did not think it safe that every man's commercial security should depend upon the interference of the Executive; and if the hon. Member for Birmingham divided the House, he (Mr. Newdegate) would divide with him, because the Motion only pledged the House to seek the means of avoiding a recurrence of what happened in 1847. He (Mr. Newdegate) asked the Government if the credit of the country would have been saved in 1847, if the noble Lord then at the head of affairs and the First Lord of the Admiralty, who was then Chancellor of the Exchequer, had not had the courage to revert to the old system in the moment of emergency? As regarded convertibility, he (Mr. Newdegate) did not believe it rested upon the Act of 1844, or merely upon the possession of a comparatively large amount of bullion, but upon the confidence which might be felt by the country in the wise and prudent management of its monetary affairs; and he fully believed that this confidence would be as great were the Bank of England unfettered, as it was now that the Bank of England was fettered by the Act of 1844. In the great war in which this country was now engaged, her high credit was one of the mightiest weapons she possessed. And as the stock of bullion in the Bank was now down to within £2,000,000 of the sum at which the Act of 1844 must operate to the destruction of confidence and credit as it had done in 1847, he thought that the Government would do well to see if something could not be done to avoid any recurrence of the calamitous contingency of 1847. If a panic arose, and a demand was made for gold, there was not more bullion in the banks of issue than would meet one-third of the notes in circulation; the other two-thirds would not, therefore, be convertible; and as convertibility depended upon public confidence, he thought the panic of 1847 had proved that the stern rule by which the Bank was regulated had a tendency to destroy that confidence, and, therefore, endangered convertibility. If the Government would not consent to inquiry, he hoped that they would at least endeavour to prevent the recurrence of such a contingency as that of 1847, by the same means, however unconstitutional, as were then used. He thought, however, that an Act was self-condemned which was only rendered tolerable by its suspension during periods of difficulty, and such was the Act of 1844. Let the House consider the differences of opinion which had existed, and did exist, upon this monetary system. The first Sir Robert Peel had differed upon this subject with the late Sir Robert Peel; the late Mr. Jones Lloyd differed with the present Lord Overstone; the late Sir John Gladstone differed from the right hon. Member for the University of Oxford; the Committee of the House of Lords, appointed in 1848 to consider the operation of the Act of 1844, differed from the report of the Commons, which was only carried by a majority of two. The Act of 1844 was condemned by the late Lord Ashburton; by the hon. Member for Huntingdon (Mr. T. Baring); by Mr. Gurney; by the hon. Member for Kendal (Mr. Glyn); by Mr. Kinnear and the Scotch bankers; by Mr. Fullarton; by Mr. Took; by the Chambers of Commerce generally. Considering these differences, and this weight of opinion against the present system, he trusted that the House would not refuse, or the Government oppose, the inquiry sought by the hon. Member for Birmingham.

Sir WILLIAM CLAY said, that no other speaker had advocated the appointment of a Committee on the grounds laid for its adoption by the hon. Member for Birmingham. They had one and all disclaimed all disposition to tamper with the great settlement of 1819, or to inquire whether it would be right to alter the standard of value then established:—they had confined themselves entirely to the operation of the Act of 1844. The effect of that Act was said to be to limit the amount of the currency, to make consequently a tight money market as it was called and to raise the rate of interest—but money was scarce and the rate of interest high in every country in the world, and he (Sir W. Clay) believed that it was not possible by any legislative enactment to maintain money in this kingdom on a different level from that which prevailed in other countries, or to preclude a rise in the rate of interest, as the hon. and learned Member for Wallingford (Mr. Malins) supposed, for money was preserved at an equable rate by the operations of commerce, and, like all other commodities, obeyed the law of supply and demand: to seek to maintain its value by artificial means by paper issues not based on specie would result in the departure of every sovereign from the country, and the reverting to an inconvertible paper currency. He (Sir W. Clay) was not like the hon. Member for Warwickshire, surprised at the present rate of interest; on the contrary, he was only surprised that it was not higher looking to the loans raised by Sardinia, Turkey, France, as well as this Government, the shortness of the harvest and the drain for the East. Money sent abroad to supply the pay and provision of the armies at the seat of war was not the same as goods exported, for it went without any equivalent in return, and was so far an absolute deduction from the capital of the country. He was quite satisfied that the Bank Act of 1844 had not produced those phenomena which at present existed. The hon. Member for Kendal (Mr. Glyn) thought that there should be some means of relaxing that Act short of the direct intervention of the Government; but he (Sir W. Clay) recollected hearing the late Sir Robert Peel say that it was the very fact, that the relaxation could only take place by the interposition of Government—that rendered the possibility of such interposition harmless. Were any discretion given by the Act itself to relax the limitation, it would shortly become equivalent to no limitation at all. In that opinion, he (Sir W. Clay) agreed and thought it was better therefore to let the Act remain as it was. In reference to the statement of the hon. Member for Warwickshire, that the recent discoveries of gold had altered the relation of gold to silver—[Mr. NEWDEGATE: Five per cent]—the fact no doubt was so, but he (Sir W. Clay) did not see what bearing it had on the question before the House, namely, whether the Act of 1844 had had any share in producing the present state of the money market. The pound troy of silver was, in 1816, when the late Lord Liverpool reformed the coinage, directed to be coined into 66*s.* instead of 60*s.* as formerly, thus making the silver coins pass for more than their intrinsic value, making them in fact mere tokens to represent the twentieth part of a sovereign, for the sake of avoiding the inconvenience of a double standard, under which France was now suffering. The standard of this country was gold, and the discoveries of California and Australia could only tend to make money more plentiful here, cheaper, that is to say, with reference to other commodities; but as yet, at all events, the mint relation of the gold to the silver coinage could have no effect on the greater or less abundance of money. The hon. Member concluded by expressing his determination to vote against the Motion, unless the Chancellor of the Exchequer should declare on the part of the Government that he had no objection to the appointment of the Committee, limiting at the same time the scope of its inquiries.

MR. CAYLEY * confessed his surprise that no Member of the Government had yet risen to give an opinion on this subject. If, however, the debate was not summarily cut short, as had very nearly happened a few moments ago, perhaps the House would yet be favoured with an exposition of the views of the First Lord of the Admiralty, who had taken a very active part on this question in 1847 and 1848, when it was considered by Select Committees. It was desirable, also, that they should be enlightened by the Secretary to the Treasury (Mr. Wilson), who had written able publications on this subject, and whose opinions were supposed not entirely to accord with those of the rest of his colleagues. He (Mr. Cayley) agreed with the hon. Member for Surrey (Mr. Drummond), that the question was a very difficult one, intricate and complex in its nature; and the difficulty attending the discussion of it in that House resembled that which would be experienced by any man who should attempt to solve an abstruse mathematical problem on Covent Garden hustings. The task was hard enough of execution in the quiet of one's own closet, free from the distractions and excitement inseparable from a large public assembly. For its right solution the calm concentration of all their powers of intellect exclusively upon this one subject was indispensable; but at present the public mind was divided between the absorbing negotiations for peace now going on in Paris, and, it might be, the heavy rate of discount which traders were paying. He would, therefore, recommend the hon. Member for Birmingham not to press for a division, as the thinness of the attendance at that hour would prevent any decision now come to from being a fair criterion of the general sentiment of the House. Moreover, the subject was one which would more fitly be referred to a Commission consisting of three competent men than to a mixed Committee of Members of that Assembly. The riddle was, where to find the competent men. The Committee which inquired into it in 1848 was a complete juggle—was a packed Committee—seemingly fair—but adroitly packed—the Members of which were induced to vote in accordance with the views of the Government, but in the teeth of the evidence. Only four out of the seventeen witnesses then examined, comprising the heads of the most important commercial firms in London, had a word to say in favour of the Act of 1844. All the rest of the witnesses, namely, thirteen out of the seventeen, concurred in tracing the panic of 1847 to the Act of 1844, as its proximate cause. And yet in spite of this—in spite of this preponderance of evidence—and although the four witnesses (Mr. Jones Lloyd, the author of the scheme, Mr. Cotton, the Governor of the Bank, at the time the Act of 1844 passed, and the Governor and Deputy Governors of the Bank in 1847)—were all therefore more or less implicated in the creation of the system or its working—in spite of all this, the Committee voted smack in the face of the evidence before them. The Act was intended to prevent the violent oscillations in the value of money that had led to the commercial disasters of the last twenty years. Sir Robert Peel so expressed himself when he introduced the measure. It was to preserve more uniform the value of money, and to save the commercial interest from that murderous destruction of their property which periodically befel it. Had that been the effect of the measure? Had not these oscillations been more violent since the Act of 1844 was passed? Between 1844 and 1848 there were twelve changes in the Bank rate of discount. Between 1848 and the present time there had been twenty-four changes in the rate. In all, thirty-six changes in the Bank rate of discount between 1844 and 1855, or at the rate of three changes per annum. Why, during a whole century—at least up to the year 1819—the Bank never altered its rate of discount. Dating from that time, coupled with the change to the single standard of gold in 1816, an entire change had taken place in the money system of England, which for a thousand years previous had been based on a different principle; and more and more frequent commercial disasters had occurred in the last forty years, commencing with the preparation for cash payments in 1815, than had occurred perhaps in the whole of our history besides. The hon. Member for Kendal (Mr. Glyn) had suggested that in any future arrangement with the Bank of England there should be reserved to the country some portion of the profit derived from the paper circulation. In a limited sense that might be true. But let us beware of driving hard terms with the Bank, and so driving them in turn to rush into a headlong competition in the discount market, which tended to alter the value of every man's property. He (Mr. Cayley) believed one reason why the currency system had not worked so satisfactorily as it might have done was, that any Gentleman who filled the office of Chancellor of the Exchequer always seemed to entertain the idea that he was making a capital bargain with the Bank of England. But what signified whether it was £100,000, or £200,000, or £300,000, they gave to the Bank for managing the currency, compared with the £200,000,000 or £300,000,000 mercantile wealth of this country which they sacrificed every five or ten years? But in support of the suggestion of his hon. Friend (Mr. Glyn), that the public should have the benefit of the profit on the circulation, it was a fact, he (Mr. Cayley) believed, that the Exchequer-bill circulation in the sixty years between 1780 and 1840, had run almost *pari passu* with the bank-note circulation, the circulation of notes being virtually a mere substitute for Exchequer bills. Down to the middle of the last century Exchequer notes were issued for £20, £10, and at one time are said to have been as low as £5: and the reason the system was abandoned was, that a nephew of Sir R. Walpole, who was an auditor or teller of the Exchequer, and whose duty it was to sign these notes, found it inconvenient to discharge the duty. The circulation of country bank notes from that time began to grow in importance, and in some measure to replace the small Exchequer notes which were withdrawn, but with nothing like the same efficacy; for these Exchequer notes were a legal payment for taxes, and formed together, with the coin of the realm, the basis of our circulation—a circulation on a basis not such as our present one—evanescent and shifting—now here and now there—according to every slight variation in the accidental price of a metal—but always at home, and one on which the mercantile and agricultural body could rely as a means of liquidating their credit transactions. In this sense, therefore, he could agree with his hon. Friend (Mr. Glyn) that the country should have the profit of the circulation, for with an average of £20,000,000 or £21,000,000 of this species of circulation, payable in taxes, and never varying in consequence of an adverse balance in trade, the commercial interests of this country would be entirely saved from those prostrations of commerce and of credit of which we had had such melancholy experience in the last forty years. The Bank might still be the place of deposit for bullion—for purposes of foreign trade—but no one had ever discredited the Bank of England notes, even in 1797. Neither would Exchequer notes be illimitable in quantity. It was not the note which fell in value in a panic—but that gold for foreign purposes rose—for at that very moment the note was preferred to the most solid of all property, namely, land. What he (Mr. Cayley) contended for was, a constant supply of a medium of exchange to such a limited extent as experience had proved was required for the purposes of trade, namely, about £20,000,000 notes. The hon. Baronet who last spoke had referred to the "recommendations" of the hon. Member for Birmingham; but, although that hon. Gentleman had complained of the practical result of the system of currency adopted in this country, he (Mr. Cayley) was not aware that he had made any recommendations. For the opinions of that hon. Member he was in no degree responsible. He thought the present an inopportune moment for the discussion, because, pending the negotiations for peace, it would be imprudent to refer to all the prospective evils of the present system if war continued. At the same time, if the hon. Mover persisted in dividing, he would divide with him. He (Mr. Cayley) had never been favourable to the Act of 1819, which established a new system in the place of the old principle, that the currency was convertible into the coin of the realm. The old law operated as a protection to the circulation, and prevented the coin directly and indirectly escaping from the country; but the system of legislation commenced in 1816 had had a different effect. The difference consisted in this, that under the old system the note was convertible into coin without relation to its specific weight—it was convertible into gold or silver at the option of the Bank—it was highly penal to export the coin, it was seldom, however, that there was not coin enough for convertibility—because the coin being for the most part greatly worn, it was worth more in this country as coin, than abroad as bullion, unless the exchange against this country happened to be adverse to a greater extent than the wearing and clipping of the coin. All this operated in favour of a stability and uniformity in the circulation. More than this was beyond the contract with the public creditor. And if the coin did leave this country to a considerable extent —up to a very late period in our history—Exchequer notes receivable in taxes served the purpose of a medium of exchange. The present system since 1819 was wholly different. The note was convertible into coin of a definite weight and fineness, and was not a legal tender, except at that absolute degree of fineness and weight. The consequence was, that every slight variation in the price of gold abroad (for now we had not the option to pay in silver) either drove gold to the Continent, or invited it back again. Hence a constant oscillation in the value of money, on which the price of all commodities depended. When the gold went, a pressure was felt by the country, they knew the cord was round their neck, and that the bank was pulling it tighter and tighter, and that before the Bank was strangled by the Act of Parliament, the Bank had the power of strangling the public. This was the cause of that intense alarm ending in panic, which was felt by the commercial classes when the Bank began to put on the screw. But the present system required this. It was no fault of the Bank. Before the Committee of 1848, on this subject, he had examined the Governor of the Bank of England, and had put the matter to him pretty broadly in the following manner:—"By your regulations, by your increasing the rate of discount, and diminishing the period of discount, you intend to throw down prices, you intend, in order to throw down prices, to ruin the mercantile body; your mode of restoring bullion to the Bank is by producing such ruin; if you ruin the manufacturer and the merchant you cause a great number of forced sales, which occasion a great fall in prices; foreigners then come here for goods instead of for gold, and that is the process by which you now get back your gold." After shifting and evasion for some time, the Governor had admitted that that was in effect the way the system worked—although when it was suggested to him, he could not deny that there was a natural tendency in an adverse exchange to right itself; because the very circumstance of high prices here, which caused increased imports, and an efflux of gold, had the effect, of course, of diminishing the export of British goods—that threw down prices—caused less labour to be employed—and less consumption to take place—and so diminished imports also—which rectified the exchange. This rectification was, however, more gradual. But then Mr. Jones Lloyd had boasted of the very gradual way in which the Act of 1844 operated. This was the system which had been pursued ever since the peace; the prosperity arising from cheap money caused gold to leave the country, and the only means of getting it back were by producing ruin. If this was the only mode in which the present currency system enabled them to get back gold, he could only say that a more rude, barbarous, he had almost said brutal, system, could not be imagined. It was some consolation that it was not a natural or necessary system, and therefore might be altered, and those periodical visitations of disaster almost, if not entirely, prevented. The hon. Member for Birmingham had stated that, with regard to a system of currency of intrinsic value, the philosophers were all on one side, and the practical men on the other; but was it true that all philosophers did entertain the some opinions? He would ask the Chancellor of the Exchequer, who was deeply versed in classic lore, whether the philosophers with whose writings he was familiar were favourable to a system of currency of intrinsic value? What was the opinion of Plato? He had especially devoted himself to the consideration of this question, and unequivocally decided in favour of a token as contradistinguished from a coin of intrinsic value, because it would not leave the country. Aristotle argued most ably on the subject, and was of opinion that money might as well be without value as with, since it was a creation of law. And Bishop Berkeley, who was, perhaps, the most subtle thinker of modern days, showed in his remarkable queries, that he was, like Plato, in favour of a symbolic in preference to an intrinsic money. But then such money must be sustained in value by a limitation of its quantity. The hon. Member for Birmingham had said that the mercantile affairs of this country were, to a great extent, carried on by credit, and no one who did not examine the subject very minutely could have any idea of the extent to which that system of credit existed. Would any extreme bullionist contend that, if the mercantile operations of the country were carried on by bullion alone, they could be so extensive as they were? Had the Chancellor of the Exchequer ever considered the daily amount of transactions which took place at the Clearing-house in this city? He (Mr. Cayley) had the other day asked the hon. Member for Kendal, who was chairman of the Clearing-house, what was the amount of those transactions, and whether it was true that a return was made to Parliament some twenty years ago, which showed that at that time the daily transactions were upwards of £5,000,000; but the hon. Gentleman informed him that no such return had been made, and that the transactions at the Clearing-house were entirely private, and that a return would not be made. He (Mr. Cayley) lamented this much; for it was quite plain that a return in cypher might be made which would show no individual transaction or return. Since then the result of inquiries which he (Mr. Cayley) had made was, that the bank transactions of London, exclusive of the west-end banks, amounted to somewhere about £15,000,000 daily. This sum, multiplied by 300, gave £4,500,000,000 as the transactions represented in the clearing-houses of London in the course of the year. Who could contemplate this amount without amazement, coupled with apprehension, when they were told of a metallic basis as the ground of these mercantile transactions of only, at the present moment, £9,000,000 or £10,000,000 of gold? As that gold receded, all these transactions became imperilled. And yet these were not the entire transactions of the United Kingdom, although they might constitute half or two-thirds. What an anxiety for those whose interests were involved! What a responsibility on those who had to carry out such a system! How only £20,000,000 of bank notes served to liquidate this mighty amount of transactions was a philosophical mystery which he (Mr. Cayley) hoped another time to elucidate; for it did not lessen the mystery—that, in the present pressure for money, when the Chancellor of the Exchequer lately advertised for a loan of £5,000,000, £30,000,000 were said to have been tendered. But for the mercantile body to feel a constant possibility of the entire base of the circulation being withdrawn, and of the medium of exchange ceasing to exist, while all these transactions were legally convertible into the medium of exchange, was gratuitous torture to that body. It was that evil he (Mr. Cayley) was most anxious to remedy, by permitting the Bank, or some other public institution, to maintain at all times such an amount of the medium of exchange as experience showed that commerce required. He wanted no depreciation of paper, but a medium of exchange of uniform value and limited amount, on which the mercantile interest could at all times rely. That amount by the experience of the last ten years seemed to be somewhere between £18,000,000 and £24,000,000. But in his (Mr. Cayley's) opinion, £20,000,000 or £21,000,000 would be ample, if credit were not periodically paralysed by a system like the present. The certainty of means of convertibility for the immense amount of commercial transactions in this country into some medium of exchange or other, was in his opinion of more importance than inopportune and ruinous attempts to convert the bank note, which no one distrusted, and which took away gold only for the benefit of the bullion dealer and the foreign merchant, whose dealings abroad were not in currency but barter. He was glad to observe the different tone at the present day in the House on this question: twenty-four or twenty-five years ago, when any one ventured to open his mouth on the subject of the currency in contradiction of the ultra bullion theory, he was met by clamour; and that evening the hon. Member for Surrey (Mr. Drummond) had deprecated the discussion of this question, not without some of his accustomed jokes; but it was no joke for the commercial interests of this country to be subjected to a system which made them the victims of those periodical panics which we were accustomed to see in this country. Let no one say those visitations were the natural results of reaction. The commercial panics experienced from time to time had no more to do with nature than fainting from starvation became natural to an empty stomach. It was our artificial system alone that produced them; and so long as that system lasted he believed that, unless the evils of the system were counteracted by the influx of gold from Australia and California, the country would be liable to those periodical panics in all time to come. As he had just said, he did not think the convertibility of notes in this country of credit was of so much importance as preserving a uniform and certain medium of exchange. He should like to see the public made certain of the stability of that amount of the medium of exchange which was found by experience to be necessary to carry on our commercial transactions. He thought the Bank of England ought rather to be the moderator and manager of the currency than a competitor for discounts, and, with this view, to be constantly varying its rate of discount. He would rather see in that establishment a nearly fixed rate of discount—oscillating perhaps between 4 and 5 per cent; but he thought the Bank should be amply rewarded for managing the currency—so amply rewarded that it should not require to go into the market to compete with other discount houses in order to get a profit to its proprietors. A large amount of the capital of the Bank might then be employed in regulating the exchanges, by investment in foreign securities, for the supply of bullion in time of need. For any losses by such a proceeding, they should be compensated in other ways. When he used the word capital, he did not mean it in the sense in which it was employed by the hon. Member who spoke second in the debate, who said that the rate of interest depended not on the price of gold, but on the price of capital. What on earth he meant, he (Mr. Cayley) was at a loss to divine. It sounded like the jargon of the ultra bullionists, whose dogma seemed to be that gold was the only capital in existence. Why, land was capital; the table before him was capital; that House was capital. [Sir C. Wood: Hear.] The right hon. Gentleman the First Lord of the Admiralty, cheered that statement. He (Mr. Cayley) was quite aware of the distinction to be drawn between fixed and floating capital. In 1847, his right hon. Friend had stated that all the capital had gone away with the gold. [Sir C. Wood had certainly never said that capital meant gold.] No; but the right hon. Gentleman argued, in the midst of the pressures and panics of 1847, that it was the capital that was gone. Whereas, from the fact of the panic ceasing, in consequence of the Government letter, in October, 1847 — and thus bringing currency out of hoard—it was clear to demonstration that it was not capital but currency that had been wanting. And therefore it was plain that the right hon. Baronet had confounded the one with the other. According to the bullion theory, if all the gold were withdrawn from the country, we should have no capital left; but this was a view of the case which no man of common sense would stake his reputation upon. In conclusion, he would repeat that what we wanted in a country like this, where credit was so firmly established, was not so much the certainty of convertibility of the note—the real value of which no one really had disputed for a century and a half—but uniformity and certainty in the amount of the medium of exchange. Money was an instrument for diminishing the inconveniences of barter. It was invented and adopted as a servant to facilitate the operations of commerce. From a servant it had risen to be a master, from a master to a tyrant. His (Mr. Cayley's) desire was, that it should be deposed from its tyranny, and resume its subservience to the end for which it was created. That end was, to keep a sufficient and steady supply of circulating medium, proportioned to the scope and energies of trade. So that the gigantic stakes of commerce should not be periodically forfeited by the counters being filched away in the very midst of the game.

Mr. HEYWORTH said, he was satisfied that panics had their origin in the law of nature and nothing else. If there was a superabundance of food, food would be cheap, and this would allow individuals to have money in their pockets to lay out for other purposes. The millions of people first raised the price of articles, next stimulated the price of production, and then came panics; the merchant and the manufacturer ran to the bankers for discount, not being able to sell their goods; they were obliged to pay a large interest, and it was this large interest that stopped production, allowed large stocks to be sold off, and matters eventually to right themselves. The monetary system had nothing more to do with panics than the mercury in the thermometer; it was a symptom, not the cause. In his opinion, the conditions of the Bank Charter were very plain and intelligible. The Directors of the Bank were allowed to issue £14,000,000 of notes, because there was security for that amount provided by Act of Parliament, and they were also allowed to issue notes to an amount equal to the gold which they should have in their possession. Why was this done? It was to prevent the evil consequences of an over-issue of notes; or else it might happen that some day, under a reckless manager, an unlimited amount of notes would be issued which nobody could liquidate. This precaution was taken in 1844, because about that time a great many of the country banks, which had been in the habit of improvidently issuing too large an amount of notes, failed, and left thousands of poor people with their valueless paper on their hands. To obviate that evil, the issue of notes by those country banks was limited; and to prevent its occurrence upon a larger scale, the same principle was applied to the Bank of England. The intention of the Act was, to secure that everybody should always be able to have an ounce of gold for the sum of £3 17*s.* 10½*d.* represented by each £1 of his bank note. It was not pretended by this to fix the value of the gold; for whenever there was a scarcity of gold, and we wanted gold to send it abroad, we must buy it, like corn or any other commodity, at the price for which it could be procured. The requirements of commerce would always adjust themselves naturally, if we let the matter alone.

The CHANCELLOR of the EXCHEQUER: I can assure my hon. Friend the Member for the North Riding (Mr. Cayley), that it was not from any feeling of disrespect to the House that I abstained from presenting myself to their notice at an earlier part of the debate. The object of this discussion is, to determine whether or no the House ought to appoint a Select Committee to inquire into the subject of the currency. Before I ventured to express any opinion as to the expediency of appointing such a Committee, I was desirous of ascertaining the opinions of different Members, and of knowing the generally prevailing opinion of this House upon the question. The Motion submitted to the House by my hon. Friend is for the appointment of a Select Committee to inquire how far the present monetary system is in accordance with the requirements of the country, and to consider whether it cannot be improved and amended. Owing to the great familiarity with the subject of the currency, which, as we all know, my hon. Friend possesses, he has been able to illustrate it by a long historical dissertation, beginning with William the Conqueror, descending to Elizabeth, and ending with the Acts of 1819 and 1844; he has exemplified it by numerous instances, ancient and modern, and he has delivered his opinion upon the defects which he thinks the present system labours under. But I do not precisely understand what is the nature of the inquiry which he proposes that the Committee, if it be appointed, should undertake. Before he sat down he stated that it would have to inquire into the means of preventing those fluctuations in prices and in the rates of discount which take place to the injury of all classes except the class of bankers, and that the object he had in view was to give happiness, power, and prosperity to the country. That is a very extensive subject of inquiry, and the object held out as the aim of that inquiry is very lofty and exalted; but I really would put it to the judgment of the House whether fifteen hon. Members, acting as a Select Committee, would be competent to conduct a speculative theoretical inquiry of that nature? My hon. Friend the Member for the North Riding (Mr. Cayley) says, that discussing the question of currency in this House is like attempting to solve a mathematical problem on the hustings at Covent Garden. I presume that in a Select Committee there would be none of those disturbing influences by which the House is affected, but that the fifteen philosophers would sit down to investigate the subject as if they were in the Academy of Laputa, that they would call before them persons who had examined the science and theory of currency, and that they would, as far as their leisure permitted, read all the abstruse and difficult volumes which have been written on the subject. I remember a speech of Mr. Canning upon a Motion for a Committee to inquire into the Catholic question, in which he drew a most formidable picture of the numbers of volumes of the works of the Fathers, the Councils, and the polemical writers, which the members of such a Committee would have to study before they could come to any safe conclusion. I do not know whether my hon. Friend proposes that the Committee he moves for should undertake such a speculative inquiry. If that be his object, I think that this House will hardly agree to the appointment of a Committee to inquire generally into the whole state of our monetary system, with the view of seeing whether or not it may be improved. Assuming, therefore, that no such general inquiry will be undertaken by a Committee appointed by this House, we come to the consideration of what is the practical question which a Committee would have to inquire into. The hon. and learned Gentleman the Member for Wallingford (Mr. Malins) has argued, in a speech in which he expressed his views on the subject with great force and clearness, as if the subject which he wished the Committee to inquire into was the operation of the Bank Act of 1844. The hon. and learned Gentleman did not throw out the proposal for a general speculative inquiry such as the hon. Member for Birmingham seems to desire; but he said plainly, "we wish to know what has been the operation of the Bank Act of 1844 and we wish to have a Committee to inquire into it." Well, Sir, that is a simple question, and one upon which the House is perfectly competent to come to a conclusion; but if it be supposed that a Committee ought to be appointed to inquire into the operation of that Act, why do not hon. Members who are of that opinion move for a Committee to make that inquiry, instead of bringing forward a Motion like the present, couched in vague and abstract terms? A Motion for a Committee to inquire into the Bank Act of 1844 would be at least intelligible, and the House could readily come to a conclusion with regard to it. I will assume that that is the object of the present motion, and the question upon which the House will have to vote, and will proceed to the consideration of its expediency. Upon that subject I can only repeat a statement which I made at the beginning of the Session, in answer to a question put to me by an hon. Member opposite (Mr. Glyn). I stated then, that in my opinion the present moment was not peculiarly well adapted for instituting an inquiry into the Bank Act of 1844; that the circumstances were, to a considerable extent, exceptional and extraordinary; that we were entering upon the second year of a war which had occasioned a great draw upon the reserve of bullion in the Bank for shipment to foreign countries; and I say now, that if a Committee were appointed such as that moved for by the hon. Gentleman, it would necessarily proceed to inquire into the extraordinary circumstances of last autumn, and not into the generally prevailing state of things occasioned by the operation of the Act of 1844. Again, the present financial state of the country is not such as to render it a time in which we could most fittingly engage in an inquiry which would render it necessary to investigate all the various operations in which the Bank is concerned. It appears to me, therefore, that if it be proposed to institute a general inquiry of the nature which I have described, the House will not be inclined to entertain that proposition; and, on the other hand, I think that if it is proposed that we should confine the researches of the Committee to the practical question of the operation of the Bank Act of 1844, the present moment is not well suited for instituting any such inquiry. The hon. and learned Member for Wallingford (Mr. Malins) appears to me to entertain a strong feeling of alarm as to the present prospects of the country. He has, in fact, in the course of his speech threatened us with a national bankruptcy, and seemed to think that such an event, if not imminent, was by no means improbable, or at any rate was more than possible. The hon. and learned Gentleman asked me what course the Government propose to take in case of the Bank not being able to meet the demands made upon it. Now, Sir, in answer to that inquiry, I say that the appointment of this Committee would at all events be a very imperfect remedy against the danger of a national bankruptcy. If we are threatened with some great and possibly immediate danger affecting the solvency of the Bank of England, it is obvious that to appoint a Select Committee of the House of Commons, the Members of which would probably entertain very discordant opinions upon the subject of the currency, to hear opinions probably still more discordant, and which would probably, by the end of the Session, have made very slight progress—for the last Committee which inquired into the Bank charter occupied two whole Sessions in its investigation—would not be to provide a very efficient security. Now, what is the present state of the Bank of England? I will not trouble the House with any long statement of figures, but I will merely state the circulation and the bullion of the Bank on the 23rd of February last. The circulation for the week was £19,254,000, while the bullion amounted to £10,575,392, which was considerably more than half the circulation. Surely that state of things was not calculated to cause much alarm. The amount of the notes issued was £24,390,330, of which the notes in reserve amounted to £5,848,810—not a very precarious condition for the Bank of England to be in. I find that in the course of this discussion there has been a striking absence from the speech of hon. Gentlemen of all practical suggestions for the improvement of the Act of 1844. Much hostile criticism has been bestowed on what has been called the arbitrary character of that Act, and more especially on the limit of £14,000,000, or as it now is £14,500,000 added to the amount of bullion, fixed by it, and it is said that no reason can be assigned for selecting that rather than any other amount. Now, I believe the ground upon which that number of millions was taken was, that it was believed to be the lowest point to which the circulation could ever descend. But, assuming that objections can be made to that or any other amount, the question is, whether anybody is prepared to propose some substitute, as preferable to the fixing of an arbitrary amount? Most Gentlemen who take any interest in the subject of the currency have probably read the recent pamphlet of Mr. Tooke, whose opinions are of the highest authority; for even at the time of the Bullion Committee he had begun to write upon these questions, and now, at a very advanced age, he continues to treat them with remarkable knowledge and vigour. Mr. Tooke may be taken as the most favourable representative of the opponents of the Act of 1844; and what is the substitute which he proposed for the present limit of £14,000,000? He would remove that restriction, and would fix his *minimum* of the bullion at the Bank, at not less than £12,000,000. Mr. Tooke, it appears, does not think it desirable that the limit should be fixed by Act of Parliament, but he proposes that there should be an understanding between the Directors of the Bank of England and the Government, and that matters should rest upon that understanding. Now, I will ask the House whether, if a distinct understanding, which must necessarily be reduced to writing, be entered into between the Directors of the Bank and the Executive Government, that under no circumstances they will allow their reserve of bullion to sink below £12,000,000, the Bank would not feel as much bound by such an agreement as if it were embodied in an Act of Parliament? Would Gentlemen in the position of those Directors, with such a responsibility resting upon them, feel themselves safe in allowing the bullion to sink below £12,000,000, when they had entered into an engagement that it should never be less than that amount? Here, then, we have the oldest and one of the foremost writers upon that side of the question, who, when he comes to approach a practical suggestion, has nothing to offer but that which has been described—a regulation which, as everybody must see, would in certain cases be more restrictive on the Bank than the limit which is fixed by the present Act. For these reasons, if the hon. Member for Birmingham should press his Motion, I shall feel bound to vote against the appointment of a Select Committee, at the present moment, to inquire into this subject. I nevertheless fully admit that the operation of the Act of 1844 is a fit and proper subject for an investigation by a Committee of this House when the proper time shall arrive, and when the circumstances shall appear favourable for the prosecution of such an inquiry. I quite admit that there are many parts of its operation which not only deserve, but require, full inquiry before a competent authority, and I shall be quite willing when the proper period arrives to assent to the appointment of a Committee. I trust, however, that the object of my hon. Friend, which seems to me, so far as I can judge from the terms of the Motion, to be rather speculative than practical, has been to a great extent satisfied by the discussion which the subject has undergone to-night, and that he will not think it necessary to press his Motion to a division. Before I sit down I will notice a remark of the hon. Member for Inverness-shire (Mr. H. Baillie), with respect to a provision of the Act of 1844, which expires in August next. My hon. Friend seems to think that the answer which I gave the previous evening was reserved. I will now state that the Bank of England has no objection to the continuance of the provision in question, and that I shall therefore be prepared, at the proper time, to introduce a Bill for that purpose. An hon. Member opposite (Mr. Cayley) has truly remarked that steadiness in the quantity of money and the rate of discount are objects highly desirable. I will make another remark in connection with that point, which is, that steadiness in legislation with respect to so delicate a matter as the currency is also highly desirable—and that it is important that this House should not, without having a distinct practical object in view, interfere with the operation of the currency. I trust that the House will not take any step which can, by any misconstruction, be thought to sanction an idea that there is any party in this House which entertains any doubt of the sanctity of the principle of the convertibility of the currency, and as to the necessity of maintaining, under all circumstances and in all conjunctures, the immutability of the standard of value.

MR. SPOONER said, that if anything had been wanting to confirm him in the opinion that inquiry was necessary into the operation of the Bank Act of 1844, it had been supplied by the meagre answer which the Chancellor of the Exchequer had given to the Motion of his hon. Friend the Member for Birmingham. The right hon. Gentleman, in the first place, had treated the Motion as if it were merely of a speculative character, although it contained a decided opinion that the present state of the currency was not adequate to the wants of the country. Such was the opinion which had been expressed by the hon. Mover, and he (Mr. Spooner) hesitated not to say that the same opinion was entertained by a very large majority of the commercial men of the country. The right hon. Gentleman admitted that to a certain extent inquiry was necessary—he said that the present was not the time for it, but he gave no reason for that opinion. He (Mr. Spooner) denied that there was anything speculative in the Motion, but he thought that the hon. Member for Birmingham had exercised a wise discretion in not limiting his Motion to the mere effects of the Act of 1844; because if he had done so he would have been tied down strictly to that in the Committee, and could not have touched upon the general state of the monetary system. The right hon. Gentleman had complained that the hon. Member for Birmingham had propounded nothing, and had asked what there was to inquire into. He replied that the question which the Committee would have to consider was, had the Act of 1844 served the purpose for which it was intended? According to the statements of Sir Robert Peel, that Act was passed to prevent commercial panics and oscillations in the value of money, and to remedy the defects of the Act of 1819. Was it not fair to inquire whether the Act had really prevented those panics and oscillations? Would it be believed that in 1855 there were no fewer than eight alterations in the rate of discount charged by the Bank of England—beginning at 2½ per cent, and mounting up to 5, 6, and 7 per cent? There was a severe panic in 1825, but a much worse one occurred in 1847; and it would be found that the Act of 1844, so far from lessening, had greatly increased panics and violent changes in the value of money. It had been said by the hon. Member for Derby, that those panics and oscillations were owing to a law of nature, and that nothing could prevent them. He knew of no such law of nature. It was the law of that House. He traced the evil to the operation of the present monetary system. By the Act of 1844 the Bank of England was compelled to buy gold, whether they wanted it or not, at a given price, and then to sell it at a given price. What was the effect of that provision? To purchase gold, the Bank was obliged to issue notes, whether these notes were required by the wants of the country or not. This increased the circulating medium, and led to a reduction of the general rate of interest. Thus people were encouraged to enter into all sorts of speculations, and the price of every commodity was increased beyond the level which would range with gold at the price at which the Act compelled the Bank to provide it. An immediate stop was thus put to our export of our goods, and instead thereof gold vanished, and the only course which the Bank could adopt to bring the precious metal back involved all that distress which was the consequence of forcing down prices to a level ranging with gold at the price fixed by the Act. The large issues of notes consequent on the Act led to a hollow prosperity; while the steps which the Bank was compelled to take in order to make every marketable commodity range with gold produced ruinous panics and oscillations, deteriorating property, embarrassing credit, and destroying profit; so that, since 1844, very few men could make any sound calculation with respect to the mode of carrying on their business. Such were some of the facts which the Committee would have to consider. All that the hon. Member for Birmingham asked was, that there should be an inquiry. The Motion did not pledge them to any theory as to whether there should be a convertible or an inconvertible currency. That was a question which he would not argue at present, because few hon. Members had taken the trouble to understand it; but surely there could be no objection to the appointment of a Committee, by whom the whole subject might be considered calmly and deliberately as a matter of business, and whose Report might guide the House to a proper remedy for the existing evils. It had been said that the law was not touched in 1847. Why, the letter from the Treasury had the effect of suspending the Act, and what was the consequence? The instant it became known that the Bank was no longer compelled to limit its issues by the amount of bullion in its coffers, confidence was restored, large sums which men had hoarded to meet their engagements were brought forth, and in a short time the evil was entirely removed. Was it right, he asked, that the Bank should be compelled by an Act of Parliament to take such measures as could not fail to produce all the misery he had described, and then that a Chancellor of the Exchequer should have power to suspend by a letter the law of the land, coming afterwards to that House for a Bill of indemnity? That statement alone, unless there was something behind which he did not understand, should induce any Government which felt its responsibility to institute an inquiry with the view of putting an end to so monstrous a system. He regretted that he did not see the Secretary of the Treasury in his place, but he would advise every hon. Member who heard him to purchase Wilson's *Capital, Currency, and Banking*, published in 1847, where would be found the strongest possible arguments against the Act of 1844. The book consisted almost entirely of articles reprinted from a weekly publication with which the Secretary of the Treasury was said to be connected; and in the same publication he found, as recently as December last, the following remarkable paragraph, in which he thought he recognised the style of the hon. Secretary. It began thus:—

> "The two grounds upon which the Bank Act was defended have proved, not alone by argument, but by the test of experience, to have been equally fallacious."

Those two grounds were the prevention of panics, and the maintenance of level rates of interest. The article went on to say—

> "And there remain none of the arguments upon which it was founded, as a necessary 'complement' of the Act of 1819, to be answered. That it is calculated at particular times to be of serious mischief and inconvenience, no one will deny; and if it be proved that the only advantages expected from it prove to have been based upon error, it will not be difficult hereafter to show that such an Act should not be left upon the Statute-book in its present shape."

He agreed in those opinions, which he assumed to proceed from the quarter he had just referred to, and he asked whether anything had fallen from the Chancellor of the Exchequer to induce the House to refuse an inquiry into the consequences of an

Act so graphically described and denounced by the Secretary to the Treasury? The Chancellor of the Exchequer treated the question as one entirely of time; but the hon. and learned Member for Wallingford had shown good grounds for an immediate inquiry; for he had proved by documents that, during the last six or seven months the bullion in the Bank had decreased nearly £8,000,000, and that they were now within £2,000,000 of the point where they were in 1847. Before, then, they arrived at that point, would it not be better, instead of waiting until it was too late, to inquire into the subject calmly and quietly, and in such a way as to carry with them the respect and confidence of the country, and not be driven to act on the emergency of the moment without such inquiry? Things supposed to be very secret would occasionally creep out; and what had crept out had excited his suspicion that the Chancellor of the Exchequer was more for inquiry than he openly professed to be; that he met with difficulties in a quarter where his influence ought to bear down the difficulties; and that owing to those difficulties the country was to be debarred from entering into a needful investigation. He (Mr. Spooner) laid down this plain general principle, that by the law the Bank of England was obliged at times to extend its currency in a way uncalled for and unrequired, and thereby created a vast hollow prosperity, raising prices and taking the gold out of the country, and then the Bank was obliged to take steps to bring the gold back by measures which entailed distress and ruin on many, and upset all commercial calculations. He referred hon. Members to the very important evidence elicited from the Governor and Deputy-Governor of the Bank of England, before the Committee on Commercial Distress in 1848, by his hon. Friend the Member for the North Riding of Yorkshire, completely proving the allegation he (Mr. Spooner) had made. An hon. Member had said that the price of gold was not fixed, but that hon. Gentleman confounded price with value. By law they could fix the price, but they could not fix the value. A proof of this was, that if gold were taken to the Bank of England the Bank was obliged to measure out a certain number of notes for the gold offered. Could anything be clearer, then, than that they had fixed the price of gold? They had, indeed, thereby attempted to fix its value; but that they could not do. This plan of obliging the Bank to exchange notes for gold, when it did not want to do so, was, he believed, one of the greatest mistakes ever committed. Let it not be supposed that he was blaming the Bank of England. He believed that its managers executed their duties in an exemplary way, and that all the difficulty which had arisen had been occasioned by the fetters imposed on the Bank. His hon. and learned Friend behind him had used the expression that the Bank had been on the eve of bankruptcy; but he was sure that all his hon. and learned Friend meant was, that it had been on the eve of having its bullion exhausted, and being thereby crippled in its operations; for it was out of the question to speak of the insolvency of the Bank while a debt was due from the nation to that establishment of £14,000,000. The hon. Member for East Surrey stated that this was a difficult question, impossible to be dealt with in the House, and therefore he rather strangely concluded that it should not be dealt with at all; but it was on this very ground that it could not be dealt with in the House that the hon. Member for Birmingham proposed to deal with it in a Committee. He asked, supposing that there had not been an enormous importation of gold into this country and into Europe generally, owing to the providential discoveries of vast quantities of that precious metal, could any one believe that the present monetary system would not have been long ago abolished? He had not a shadow of a doubt that if a Committee were granted, a plan might be produced which would establish a good sound circulating medium equal to all the wants of the community. That such a plan could be produced, he knew; but as it would not be right to put it to the hazard of a general public discussion, he should not now further allude to it. Currency was not capital, but the representative of capital; and if the power of representing capital and commercial transactions were taken away from the currency, the energies of the country would be materially cramped, and its prosperity checked. The question, however, was one of such vital and undoubted national importance, that he trusted the House would agree to the appointment of a Committee. The object of such Committee would be to inquire into the existing system, and to devise a circulating medium safe and sufficient for the exchange of the vast, varied, and increasing productions of the country, capable of calling out and sustaining the power and greatness of the empire, and of maintaining the high rank it has hitherto sustained among nations.

SIR CHARLES WOOD: Sir, I will detain the House but a very few minutes while I reply to two or three observations that have been made in reference to transactions in which I bore a part. I entirely concur in the last observation of the hon. Gentleman who has just sat down, that the capital of a country and its currency or circulation are not the same thing; but, with regard to the rest of his speech, I must say that, great as has been the confusion in the majority of the speeches delivered this evening between capital and currency, in none has it been more complete than in the speech of the hon. Gentleman. The hon. Gentleman maintained that one of the objects of the Act of 1844 was to prevent alterations in the rate of interest—an assertion which shows the confusion existing in his mind between capital and currency. The Act of 1844 only professed to deal with the circulation of bank notes, and I thought that every body who had ever thought on this subject was aware that the rate of interest does not depend upon the amount of the circulation, but upon the facility of obtaining capital. At the time when the Act of 1844 was passed this was stated most distinctly by Sir Robert Peel, and by most of those who supported the measure; and I remember perfectly well at least half a dozen periods when the circulation has been high and the rate of interest high too, and *vice versâ*; though, if the position of the hon. Member were true, we should necessarily have a low rate of interest with a high circulation, and a high rate of interest with a low circulation. That I call a confusion between capital and currency, and I think the hon. Member for Maldon (Mr. Peacocke), who spoke in favour of the Motion, showed by his speech that he would agree with me in so calling it. Various and discordant as have been the arguments urged in support of this Committee, I certainly was surprised to find such a singular discrepancy between the Mover and Seconder of it. The hon. Gentleman who has just sat down attributes all the panics which have occurred to the operation of the Act of 1844; quite forgetting the historical summary of panics from 1797 downwards, given us by the hon. Member for Birmingham, in which it was shown that previous to 1844 an undue increase of paper circulation had often led to an undue extension of speculation, to a subsequent panic, and then to a pressure. Panics have happened before 1844, and therefore it is only reasonable to suppose that those of 1846 and 1847 arose from what the hon. Member for Derby called natural causes, such as over speculation, and not from the operation of the Act. In fact, neither that Act, nor any other Act of the Legislature, can prevent them. Let hon. Members call to mind what appeared upon the inquiry into the affairs of several of the largest houses which failed in 1847, that they had been insolvent for years; let them recollect the system of drawing bills in the Indian and Mauritius trade which was disclosed before the Committee of 1847-8, and it will be clear enough that there was over speculation and fictitious credit to an extent more than sufficient to cause all the disasters of that year. My hon. Friend will have it that that Act fixes the price of gold. It is made very clear to my mind, by the different speeches made by those hon. Members who have supported this Motion, that it is a great misfortune that the vocabulary of monetary science is not better agreed on. A vast amount of discussion would have been saved if hon. Gentlemen had only a clear notion of the definitions of things about which they are talking. I am convinced that more confusion than enough has arisen from the abuse of those words, "the price of gold." How much useless discussion there has been as to the value of a pound! My hon. Friend opposite (Mr. Spooner) will shake his head when I tell him what a pound is. A pound is simply a given quantity of standard gold; 123 grains and a fraction of standard gold is a pound; and what the Bank is bound to do when gold is deposited there is, to give a £5 note for five times the quantity of 123 grains of standard gold. The consequence is, the £5 bank note actually represents five times the standard pound — five times 123 grains of gold. This is the whole process which is described in a roundabout way as buying gold at a certain price, and issuing notes upon the security of the bullion. A bank note is only valuable inasmuch as it is issued on the deposit of a given quantity of gold. To speak of £3 17*s.* 10½*d.* as the price or value of an ounce of gold, though the common expression, has certainly, in my opinion, very much tended to confuse the question, and that confusion would be altogether avoided by bearing in mind the true meaning of the term "a pound sterling." My hon. Friend the Member for Yorkshire (Mr. Cayley) attributed to me an opinion which I never entertained, namely, that the only capital in this country is gold. I agree with him that this table may be capital, that corn and any other commodity is capital; and I am sure that I never said anything which would warrant the hon. Gentleman in attributing to me such nonsense as he has put into my mouth. He also said that we packed the Committee of 1848 in order to obtain a majority, and almost in the same breath that, had it not been for the accidental absence of two Members, we should have been in a minority. Which of these opinions is true I will not say, but they seem to me to be quite irreconcilable. I believe that the Committee was very fairly constituted. It inquired into the matter with great diligence and assiduity; and I, having been one of the majority of two, think that the decision at which it arrived was perfectly correct. At all events, I am certain that it cannot fairly be said to have been packed. I do hope that, although at some future time there may be an inquiry into this question—and I am far from saying that such inquiry is undesirable — the House will abstain from sanctioning the appointment of a Committee moved, as this has been proposed, by the hon. Member for Birmingham. In considering the effect upon men's minds of the appointment of any Committee, you must take into account the object with which the Committee is appointed, and remember that the country will take the purport of the vote very much from the opinions expressed by the hon. Member who moves for it. This Committee is moved by the hon. Member for Birmingham. That hon. Gentleman says that he wishes to upset the Act of 1844, which, however, he admits to be necessary if you are to maintain the Act of 1819. It, therefore, comes to this, that the object of the hon. Gentleman in moving for this Committee is to repeal the Acts of 1819 and 1844, to destroy your standard, and leave you without any standard at all—to throw open the question, "what is a pound?" and to bring back such a state of things, which some Gentlemen seem to-night to think perfect, but which from the time at which it existed to the present day has been thought to be the most dangerous state of things possible—a state of things in which the transactions of the country from the highest to the lowest amount, the quantity of paper put into circulation, and the value of everything, should depend upon the discretion of the Directors of the Bank of England. I believe the principle laid down in the Act of 1819, and sanctioned by that of 1844—which I conceive to have been in its main feature the necessary supplement to the Act of 1819, and needed to make it a perfect measure—to be the best rule for the circulation; infinitely better and much less stringent than that recently proposed by one of the principal opponents of the measure. In his late publication, Mr. Tooke proposes that the Bank of England should be compelled always to have £12,000,000 of gold in its coffers. But if it were necessary that the Bank of England should always have £12,000,000 of gold, what would have been the state of things in 1847, and what would it be now? The Bank would have had to do a great deal more than it has yet done, to have had recourse to far more stringent measures than any we have yet seen, in order to maintain the necessary reserve of gold; and such a criterion for regulating the circulation would therefore be much more stringent than that provided by the Act of 1844. Remembering the proposition of my hon. Friend Mr. Muntz, that the Acts of 1819 and 1844 are necessarily linked together, and ought both to be got rid of, I hope the House will resist the appointment of the Committee, because I think it is of the greatest importance that we should maintain, unimpaired, the standard of value by which all transactions, great and small, must be regulated, and the disturbance of which would entail misery upon all classes of the community. My hon. Friend the Member for West Surrey (Mr. Drummond) referred to the last two-published volumes of the *History of England* by Mr. Macaulay. Let Gentlemen who have read the account there given of the distress and misery in every class of society, occasioned by the disturbance of the silver circulation, take warning by that, and abstain from throwing the country into a similar state of confusion by disturbing the standard of gold. I cannot but think that if the hon. Member should succeed in his object the rights of property would be unsettled, the value of everything great and small would be changed, uncertainty would be introduced into every transaction of trade and commerce, and the country would be plunged into the deepest distress.

MR. MUNTZ thought he had a right to complain of the manner in which the debate had been conducted. Not a single Member had spoken without misrepresenting him; and the right hon. Baronet (Sir C. Wood) was the worst of all. Nor did he wonder at that. The right hon. Baronet had so long been in the habit of speaking on this subject in precisely the same set strain, that he believed that if an angel were to come from heaven and make a speech upon it he would, irrespective of all argument, get up and make over again the speech they had just heard. He (Mr. Muntz) never said that he wished to repeal the Acts of 1844 and 1819. What he said was, that the Act of 1844 had not answered the object for which it was intended. So far from having produced a regular circulation, and a steady and rational range of prices, it had done everything but that. The variations that took place in the quantity of money in circulation, and the rate of discount, were destructive to all extensive manufacturing concerns; and no iniquity or fraud had ever been committed equal to what had within a comparatively short period resulted from the operation of that Act. Therefore it was that he (Mr. Muntz) said that inquiry ought to be made with the view of seeing if anything could be done. Another hon. Member (Mr. Drummond) had recommended that an inkpot should be rammed down the throat of any one who got up to speak upon the monetary question in that House. It was not every man who could swallow an inkpot. He (Mr. Muntz) did not wish to make other men swallow inkpots, and he would not swallow one himself. He was an independent man, sent to Parliament by independent men, and so long as he was a Member of that House he would bring forward what Motions he thought proper. He had not asked the House to pledge itself to anything. He was not himself pledged to any line of conduct. All he asked the House to do was, to appoint a Committee to find out some means of putting an end to the extraordinary variations in money. How that was to be done he did not pretend to say; but, if the Government did not know, it was time they should find out. The right hon. Gentleman the Chancellor of the Exchequer had used a most extraordinary argument for resisting the Motion. He said that the inquiry would be a very long one, and, therefore, he recommended the House to put it off. He (Mr. Muntz) thought that its probable length was, on the contrary, a reason for commencing the inquiry at once. The right hon. Baronet (Sir C. Wood) had made the philosophical statement that, when money was very plentiful, it was very dear; and that when it was very scarce it was very cheap. Political economists were of opinion that the very reverse was the case. All that he (Mr. Muntz sought for was an inquiry, and he hoped that the House would agree to the appointment of the Committee.

The House *divided*:—Ayes 68; Noes 115: Majority 47.

List of the AYES.

Alexander, J.
Anderson, Sir J.
Bailey, Sir J.
Ball, E.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bentinck, G. W. P.
Biggs, W.
Bignold, Sir S.
Bond, J. W. M'G.
Bruce, Major
Buck, Col.
Bunbury, W. B. M'C.
Cayley, E. S.
Child, S.
Cholmondeley, Lord H.
Cobbold, J. C.
Cole, hon. H. A.
Cowan, C.
Crook, J.
Davies, D. A. S.
Davison, R.
Dillwyn, L. L.
Dunne, Col.
Fergusson, Sir J.
Fitzgerald, W. R. S.
Greene, J.
Guinness, R. S.
Gwyn, H.
Hastie, Alexander
Heywood, J.
Holford, R. S.
Jones, D.
Kendall, N.
Kennedy, T.
Knight, F. W.
Laslett, W.
Lindsay, W. S.
Lockhart, W.
MacEvoy, E.
MacGregor, James
Malins, R.
Meagher, T.
Morris, D.
Mundy, W.
Murrough, J. P.
Newdegate, C. N.
Oakes, J. H. P.
Packe, C. W.
Paxton, Sir J.
Peacocke, G. M. W.
Robertson, P. F.
Smijth, Sir W.
Steel, J.
Stracey, Sir H. J.
Stuart, Capt.
Thompson, G.
Tite, W.
Tollemache, J.
Verner, Sir W.
Vernon, L. V.
Warner, E.
Warren, S.
Whiteside, J.
Whitmore, H.
Willoughby, Sir H.
Wise, J. A.

TELLERS.
Muntz, G. F.
Spooner, R.

CASE OF "TALBOT V. TALBOT."

MR. J. G. PHILLIMORE rose to move for certain papers connected with the case of *Talbot* v. *Talbot*, tried before the High Court of Delegates in Dublin in May, 1855. He had declined to vote with the hon. Member for Westminster (Sir J. Shelley) in reference to the Irish Judges, and it was not from an inclination to cavil at and criticise the conduct of those who, as holding high judicial situations, were entitled to our respect, that he had undertaken to bring this matter before the House; and he ought also to state that he was an entire and absolute stranger to the persons interested. But when he read the account of these proceedings, as stated in a petition that had been presented to the House, it chilled his blood and made him sick at heart—he said deliberately and advisedly, that when an innocent woman appeared to have been made the victim of a foul and scandalous conspiracy, he felt indignant. He wrote to inquire whether the facts could be substantiated, and, on being assured that they could be, he had determined to bring the case before the House. He did not propose that the House should act as a court of review or appeal from the decision which had been pronounced, nor did he propose to act as the advocate of Mrs. Talbot and her friends; but the dignity, reverence, and esteem due to the Judges were lost if cases of this kind were passed over without notice. The charges in this case were not made anonymously. One of the gentlemen who brought them forward was a barrister of much respectability and considerable standing, and another was a magistrate acting for a county; and he said that if these gentlemen had falsely brought these charges they were no longer fit to hold such positions; but if the charges were well founded, and if through judicial incapacity so terrible a failure of justice had taken place, then it was the duty of the House to interfere for the protection of the subject. There were occasions when the House of Commons had exerted its power, and it was contemplated by the Act of Settlement, when the Judges were made irremovable, that the House should be able to rescue the subject from the consequences of incapacity or corruption on the part of the Judges. He distinctly exonerated the Judge in the present case from any charge of corruption. The charge he brought against the Judge was that of incapacity —incapacity that had been followed by the most terrible and tragical consequences. He would admit that unless some grave and serious case could be established, it would be worse than trifling to call upon the House to interpose; but when the case was clear and positive, and based not on anonymous assertions, but on the statements of men who signed their names and pledged their credit to the truth of their allegations, the matter assumed a character of peculiar importance, and the House could not, without deserting its duty, refrain from interference through motives of false delicacy. One charge that was brought against the Judge was, that he had admitted hearsay evidence. Another charge—which he (Mr. Phillimore) had verified by reference to the evidence—was, that he had stated in the most material part of the case, and relied on the statement in his judgment, that the witness had said what in no part of his evidence he had said. A fourth charge was, that the Judge had quoted a witness as stating what that same witness had expressly denied; and the last charge of all was, that in the most material part of the case—that which involved the innocence of the person against whom judgment had been given—the Judge in the first place stated a fact wholly inconsistent with her guilt; and when his judgment was sent to him for correction he interpolated a fact compatible with her guilt, but such as to be wholly inconsistent with the context and the rest of the case. If he proved these facts, he thought he should be doing nothing rash, nothing unbecoming his position as a Member of Parliament, if he asked the House to prevent such a person from being any longer arbiter of the lives and fortunes of Her Majesty's subjects. The facts of the case were briefly as follows:—Mr. and Mrs. Talbot, the parties to this suit, were married in the year 1846. In 1847 they resided in the county of Cork, whence they removed in 1851 to the county of Roscommon, Mr. Talbot having succeeded to a large patrimonial estate which was entailed upon his heirs male. To this fact it was essential to direct attention, for Mrs. Talbot had never borne him a son—a circumstance which appeared to cause him great concern. Mr. Talbot had sworn that, up to the 19th of May, 1852, he believed his wife to be pure and spotless, and that, as far as he was aware, no breath of calumny had till then sullied the lustre of her reputation. But upon that day her fair fame was assailed, and a charge of dishonour was brought against her by a man whom the Judge himself had described as "a loathsome and detestable wretch," "a scandal to his species, not worthy of being believed in a court of justice." The charge was in substance this:—That, on the 19th of May, 1852, they went to a door;

they found it bolted, they broke it open, and there they found this unhappy woman in company with the groom, who, they allege, is her paramour. But one circumstance was forgotten. There was in the room a child of seven years of age, the passionately-loved daughter of the unhappy lady against whom this terrible charge was made. The Judge dwelt with peculiar emphasis on the statement that the door was bolted—a circumstance which he said, "admitted of but one inference;" but he said not a single word about the child being in the room. And yet, was not that a fact of the most vital importance? He would put it—he would not say to any assembly of English gentlemen, but to any assembly of human beings, whether it was to be imagined that the most abandoned woman that ever infested the streets, would have brought a little child, and that child her own daughter, to witness such a scene? Such, however, was the charge. But there were things more startling still. Mr. Talbot on hearing of these transactions tore the girl away from her mother, measured out a small quantity of tea and sugar, and then quitted the house, leaving his wife in care of two men. I am not stating anything that does not appear upon the depositions. In the course of the night one of these men — the same man who had been the first to inform against this unfortunate lady—attempted to violate her person. Mr. Talbot was apprised of the fact; and what did he do? He retained the man in his service and raised his wages. The Judge mentioned in his judgment the attempt at violation, and admitted that the man was not to be relied on; yet he said not one word about the conduct of the husband who could keep such a ruffian in his service; on the contrary, he declared that there was no reason to believe that Mr. Talbot had treated his wife otherwise than with kindness and consideration. Another circumstance deserving of notice was, that the lady was taken to Dublin in a state of agony; her reason gave way; when she arrived in town she was a lunatic, attempted to throw herself out of the window, mistook a grown-up woman for her daughter, tried to poison herself, and complained that her head was "a ball of fire." It was while in this condition that the depositions on which her husband relied were taken from her. It should be observed that it was the Rev. William M'Clelland who brought the lady up to Dublin. After a short time, and while she was still in this perilous condition, Mr. Adair, Mr. Talbot's own solicitor, took her proxy to justify him in employing a proctor to defend her against her husband's charge. And what, it would be asked, had now become of her? Mr. Adair had placed her under the care of a person who brought her to England, who passed under a feigned name; whom the husband never attempted to produce, and nobody could now discover where she was. Mr. Talbot produced the evidence of two witnesses—one, the man who had attempted to commit the rape; the other, that of his own female servant, who had returned to his house, and earnestly protested her belief in her mistress's innocence, adding that they had tried to tamper with her (the servant) in the hope of inducing her to give false testimony. Notwithstanding this declaration, the witness returned to Mr. Talbot's house, and was now in his service. These proceedings took place on the 13th of July, 1852. On the 29th of January, 1853, additional allegations were put in, but they related to a different period altogether—not to the time when Mr. and Mrs. Talbot resided in Roscommon, but to the earlier period of their residence at Cork. The witnesses were Susan Venn, and a man named O'Brien. The latter when first applied to, admitted that he knew nothing against Mrs. Talbot, and he should give evidence in her favour. He was then told that they did not want evidence in her favour, they wanted the truth. He, now, notwithstanding his previous statement, swears that he had known her to be guilty of dishonourable conduct in the public street and in the open day. The evidence was so monstrous that the Judge himself repudiated it. The other witness, Susan Venn, said she knew nothing against Mrs. Talbot, and afterwards swore she saw Mrs. Talbot go into a bedroom with the groom. The Judge observed that Susan Venn did not prove any fact of infidelity. The going into a bedroom with the groom and staying all night, if it proved anything, proved a direct act of the grossest infidelity. Another witness, Maria Mooney, swore also to a direct act of adultery, and gave time and place; but she was contradicted in direct terms by Margaret Hall, and the Judge said he looked upon Margaret Hall as a trustworthy and credible witness. To show the mode in which Mr. Adair got up the evidence, he would quote from

Margaret Hall's account of her interview with him. She said, Mr. Adair called upon her and endeavoured to persuade her of her mistress's guilt. She said, "Indeed, Sir; it is very strange; I never saw anything at all like it in her." Mr. Adair then said, "Oh, yes; she is certainly guilty. You must recollect having seen her, when walking with her child, give a kiss to the child, and send the child to give a kiss to the groom, and then the child came back again and gave a kiss to your mistress. It was in that way they carried on their love passages." She declared that, if it were so, it was entirely without her knowledge, and she was in constant attendance, and must have seen it. Not a single syllable of that appeared in the depositions. The Judge remarked upon Mrs. Talbot having conjured a clergyman to pray for her and her child. It seemed rather a violent inference that, because she, when in a situation of great agony, besought a clergyman to pray for her and her child, therefore she had been carrying on an adulterous intercourse with the groom. But what would the House think when he assured them that there was not one syllable to that effect in the depositions? Was the honour of any woman to be treated in that way? No one, however high their station, would be safe, if evidence which was wholly untrue was to be quoted by the Judge as indisputable. The Judge said, previous to her departure from Dublin Mr. M'Clelland saw her and received from her an acknowledgment of her transgression. The House would be surprised to hear that the Judge quoted literally the allegation of the accuser, instead of the proof of the witness. The allegation was:—"The said clergyman went to Mr. Talbot's house and had a conversation with Mrs. Talbot, who then admitted and confessed to the said clergyman that she had been guilty of adultery with the said groom." The evidence was, "I went to Mr. Talbot's house. I had a conversation with Mrs. Talbot. I upbraided her (which he had no business to do). She appeared much confused, but on that occasion neither admitted nor denied the guilty intercourse with the said groom." And the commentary of the Judge, in the face of such evidence, was that Mrs. Talbot had acknowledged her transgression. There was another circumstance of a still more extraordinary nature. Even as regarded what Mrs. Talbot did say to Mr. M'Clelland, it should be remembered that on her arrival in Dublin Mrs. Talbot was proved to be mad. The Judge rejected in the strongest terms the evidence of Halloran and O'Brien. He said of Halloran, "By whatever motives Halloran may have been induced to give such testimony, no court can consider him a truth-telling and trustworthy witness." He said, "The character of Halloran renders him incredible to any court of justice, as well by his admission of the attempt to violate Mrs. Talbot on the night of her discovery, as by his refusal to answer other charges made in cross-examination." Yet the Judge accepted that man's evidence second-hand, and upon hearsay. He said it was clear from the evidence that it was the intention of Mrs. Talbot to go to Dublin with the groom, and quoted a witness, who deposed to having heard from the servants that such an intention was in meditation—the informant of the witness being the very scoundrel that he had stigmatised as totally incredible in any court of justice. It was a remarkable circumstance, although the Judge forbore to comment upon it, that, notwithstanding there were three women servants in the house, and the housekeeper, they none of them saw it, as they most probably would have seen if there had been these repeated acts of adultery, and that in no room was Mrs. Talbot so likely to be detected as in the room where the detection was alleged to have taken place. That occurrence was on the 19th of May. The door was bolted. Admission was denied. The groom was concealed behind the curtains of the bed. The Judge reverted to those points, but never alluded to the fact that Mrs. Talbot's child, to whom she was passionately attached, and who was seven years of age, was also in the room. To account for it, the Judge interpolated the remark, that it could not be supposed the adultery was consummated in the presence of the child, but that if they had not been detected the child would have been withdrawn. Surely it was a curious way to get rid of a person by bolting her in the same room. No doubt the interpolation was an afterthought to conceal the manifest omission of which the Judge had been guilty in his charge. But besides this, the loathsome condition of the alleged paramour was, to his mind, conclusive proof of the innocence of Mrs. Talbot. He was not the advocate of Mrs. Talbot. If he were he might dwell on many points, and insist on many circumstances in support of her case. Mrs.

Talbot could not now detect the machinations of her enemies, or reveal the secrets of her prison-house. She was unable to appreciate the noble, generous, and heroic exertions of those who had surmounted so many obstacles in her behalf. For her there was no conversation, no joyful sympathy of tried friends, no voice of children, no father's careful counsel; nothing but complete oblivion and endless darkness. She knew nothing now. What signified the vote of the House of Commons to a mother who had forgotten her own child? It was not for Mrs. Talbot, but for the sake of the community, that he had ventured to address them, and he asked whether he had not made out a case to justify this Motion? The balance and the sword of justice were still trembling in the feeble and unsteady hands which had proved too weak to hold them. Before another false weight should be placed in the balance, before the edge of the sword was again turned against innocence, before another sufferer was added to the sad list of victims of judicial incapacity, he called upon the House to interpose its voice, to exercise its sacred functions, to make straight the paths of justice, and to stand between the pestilence and the living who might yet be destroyed by it. The hon. Gentleman concluded by moving for the papers referred to.

Mr. J. C. EWART seconded the Motion, considering it to be one which called for the consideration of the House.

Motion made, and Question proposed—

> "That there be laid before this House, Copies of the Judgment pronounced by the Honourable Mr. Justice Torrens, one of the Judges of the Court of Common Pleas in Ireland, in the case of *Talbot* v. *Talbot*, before the High Court of Delegates in Dublin in the month of May 1855:
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> "And, of the written Proceedings and Depositions taken in the same cause before the Consistory Court of Dublin, from which the appeal was made to the said Court of Delegates, and which were laid before the said High Court of Delegates."

Mr. WHITESIDE said, he had not the good fortune to be present at the debate which took place upon the Motion of the hon. Baronet the Member for Westminster (Sir J. Shelley), but he congratulated that hon. and learned Member and the House upon the results of that Motion. The hon. Baronet upon that occasion had assailed the oldest members of the judicial bench in Ireland, while on the present occasion the hon. and learned Member had attacked the youngest. The hon. and learned Gentleman had spoken with pathetic eloquence, which it was to be hoped he would have an opportunity of displaying upon the appeal now pending in this matter. What was the case? A lady was tried for adultery. How many ladies of position had been tried in this country for such an offence? Had such a charge never before been submitted to a court of competent jurisdiction? A lady was charged with the crime of adultery. Her husband would not believe the charge when brought under his notice. He was told that in a certain room, in an outhouse over the stable, the lady was in the habit of meeting his groom, and in all probability, judging from past occurrences, if he waited for a day or two he would be able to convince himself. The husband denied the possibility of such a thing, but two or three days after he was informed by his butler that the lady had entered the room of the groom, and that she was then closeted with him. Mr. Talbot, a gentleman of rank and fortune, almost, as the judgment stated, terror struck and in a state of horror, accompanied the butler to the room, demanded admittance, was refused, and the door was broken open, when Mrs. Talbot was found in the company of the groom, who was hidden behind the curtains of the bed. The husband immediately quitted the room and the house, taking with him his child, and never returned, but applied to his lawyers for advice. The hon. and learned Gentleman had compared Dr. Ratcliffe with Judge Jeffreys. He (Mr. Whiteside) had never seen Jeffreys, but he did know Dr. Ratcliffe, and a more judicious, temperate, and honourable Judge could not be found. The hon. and learned Member charged that learned Judge with having received a proxy obtained from Mrs. Talbot when out of her mind, and while concealed in England. Was the hon. Member aware who paid for the lady's maintenance in England? It was her father, who was anxious to conceal the crime of his child. The hon. and learned Member had stated that the proxy had been obtained from the lady while she was insane; but the learned Judge upon that point expressed his conviction, upon the faith of the attesting witnesses, that Mrs. Talbot at the time of executing the proxy was sane; but offered an opportunity to her friends, if they chose, of cross-examining the attesting witnesses. That offer, however was declined, and yet those calumnies were repeated—no less than half-a-dozen pamphlets having been published upon the subject, and copies of each regularly sent to the learned Judge. Mr. Paget, who happened to be wedded to a sister of the lady, then interposed, and the Court allowed the interference. The case was heard, but there was no evidence in reply. He (Mr. Whiteside) was amazed at the speech of the hon. and learned Gentleman. Did the hon. and learned Member mean to say that a learned Judge, many years on the bench, who was accustomed to decide such cases, had in this case found the lady guilty without any evidence to support the conclusion? [Mr. PHILLIMORE signified assent.] Then he should be compelled to read two short pieces of evidence, not impeached; but at the same time he was not so ignorant of the constitution of the country as to admit the jurisdiction of the House of Commons to grant a new trial in a case at law. He said distinctly that the precedent which this case would establish would be fatal to the independence of the bench, fatal to the impartial administration of justice. But what were a few simple plain facts? Some visitors were at Mr. Talbot's house upon a particular day—they were all invited to a neighbour's house—they all accepted the invitation; but towards evening Mrs. Talbot desired to be left at home, and directed her maid not to take any hot water to her room. [Mr. PHILLIMORE made a gesture of dissent.] Did the hon. and learned Gentleman mean that the House was to refuse evidence upon which a jury would decide? The evidence of Maria Mooney, a witness upon whose character no impeachment was offered, was, that she saw what determined her to give notice to leave, being anxious to preserve her character. The witness stated that she went upstairs, and on opening the bedroom door saw Mrs. Talbot and the groom in such a position as left no doubt of her guilt. This the Judge said was a positive fact, which was proved by the evidence of this witness's eyesight. The evidence given to rebut this was an assertion, not that she and Mullen were not together in the room that night, but that, as an excuse for her being there, she only went to tell the groom to get the donkey ready to take the child out for a ride next day. The Judge dwelt on this fact, and in the Consistorial Court it was held that the testimony of this witness, if unimpeached, must be decisive. The other maid admitted to having seen Mrs. Talbot and the groom within two or three yards of the spot where the other woman swore that, at a different time, she saw them. Two other witnesses also spoke conclusively on the same point. Bridget Queeny, the laundress, who was free from any imputation, declared that she on several occasions saw Mrs. Talbot go up the stairs leading to Mullen's room, that she knew that that lady was in the habit of remaining there alone with him for a considerable time, and that in some instances she took the child with her, but soon brought it away again and left it in the carpenter's shop, while she returned by herself to the groom's apartment. The carpenter, who was also unimpeached, confirmed this statement, deposing that he had observed Mrs. Talbot, when her husband was out with the steward, going in the direction of Mullen's room, and that afterwards, while in the laundry with the child, he saw through the window of the groom's apartment, which was open at the time, that lady and Mullens there together; that he noticed her child go up to the door of the room and call "Ma," but without being admitted. Were men of the world, accustomed to hear and sift evidence, to be told, then, that a lady of station who was constantly finding her way to the room of her man-servant, which was situated over the stable in the garden, was acting the part of an angel of purity? Judgment having been given in the case, Mr. Paget appealed on behalf of Mrs. Talbot; and what was the constitution of the court before which the appeal was tried? It was composed of five Judges—namely, Mr. Justice Moore, Dr. Andrews (a County Court Judge), Sir Henry Meredyth, Baron Greene, and lastly, Judge Torrens, the senior member of the bench, who was alone singled out for attack; and why? Because, in virtue of his seniority, he had to pronounce the conjoint decision of himself and his colleagues. What were the allegations which Mr. Paget was not ashamed to make in the petition which had been laid before that House? And let hon. and learned Members remember that there was a defeated and disappointed suitor in every case, and if, on the occasion of every petition presented to that House, complaining of a decision solemnly pronounced by the legitimate tribunal of the country, they were to sit in judgment on the conduct of the judicial bench, without hearing witnesses or arguments of counsel, they would perpetrate, without intending it, as rank an injustice as could be committed. Moreover, this case was still pending on appeal to the Upper House. Yet, in order to forestall and prejudice the decision of that high court, Mr. Paget had not hesitated to publish the half-dozen pamphlets containing a tissue of *ex parte* statements which should not be entertained for a moment. If the hon. and learned Gentleman was dissatisfied with the decision of the Court of Delegates, he should have applied to the Lord Chancellor, by whom the five Judges were selected, for a commission of review—the legitimate process whereby to correct a miscarriage of justice, if any such had occurred. The gravamen of the charge contained in the petition was, that, in delivering judgment, Judge Torrens stated that Mr. M'Clelland had deposed that Mrs. Talbot had admitted her guilt, whereas it was expressly denied that he had made any such statement. The garbled account given in the petition of Mr. M'Clelland's evidence showed that Mr. Paget was not proceeding in this matter with a fairness or candour that gave him the slightest claim on the attention of that House. The hon. and learned Gentleman then referred to the deposition of the Rev. William M'Clelland, in which he deposed that, having heard on the 20th of May, 1852, that Mrs. Mary Talbot had been charged of having been guilty of criminal intercourse with one William Mullen, he went to Mr. Talbot's house and had a conversation with Mrs. Talbot, and questioned her on the subject. She appeared much confused, but on that occasion she neither admitted nor denied the fact. If the hon. and learned Gentleman supposed that that was no evidence in the criminal law, he was mistaken. He did not say it was important one way or the other; but if a party was charged with a certain crime and he did not say anything, he contended that that was evidence to be considered in forming a judgment upon the whole case. Well, the Rev. Mr. M'Clelland proceeded to depose that, having heard from the servants that Mrs. Talbot was about to leave her home with William Mullen, he determined that she should not go with him, and he took measures accordingly to prevent it. He further deposed that on subsequent occasions he had conversations with Mrs. Talbot, and that in the course of those conversations she acknowledged to him that she had been guilty of criminal conversation with William Mullen, and she stated how it commenced, and that that intercourse had continued up to the time of the discovery. He (the Rev. Mr. M'Clelland) thereupon addressed a letter to her father, informing him of her conduct, and requesting him to come and take away his daughter. The father came and wrote a note to his daughter, informing her where he was to be found. That note was conveyed to her by Mr. M'Clelland. It having been ascertained that she intended to go away with Mullen, Mr. M'Clelland never quitted her till she was given up to her family. She was then placed in charge of a person at Windsor, but without any coercion being exercised towards her. Mr. M'Clelland further deposed that, having been informed that Mullen was waiting about to obtain an interview with her, he proposed to reside with her for five or six days; and that in the conversation he had with her during that time she never once asserted her innocence. She was in a state of greet mental suffering, and was constantly expressing her deep sense of shame and remorse for her crime. In conclusion, the rev. gentleman deposed that she was during the whole of that time in a state of perfectly sound mind and understanding. Now, what was it that the petitioner stated? That, whereas it appeared from a copy of the judgment given to him by his reporter, that the Judge had said that she made that confession before she left that house, in point of fact she did not make it till after she left it. Was ever such a case brought forward to impeach a Judge and to impeach the judgment of a court of law? The judgment of Mr. Justice Torrens was taken by a reporter on the other side, who was applied to for a copy, the Judge saying, "Let me see it when it is printed." But he never did see it; it was never printed; and the petitioner, having obtained an imperfect report of the judgment, came forward and made this most unfounded, libellous, and defamatory declaration, for which he ought to have been brought up to the Queen's Bench, and criminally punished. This lady had several times said, "I am guilty, and have brought sorrow and shame upon my father and mother." And when she was asked whether she had been provoked to commit the crime by the misconduct of her husband, she answered, "Never!" What was there to impeach the conduct of Mr. M'Clelland? The observation of the learned Judge was, that the conduct of Mr. M'Clelland was consistent with his belief. But, then, Mr. Paget, the petitioner, said that Mr. Justice Torrens relied upon hearsay evidence as one of the grounds of his judgment. How was this allegation supported? On statements so ludicrous that if it had not been brought forward by the hon. and learned Gentleman, he should not have thought it deserving of even a casual reply. The hon. and learned Gentleman pointed out an error in the Christian name of one of the witnesses, who was called Robert instead of George. To that extent the statement of the hon. and learned Gentleman was accurate, and he gave the hon. and learned Gentleman joy for having established so great a point. Looking at the petition which Mr. Paget had, in a most unauthorised manner, presented to the House —for none of Mrs. Talbot's friends had authorised him to present it—he (Mr. Whiteside) wished to know, on the whole of the matter, what was the House going to do? He had the highest respect for the House of Commons, and considered it to be the greatest distinction of his life to be a Member of it, but if they should proceed in such a career as this, and summon Judges before them to answer for their conduct in a case, before the matter was finally decided, and when an appeal was pending on a statement which was made up of garbled extracts from evidence given in a court of justice, it would be a course that must ultimately reflect upon the wisdom and the justice of the House. Mr. Paget and the hon. and learned Gentleman himself seemed to be infuriated against everybody. With them one man was a Jeffreys, and another was even worse. And why? Because certain evidence had been listened to by the Judges of the land. No partiality, no corruption was alleged. He wondered whether the hon. and learned Gentleman ever passed through the vestibule, and cast his eye upon the statue of Lord Mansfield, one of the most eminent that ever pronounced judgment from the justice seat. And yet more luminous and profound judgments were never delivered than were given by that eminent man after he had passed his eightieth year. Had the hon. and learned Gentleman ever reflected on the vast powers of Lord Coke in his advanced age, or of Serjeant Maynard, who possessed a most vigorous intellect at the age of ninety? But the whole case was one most horrible in its details. Mr. Justice Torrens had declared that he never suffered more pain in his existence than when pronouncing his judgment in this case. If he could have found any just grounds for giving a contrary opinion, he would gladly have done so. But it was impossible. The Motion itself was most unconstitutional and most mischievous, and he trusted that on this occasion he should have the support of Her Majesty's Ministers in maintaining a Court of Delegates appointed by the Lord Chancellor, and of resisting an attempt to injure and defame as upright and honourable a man as ever set on a bench of justice.

Mr. J. D. FITZGERALD felt it his duty to advise the House to negative this Motion. When he heard the speech of the hon. and learned Member for Leominster he was for some time in doubt whether it was the conduct of the senior Judge of the Court of Delegates, that of Mr. Talbot, the promoter of the suit, or that of Mr. Adair, his attorney, which the House was now asked to try; and from the address of the hon. and learned Gentleman opposite (Mr. Whiteside), he was almost under the impression that the House was called upon as an appellate tribunal, to rehear the case of *Talbot* v. *Talbot.* He did not intend to express any opinion upon the merits of the case, and he would not say one word in support of the decision of the Court of Delegates, much less would he express any opinion upon the guilt or innocence of the unhappy lady whose conduct had been called in question. He asked the House to negative the Motion upon constitutional and Parliamentary grounds alone. When the hon. and learned Gentleman who brought the subject before the House admitted that he imputed no corruption to the Judge, it appeared to him (Mr. Fitzgerald) that he abandoned the only ground upon which the Motion could be sustained. It was the province of that House, if a Judge was accused of corruption, or if moral misconduct was imputed to him, to inquire into the charges, and, if necessary, to address the Crown upon the subject; but he denied that, because a Judge had made a mistake, or because there had been a failure of justice, that House was entitled to examine, as an appellate tribunal, into the conduct of a Judge against whom no corruption or misconduct was charged. The hon. and learned Member for Leominster, although he did not allege corruption, did bring forward the charge of incapacity—and against whom? Against the senior Judge who delivered the judgment of the Court of Delegates. But let the House remember that Mr. Justice Torrens did not deliver merely his own judgment, but that of four other Judges who were sitting by his side, and who were unanimous in their decision. He knew nothing of the case beyond what he had learnt from the *ex parte* pamphlet he held in his hand; but if the statements of the chivalrous defender of Mrs. Talbot were strictly accurate, and no answer could be given to them, there could be no doubt that there had been a grave error in fact in this case. If, however, there had been error in fact or in law, although the decision of the Court of Delegates might to some extent be regarded as final, yet, upon petition to the Queen in Council, the case would, as a matter of course, be referred to the Lord Chancellor for his consideration. The hon. and learned Member for Enniskillen (Mr. Whiteside) had stated that a Divorce Bill in this case was now pending in the House of Lords, and that stood for a second reading on the 11th of March. The decision of the Court of Delegates was not binding upon the House of Lords; the evidence might be gone through anew before that tribunal; and he thought hon. Members must see the inconvenience of discussing this subject under such circumstances, when statements of what witnesses were alleged to have said on the one side or the other might be circulated through the public prints. He advised the House to negative this Motion because he regarded it as dangerous and unpredecented. If every one who thought he had been aggrieved by the decision of a court of justice was at liberty to ask that House to hear and reconsider his case, and to arraign the conduct of Judges against whom no corruption was charged, the independence of the Judges, as established by the Act of Settlement, would be a mockery and a delusion. The hon. and learned Member for Enniskillen had endeavoured to connect this Motion with one which had been brought forward a few days ago by the hon. Member for Westminster. He (Mr. Fitzgerald) could not perceive the slightest connection between them. In this case the conduct of a particular Judge was impugned, of whom it was said that his great age showed him to be incapable, and unfit to retain his seat upon the bench.

Mr. PACKE said, that he had presented to the House the petition of Mr. Paget, who was a most honourable man and a highly-respected magistrate, and in whose statements he placed implicit confidence, but he had declined to second the Motion of the hon. and learned Member for Leominster, because he did not wish to commit himself to the support of a motion to which a satisfactory answer might be given. As he had heard since he came down to the House that Mr. Talbot had adopted proceedings before the House of Lords with the view of obtaining a divorce, he thought the case ought to be left to the decision of that tribunal, and he should therefore feel it his duty to vote against the Motion.

Mr. WALPOLE had never heard a Motion made in that House with greater pain, and he hoped this was the last time that they would be called on to hear and determine questions that ought alone to be consided in a court of law. Unquestionably, the Judges might be made amenable to that House for corruption or perversion of justice; but in this case no such allegations were made, and it would be monstrous if, without the means of enabling them to judge of the merits of a case, they were to assume the functions of a court of law, and overhaul the decisions of the legal tribunals. The only question raised was one as to incapacity; but no imputation of that kind could rest on the ground of a decision, which was shared in by several Judges possessed of the highest character; nor could the charge of incapacity be based on some single word or phrase in the judgment, as it was well known that hardly a judgment was delivered with respect to which counsel might not be able to show that some words had been used which ought not to have been introduced. In fact, the judgment of the Court below having been confirmed by the Court of Delegates on appeal, was proof conclusive that there had been no incapacity. He fully approved of the course taken by the hon. and learned Solicitor General for Ireland, and trusted the Motion of his hon. and learned Friend would not be pressed to a division. The last thing that House ought to do was to attempt to interfere with the administration of justice, because, by doing so, a suspicion would be raised that the administration of justice was interfered with for political purposes by political parties; and thus, instead of being rendered more pure, the dangers would be, lest the interests of justice should be damaged in the estimation of the country.

Viscount PALMERSTON hoped his hon. and learned Friend would permit him to join in the request made by the right hon. Gentleman opposite, not to press this

Motion to a division. Nobody could have listened to the speech of his hon. and learned Friend without doing ample justice to the feeling which had urged him to bring the case forward. He stated, with a degree of eloquence that did credit to his ability, and with a degree of feeling that did credit to his heart, the views he had taken of the case. He would not attempt to lay down on the present occasion the functions of the House of Commons, but it was at all times desirable that they should not press these functions to their extreme confines in cases on which doubt might arise whether they were not transgressing the limits assigned to them by the constitution. Now, an interference in the administration of justice was certainly not one of the purposes for which the House of Commons was constituted. He thought nothing could be more injurious to the administration of justice than that the House of Commons should take upon itself the duties of a court of review of the proceedings of the ordinary courts of law, because it must be plain to the commonest understanding that they were totally incompetent to the discharge of such functions. Even supposing they were fitted for them in other respects, they had no means of obtaining evidence, and taking those measures and precautions by which alone the very ablest men could avoid error. Cases of abuse in the administration of the law might arise, it was true—cases of such gross perversion of the law, either by intention, corruption, or by incapacity, as to make it necessary for the House of Commons to exercise the power vested in it of addressing the Crown for the removal of the Judge; but in the present case his hon. and learned Friend could not single out any individual Judge with regard to whom his observations principally applied as having acted in his sole and single capacity in pronouncing the judgment of which he complained. The judgment which his hon. and learned Friend impugned was a judgment pronounced first by the Court below—and there no allegation of incapacity or improper motive rested—and afterwards confirmed by the superior Court, to which the Judge whose conduct was called in question belonged; but not by that Judge singly, but in conjunction with four other Judges sitting with him. It was impossible, under such circumstances, to say that the judgment was that of one individual Judge, who might have been, by age, infirmity, or some other reason, incapacitated. It was the combined judgment of the whole Court, all the other members concurring with the Judge in question, and with respect to whom no imputation was made. There was also this peculiar circumstance connected with the case—that it was at this moment the subject of a judicial proceeding pending in the highest Court of Appeal in the country—the subject of a proceeding that would not even terminate in the highest Court; but the decision of which, supposing the Bill to be passed, must come down hereafter for the concurrence of the House of Commons. For all these reasons, he would suggest to his hon. and learned Friend that he would best exercise his constitutional functions as a Member of the House of Commons by abstaining from pressing his Motion to a division.

MR. J. G. PHILLIMORE said, that after the appeal which the noble Lord had made to him, he did not feel himself justified in pressing his Motion to a division. Hon. and learned Members had done him (Mr. J. G. Phillimore) a great injustice. He was totally ignorant that any steps whatever had been taken. Suppose the case made out against Mr. Justice Torrens; let any lawyer, on either side of the House, read Mr. Justice Torrens' judgment, and say whether it was not a scandalous judgment. He put the case upon that simple issue. Hon. and learned Members had founded their judgments upon the evidence of witnesses taken before the Consistory Court; he (Mr. J. G. Phillimore) would simply take those before Mr. Justice Torrens. With respect to the only other topic which had been touched upon, referred to in the 17th page of the statement, he would ask who did hon. Members think was the person who had brought forward all these charges? Why, Mr. Adair, Mr. Talbot's solicitor. He (Mr. J. G. Phillimore) now said he believed this lady to be perfectly innocent of the charges that had been brought. The only brother of this unhappy lady declared in evidence that she had been concealed from the members of her family, that she had sunk into a state of childish imbecility, and that he believed her to be the victim of a vile conspiracy. But he said that any man who believed his sister's honour to be attacked, and did not defend her, was base and contemptible.

ADMIRAL JONES said, he was the person who had communicated indirectly to the hon. and learned Gentleman below him (Mr. Whiteside) that the father and mother of this unfortunate lady were averse to this proceeding. Moreover, he was enabled to state to the House that the hon. and learned Gentleman (Mr. J. G. Phillimore) had received a letter from the brother this afternoon, in which he deprecated the step which the hon. and learned Gentleman was about to take.

Mr. NAPIER said, he had received a note from Baron Green, in which that learned person said that the judgment of Mr. Justice Torrens was considered by all his colleagues before it was delivered; that they had gone over it passage by passage, and found it impossible to come to an opposite conclusion. He (Mr. Napier) would add, that a judgment approved by Baron Green and by Mr. Justice Moore was one which no man bearing the name of a lawyer had a right to impugn.

Question put, and *negatived*.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, February 29, 1856.

Minutes.] Public Bills.—1ª Drainage Advances Acts Amendment.
2ª Commons Inclosure.
3ª Joint-Stock Banks (Scotland).

TORTURE IN INDIA.

The Earl of ALBEMARLE: My Lords; I beg to move that the Returns which I have placed on the notice-paper be laid on the table of the House. All these documents are intended as notes and illustrations to a Blue-book which has lately been laid before both Houses of Parliament, appropriately headed "Torture." In this official folio of 325 pages your Lordships will find enumerated a series of atrocious cruelties perpetrated upon Her Majesty's male and female subjects within the Presidency of Madras by Government officers, for Government purposes. Sometimes, as the Report states, torture is resorted to for the purpose of extracting confessions in criminal and police cases; at others, for the purpose of extorting an arbitrary and excessive revenue; at others, for what, under the old French *régime*, was known as *corvée*, compulsory and unrequited labour on public works; and at others, again, after the old fashion of negro slavery in our colonies, to enforce compulsory and unrequited labour, with this difference, that whereas in the West Indies the extraction of labour by means of the whip was for the benefit of private individuals, here it is in order to enrich the Government, to which the people are entitled to look for the protection of their property and their persons. Into the horrible details of this volume it is not, at this moment, my intention to enter:—I shall invite your Lordships' attention to it at a more favourable period. In the meantime, I would most respectfully entreat your Lordships to peruse the contents of this volume. You will there see that those grievous wrongs which, in common with other Members of your Lordships' House, I have, from time to time, brought before your notice are realities; your Lordships will also see what atrocities have been perpetrated in India under the name of the people of England. The first Return for which I move is, a Report from the Second Judge in the Supreme Criminal Court of Madras. The writer, Mr. Malcolm Lewin, was a Judge who served in the East India Company with great ability and fidelity for many years, and passed from the office of Circuit Judge to that of Judge of the Sudder Adawlut, the court of the highest criminal and civil jurisdiction in India. The Report is to all intents and purposes a "torture Report." It is dated September, 1840; and up to this year no attention has been paid to its statements. There is a strong family resemblance between the Report of 1840 and this Report of 1855, and the one throws light upon and corroborates the statements of the other; both tally in the description they give of those officers to whom the East India Company has intrusted the lives and property of the people of Madras—they give those officers the same character for rapacity, cruelty, and tyranny. Mr. Lewin states that "there is no degree of guilt which a police officer will hesitate to incur when the object is to convict." He states that they as frequently figure as gang robbers as in their proper calling, that their cruelties are systematic and universal. With respect to torture, he says, "Torture is almost universal in this district"—the district being double the circuit of an English Judge. He gives instances of them, but of course he does not give as many instances as are contained in the Report of last year, and some not of equal atrocity. What he states is sufficiently appalling. He says, "One prisoner appears before me with the loss of an arm from maltreatment, the amputation having been performed after the prisoner reached the court." He then states, "Two prisoners appear with their bodies branded, the sores still fresh, and the arms of one of them swollen from the effects of a tight ligature." If your Lordships wish to know the description of torture by tight ligature applied to the arms of prisoners, you will find it throughout this Report of 1855; but I prefer referring your Lordships to a dispatch of the Court of Directors themselves, under the date of 1826, to be found at the beginning of this volume. Now, my Lords, I ask, would it be possible under a responsible Government—by which I mean a Government directly opposed to that which now exists—to subject these unfortunate inhabitants for fifteen years to such a horde of fiends as these officers are described in the Report, after the facts had been brought to the knowledge both of the local and the home Government? But it is not a case of fifteen years' wrong-doing; it is a case of fifty years. Your Lordships will find from the evidence, that the East India Company have been cognisant of the system of torture existing in India from the year 1806. Here, then, we have proof of torture extending over a population nearly as large as our own, and over a territory half as large again as the United Kingdom; and yet such has been the mystification of an irresponsible Government, that the first knowledge of the existence of torture, communicated either to Parliament or the country, is by this Blue-book, which is almost wet from the printers' hands. My Lords, it is with difficulty that I can express myself upon a subject so painfully harrowing. An attempt has been made to draw a distinction between torture employed for extorting confession, and torture for extracting revenue—the attempt has been made in a dispatch which, if your Lordships allow it to be placed on the table, I shall subject to a severe analysis—the dispatch of the 12th of September, 1855, from the Court of Directors to the Government. The distinction is a mere evasion. The torturer in police cases and the torturer in revenue cases are one and the same person. By a most atrocious and wicked regulation, continued from 1818 to the present day, the revenue and police offices are blended, and thus the administration of justice is avowedly rendered subservient to the collection of revenue. I have spoken of the character of these torturers. Another important point is their number. I shall, therefore, move for the number of Native officers employed in the joint conduct of the police and the collection of land and other revenues in the several provinces of the Presidency of Madras; and, I am sure, when this Return meets your Lordships' eyes, you will be utterly astonished and appalled at the enormous proportion these torturers bear to their unhappy victims. I shall also move for a return of the number of Native officers who have committed malversation, corruption, torturing, and other crimes within the several provinces of Madras in the years 1813, 1833, and 1853. One peculiar effect of this system is the infamous character which, from the beginning, all the officers have borne in whom irresponsible power has been lodged. Sir Thomas Monro, the founder, though not the originator of the system that rendered these men necessary, stated that, in 1841, out of 100 superior officers, there were only six who had not been convicted of peculation; and yet these persons, from 1806 to the present time, have continued in the irresponsible administration of the revenue and police. This Report states that the excessive exactions in the way of revenue are the cause of torture. No other conclusion can be come to by any one acquainted with the system, but that it is impossible the revenue can be collected without torture. Under the Native government of India, a twelfth, a sixth, and, lastly, a maximum revenue of one-fourth of the gross produce was levied by the State. When the Mahommedans took possession of the country they, regarding themselves as true believers and the Hindoos as heretics, and being also conquerors, doubled the tax; and, when we Christians succeeded to them, we adopted their reasoning, and accepted the doubled tax. It would have been well if we had stopped there, but by arbitrary exactions, and by an absurd system of collecting the revenue by means of irresponsible gangs of robbers, we have actually doubled the amount of taxation, and brought it up to 100 per cent. Of course, under such circumstances, it is impossible to collect revenue, except by means of torture. This Blue-book will show the inhumanity and cruelty of that practice. The Returns I now move for, relative to the taxation of the Madras provinces, will show its impolicy. The next Return which I move for is, the amount of property which formed the subjects of trials in the courts of circuit in the Madras Presidency. My reason for moving for that Return is that, having been in communication with a very intelligent gentleman who has discharged the office of a Judge in that country, he said that he regarded as an alarming indication of the wretched state of the people of Madras the smallness of the amounts of property in litigation; and the Return I ask for will, I think, show not only the smallness of the value of property in dispute, but also the number of suitors, and thus prove the impoverished condition into which that country has been brought by English government. Another Return which I ask for is, of the total amount of the land-tax, and the number of contributors. My object is to show to your Lordships and the country the enormous number of contributors to the land-tax, the smallness of their holdings, and, consequently, their excessive poverty, and the utter impossibility on the part of the Indian Government, or of any government, especially a government of strangers, to collect the revenue without resort to oppressive measures. These Returns will go to show the extent of the evils under which India is suffering. The next Return is to enable your Lordships to examine the remedies which are proposed for these evils. I have an utter disbelief in the efficacy of those remedies, or of any remedy except that of placing the hundred and odd millions of people in India on an equality with the inhabitants of other Crown possessions, by giving them the benefit of a responsible Government. I wish to see the amount of the taxation—its large nominal amount and really small produce. I believe that hitherto what are called remissions are, in fact, formal renunciations of property that cannot be collected, because there is nobody who is able to pay it. In this, and in other matters, I think it is the duty of the Legislature to regard with more than ordinary mistrust anything which proceeds from the Indian Government, which has ever been most merciless in its administration whenever fiscal matters were concerned. In that dispatch which I have moved for the House will find materials for much deliberation, and, although it has been said that the Government of this country are to some extent responsible, that is only true according to the letter of the law; for where there is, as in this case, a divided responsibility, the result is really no responsibility at all. By the letter of the law the Government is partly responsible for some acts of the Directors, but not for all; for what a pretty responsibility it is which permits torture to be inflicted during fifty-one years among 22,000,000 people, without any one here being aware of it! So long as there is, I will not say a double government, but a double agency in Indian affairs—so long as responsibility can be bandied from Leadenhall Street to Cannon Row—so long it will be absurd to speak of an effective responsibility in the Government. No doubt, in some respects the Act of 1853 was a gain. It made the Ministers of the Crown more responsible than heretofore; that was one gain. It made a portion of the Directors responsible to somebody; that was another. By that Act the twenty-four Directors were reduced from twenty-four to eighteen in number—three of whom are, and six will hereafter be, nominees of the Crown. They will form a responsible body; but the remaining twelve Directors, elected by the ladies and gentlemen who happen to hold Indian scrip, to whom are they responsible? To neither man, woman, nor child — and yet they are invested with most extraordinary powers. They may spend and do spend enormous sums wrung by extortion from the people of India in guzzling in London, and I have seen it reported in the public papers that the responsible head of the Indian Government in the other House has stated that it depends upon the interpretation of the words of an Act of Parliament whether he had any control over the expenditure of money to an immense amount in a protracted and expensive litigation. Those Directors can elect superior law officers without any person having a right to question the fitness of their appointments. They can recall any servant, civil or military, from the Governor General down to the junior ensign of their army, without asking the permission of any one. They are responsible, indeed, neither to the Queen, the Parliament, nor the people—not even to their own constituents. I have thought it right to bring the subject before your Lordships, and now I ask whether the present state of things is consistent, I will not say with common sense—

for upon that point we should, I am sure, be unanimous—but is it consistent with the principles of the constitution under which we live? The noble Earl then formally moved for the Returns referred to.

Earl GRANVILLE: I was not prepared by the notice of my noble Friend for his entering into the question as to whether or not it is necessary to retain a Board of Directors for the government of India. That is a great question, but, whether rightly or wrongly it is no less true that three years ago in this House, after much inquiry and debate, a decision upon that point was adopted by an enormous majority of your Lordships' House. All I can do is to repeat to the fullest extent what my noble Friend has referred to as my expression on a former occasion—that the Government is responsible for misgovernment in India. As to the Returns for which the noble Earl has moved, they will cause much trouble and expense, and some delay consequent upon the necessity of referring to India for certain information; but the Government are so anxious that no information should be refused upon this great and important question, that we do not intend to offer the least objection to the production of the documents which the noble Earl asks for.

Lord MONTEAGLE thanked the noble Mover (Lord Albemarle) for having added to the services he had on former occasions rendered to the people of India, the new obligation conferred on them this evening in bringing the Report of the Commissioners on Torture under the notice of Parliament. The duty which he (Lord Albemarle) had so efficiently performed was urgent, but the disclosures he made could not but be as painful to him as to the House and the public. The President of the Council had not denied the responsibility of the Government for any acts of oppression or injustice perpetrated in India. But what was required, was not merely a theoretical, but a real and effectual responsibility, leading to the prevention of crime, rather than to its punishment. Before entering upon the immediate question, he must be permitted to protest most strongly against the assertion of the President of the Council that the last Charter Act was the result of due deliberation, and that it expressed the will and judgment of Parliament, or of the country. He (Lord Monteagle), on the contrary, believed it to have been an example of hasty and ill-considered legislation. It should be borne in mind that the inquiries of the Committee, on which the Charter Act professed to be founded, had never been closed. Even in their incomplete state they had not been laid before Parliament, and no attempt to report had been made. No other precedent of this kind could be shown in all our Parliamentary proceedings. The question of Indian finance, and more especially that of land revenue, though shown to be the cause of the barbarities now proved to exist, had hardly been opened or touched upon. None of their Lordships, whether as Members of the Select Committee, or as attending the service of the House, had the remotest reason to suspect, or could have believed, that a system of Torture for the extortion of money existed in British India, or, indeed, in any part of the Queen's dominions. And was it just to describe the Charter Act as being passed after much inquiry and debate, when all knowledge of these most disgraceful practices had been excluded from the knowledge of Parliament? So far from leading Parliament to entertain a suspicion of the existence of such cruelties, the adherents and advocates of the East India Company had gloried in the assumed amelioration of the condition of the natives of India, and their assertions were but too generally admitted and believed. We were led to look with exultation at the improvement stated to have been produced by the influence of British dominion. Their Lordships could not but recollect the honest pride that was felt some years back, when an intelligent French traveller, who had visited India expecting to find in that vast empire proof of our cupidity, tyranny, and oppression, had in his very interesting letters given us the most unqualified praise for the beneficence and success of our Indian administration. M. Jacquemont had visited India prepared to condemn us, but the facts presented to his observation induced him to bless us exceedingly. Again, in an able work by Mr. Rickards, as also in the evidence taken before the Select Committee, we were assured that a word in the Hindostanee language denoting blood, rapine, and desolation, as the result of tyranny and injustice, had not only passed out of use under the influence of our Government, but that its very meaning had been forgotten within British India; whilst, in the Native and Independent States, that word continued in familiar use, and was but too well understood. Yet now, to our horror, we find it proved upon the most unquestionable official evidence, that a system of cruel torture had, at the very time of these publications, been practised, extending over a wide area of our territory, and affecting millions of the Queen's subjects. This must have been either unknown to the authorities at home and abroad—unknown to the Court of Directors, to the Board of Control, and to the Government of India—or it must have been wilfully concealed by them, at the very time when its existence was indignantly denied. To escape from this dilemma was impossible. He preferred to adopt the first of these alternatives; yet he felt that such culpable ignorance constituted one of the most frightful and alarming parts of the case. If a system of cruel torture can have prevailed for years, undetected, and therefore unpunished, by the rulers of India, what security have we that similar atrocities may not still be practised with equal impunity? How do we know but that like cruelties may not continue to prevail in other districts besides those in which they have been detected? What would have been said of such crimes had they been exposed in the days when Warren Hastings was denounced by the burning eloquence of Burke and Sheridan? In those glorious times Englishmen did not restrain their noble indignation at injustice and oppression, wherever committed. Yet in those times much that was complained of was attributable to the ambition and tyranny of individuals rather than to the iniquities of cold-blooded and systematic rapacity—practised under colour of law by the servants of the Government itself. He trusted that no Englishman existed, who would not blush at the disclosures made in the official Report now before Parliament, more especially when it was evident that the baseness of these proceedings was equal to their injustice. The low, sordid, and contemptible object kept in view was but to wring a little more money out of the hands of the natives of India, broken down and oppressed as they were. The glory of England was more deeply clouded by the facts disclosed in this Report, than by any events which had taken place since our possession of India. Unless the facts rested on authority above all suspicion, no Peer now present could believe that such an iniquitous system had existed on British territory in the nineteenth century. It would, however, be unjust if he did not acknowledge with satisfaction before he sat down, that the Government, as soon as a knowledge of the real state of things was forced upon them, had acted resolutely and earnestly, showing their desire to probe the subject to the very bottom, and to lay before Parliament, with entire frankness, the result of their investigation. At the present moment, when all true Englishmen cannot but deplore the stain left on the national honour by the culpable neglect, or the yet more culpable misfeasance of too many of the authorities acting under the direction of the East India Company, it is some consolation to have reason to hope that active measures have been taken for the correction of these atrocious cruelties, and for making their recurrence impossible.

THE EARL OF CARNARVON said, the subject closely touched the honour of the country. The Report referred to by the noble Earl (the Earl of Albemarle) amply confirmed his statements as to the system of torture which had existed in India, and gave details of the motives to torture, and the manner in which torture was inflicted. The motives were the extortion of treasure, the gratification of the basest rapacity and the vilest passions, and the manner of infliction was marked with every circumstance of brutality, and every refinement of cruelty. This had become an acknowledged fact through the whole of one Presidency; and the ignorance which could allow such a system to grow up under the eyes of our authorities bordered upon culpable indifference. But these facts, degrading to the national reputation, were not wholly unknown before. For a long time dark rumours had prevailed in this country as to atrocities perpetrated in India, under pretence of collecting British revenue, and in the name of British justice, those who denied them did so no doubt in perfect sincerity; but now the Report placed the matter beyond doubt. He believed the causes to which these things were attributable to be accurately stated. The first was the tendency to look for revenue, and revenue only, which pervaded all our administration, and overlaid every well-devised scheme for the amelioration of the condition of the people. This led to over-assessment, and this again to the perpetration of cruel atrocities. The second was the concentration of many different authorities—magisterial, judicial, fiscal—in the hands of one and the same class of functionaries, and those, too, exercised by men taken from the lowest of the people, and but ill prepared for their duties by intellectual or moral qualifications. Hence came those connivances on the part of the heads of the police at the torture of their victims and the escape of the guilty; hence the delays interposed to allow time to obliterate the marks of violence from the bodies of the sufferers; hence the combinations and the widely-extended family connections, which enabled them to baffle the ends of justice and drive their own unholy traffic. The union of such duties under any circumstances ought to be considered only as a provisional expedient. The conscientious man, physically as well as mentally, was unequal to the task; the unconscientious took advantage of the trust only to abuse it. The results, in a class of men little fitted for any of them, could not but be grievous. It was doubtful how far it was wise to give revenue officers magisterial functions. Independently of the inadequacy of the punishment to the offence, the difficulty of obtaining redress practically conferred immunity upon the guilty parties, and the succession of appeals from one tribunal to another enabled a wealthy revenue officer with ease to baffle the suit of an impoverished ryot. But Parliament had taken upon itself this task, it had stirred the question, it had elicited the existence of horrors worthy of Caffraria, and all that great Presidency had been agitated by the knowledge that we were prepared to examine into, and to redress their grievances. If the Imperial peninsula of India were to have its resources developed, its people must be rescued from such a state of oppression; and if the disclosures that had taken place were to be fruitless, and the subject permitted to relapse into its native and congenial darkness, we should henceforth make redress still more difficult, we should commit practically a greater injustice on the natives of India than if we had never mooted the question—and we were bound to acquiesce in no solution of the matter but such a fixed and settled system of law, as will provide protection for the oppressed, and justice upon the oppressor.

Lord WYNFORD said, the Report did not inculpate the Indian Government. The tribunals themselves were not fixed with corruption or partiality.

The Earl of ALBEMARLE said a few words in reply.

Motion *agreed to.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 29, 1856.

Minutes.] New Writ.—For Boston, *v.* Hon. Gilbert Henry Heathcote, Steward of Hempholme.

Public Bills.—1° Factories; Outpensioners (Greenwich and Chelsea); Bankruptcy and Insolvency (Ireland).

2° Marine Mutiny; Mutiny.

3° Consolidated Fund (£1,631,005 1*s.* 5*d.*)

THE CRIMEAN COMMISSION—QUESTION.

Mr. STUART WORTLEY: Sir, I wish to put a question to the hon. Under Secretary for the War Department, of which I have given him private notice. I want to know whether, in addition to the Report of Sir John M'Neill and Colonel Tulloch, and the statements animadverting upon that Report sent in by Lords Lucan and Cardigan, there has been received also at the War Office a reply from Colonel Tulloch to those statements; and, if so, whether it is intended to lay that reply upon the table of the House, or to refer it to the new Commission?

Mr. FREDERICK PEEL: The statements of Lords Lucan and Cardigan were referred to Sir John M'Neill and Colonel Tulloch for their information, and a rejoinder was received from them, which it would be preferable to lay before the board of general officers, rather than before the House.

Mr. T. DUNCOMBE: May I ask whether Sir John M'Neill and Colonel Tulloch will be present at the inquiry before the new Commission; and they will have the power of cross-examining any witnesses that may appear?

Viscount PALMERSTON: As the proceedings of the court will be open, of course those officers may be present. [Mr. T. Duncombe: In their official capacity?] With regard to whether they will have the power to put questions or not that will depend upon the Commissioners, who will have full discretion to regulate the proceedings.

Sir DE LACY EVANS; Then are we to understand that the Commission will cease to be an open one whenever it pleases the Commissioners?

Viscount PALMERSTON: Undoubtedly the Commissioners will have power to regulate their own proceedings according to their own discretion.

SLAVERY IN TURKEY—QUESTION.

MR. BIGGS said, he would beg to ask the First Lord of the Treasury whether it was the intention of Her Majesty's Government, at the present conferences in Paris, to require (in the changes they mean to advise in the Turkish institutions) the abolition of the slave trade and domestic slavery in the Sultan's dominions?

VISCOUNT PALMERSTON: Sir, in reply to the hon. Gentleman's question, I beg to say that it is well known that Her Majesty's Government have long urged the Turkish Government to put an end to the slave trade which has been carried on from the eastern coast of the Black Sea, and that their representations have been completely successful. With regard to domestic slavery, that is a question, as my hon. Friend will see, which does not properly come within the scope of the Conference.

EDMONTON MILITIA—QUESTION.

On the Motion that the House at its rising do adjourn until Monday.

MR. EVELYN said, he rose to ask the hon. Gentleman the Under Secretary of State for War the question of which he had given notice—namely, why, during the year 1855, the Edmonton Royal Rifle Regiment of Militia, commanded by Lord Enfield, had not been called out for the purpose of being trained and exercised. He took up the subject because it had attracted public attention, and been made the subject of comments in the newspapers. Several Members of that House were officers of the regiment, who from delicacy might not feel that they had the same liberty of raising the question as an independent Member would have. He found, by reference to a Return moved for by Colonel Wilson Patten, that the regiment had been called out for training on the 2nd of October, 1854; and by a Return moved for by the hon. Member for East Surrey (Mr. Alcock) it appeared that the cost of the rates for the county of Middlesex up to that time amounted to £9,050. 6*s*. He (Mr. Evelyn) understood that the staff and band of the regiment were still kept up at Brentford. In the next year, while we were engaged in a most important war, the regiment was not called out, and he would therefore ask why it was not called out to be trained and exercised, at a time when we were sending to America for recruits, and risking our relations with foreign States. Much was said about the army in that House, but very little about the Militia. He did not profess to understand minutely Acts of Parliament, but it appeared to him that by the Act of Parliament all regiments should be called out and exercised, and it certainly was a loss to the country that this regiment was not so trained and exercised in 1855. In making these remarks, he begged to say that he cast no imputation on the officers of the regiment, whose object, no doubt, was to make it as effective as possible—the imputation he made rested on Her Majesty's Government, and no one else.

MR. FREDERICK PEEL said, that the explanation of the proceeding lay in the difference between the embodied and the disembodied militia. The embodied militia was always on foot, and were a great expense to the country, but the disembodied militia were no expense to the country except during the period that they were under training. There was a very small number of regiments not embodied—only about fifteen or sixteen in all, and the Edmonton Rifles was one of the number. The practice of the War Office—to which department this business had been transferred from the Home Office—in calling out the disembodied militia, had hitherto been to wait for an application from the lord lieutenant of the county, and to leave it to him to name the period at which it would be most convenient to call the force out for a month's training. It appeared that this regiment had not been called out since October, 1854, when by the established rule, every regiment of militia should be called out once in each twelve months. In this case sixteen months had elapsed, which was four months beyond the prescribed time; but the reason was, that the Lord Lieutenant of the county of Middlesex had made no application to have the regiment called out for training. It was certainly desirable that, in the course of the next season, the regiment should be called out for the purpose of being trained and exercised.

MR. LAYARD thought the country was greatly indebted to the hon. Member for having called attention to the long period which had elapsed since this regiment had been called out. Just to show what a nice little family party there was in the regiment, he would read the names of some of the officers. The full colonel was Lord Enfield; the lieutenant colonel was the hon. Member for Tavistock (Mr. Byng);

Mr. Grenfell, one of the nephews and the private secretary of Lord Panmure, was a captain; his brother, the hon. Member for Windsor, was another captain; the hon. Member for Bedfordshire (Mr. Russell) was a lieutenant; and his juvenile friend, the hon. and learned Member for Devonport (Sir E. Perry), was another lieutenant. He hoped his hon. and learned Friend would obtain more rapid promotion in his own profession than he was likely to do in this regiment. Speaking generally, he must say that this regiment was one of the greatest jobs ever perpetrated. Before sitting down he must complain of the delay which had taken place in presenting some returns for which he moved during the last Session of Parliament relative to the staff and other officers serving in the Crimea. He had moved for those returns with special reference to a Motion which he was about to bring before the House as early as the month of May, and this Motion he had repeatedly postponed upon a promise that the returns should be made; but until this very morning he had not received one of those returns. He then received but one—a return of the staff appointments, and he had only obtained it by continually asking and pressing for it. Of course, it was of no use, so far as the purpose it was originally intended to serve was concerned. Either the Government should say frankly that they would not give the returns, or they should give them honestly and at once when they were asked for.

MR. BYNG said, that no one was more indebted to the hon. Member for Surrey (Mr. Evelyn) for putting this question than the officers of the regiment which had formed the subject of the inquiry. Last year statements appeared in the newspapers containing reflections which, if they had been correct, would have been most discreditable to the officers of the regiment. The regiment had been called out for three consecutive trainings, and he believed that the reports of the inspecting officers were perfectly satisfactory; at all events, the words used by the inspecting officers on parade were complimentary to the officers and men who were present, and he presumed that their private reports to the Horse Guards would not differ from the public expression of their opinions. He could assure the hon. Member for Surrey that it was a source of great regret to the officers of the regiment that it had not the usual twenty-eight days' training last year. The disembodied staff was perfectly efficient; and he was convinced that whenever the regiment should be called out for training or should be embodied, both staff and regimental officers would do their best to render its discipline perfect. In reply to the insinuations that the appointments in the regiment had been made the subject of a family job, he would state that, with the exception of the colonel and the lieutenant colonel who were certainly related, he did not think that any other two officers were at all connected by relationship. It was quite true that Lord Panmure's private secretary was an officer in the regiment; but he had held his commission in it for two years before he became private secretary to Lord Panmure. The hon. Member for Bedfordshire (Mr. Russell) had held a commission in the army, and also one in another regiment of the militia, and he (Mr. Byng) did not see why relationship to another officer should prevent the services of an officer who had served in the army being most advantageously employed in a militia regiment. He was sorry to have trespassed upon the attention of the House in the matter, to which the hon. Member for Aylesbury (Mr. Layard) had attempted to give something of a personal character. The hon. Gentleman opposite (Mr. Evelyn) had made no such attempt, and to him the best thanks of the officers of the regiment were due for the courtesy which he had displayed in putting the question, and for the reply which he had elicited.

VISCOUNT PALMERSTON: Sir, I shall only say one word with respect to the concluding observations of the hon. Member for Aylesbury. The hon. Gentleman has insinuated that there has been something improper—something like a job—in the selection of the officers of this regiment. Now, Sir, in making that remark, the hon. Gentleman seems to have entirely forgotten, or to have been utterly ignorant of the nature, the constitution, and the intention of the militia service. The militia regiments are composed of men recruited in and belonging to certain counties and districts of counties, and they are officered by the gentlemen residing in the neighbourhoods. In this way the militia regiments have a link between the gentry and the labouring classes—a link of the highest importance, not only for the defence of the country, but also for that social organisation which is important to the best interests of the community. So far from it being a reproach to any militia regiment that it is officered by the gentlemen of the neighbourhood to which it belongs, I say it is to the honour of the gentry of the neighbourhood that it should be so. In the general organisation of the militia service, the body of the gentry of England, Ireland, and Scotland, have done themselves the greatest honour by the alacrity and public spirit with which they have devoted themselves to that service—with which they have abandoned their private interests, their private pleasures, and their private occupations, to apply themselves to the public service; as also for the high state of efficiency and discipline to which they have brought the regiments to which they respectively belong. Those officers who have so devoted themselves to this task must naturally take an honourable pride in the very high state of discipline to which they have brought their men; but feeling public duty paramount to all other considerations—even to that of honourable pride—these gallant gentlemen have taken the greatest pains to persuade those men whom they had so brought to that most creditable state of efficiency and discipline, to quit the militia regiments in which they had been trained, and enlist in the more active service of the line. Sacrificing in this way all private considerations—sacrificing personal pleasures and the honourable pride which they took in their regiments to the good of the public service, the militia officers of the United Kingdom have given to the line up to this time nearly 24,000 excellently trained and very efficient soldiers.

Sir ERSKINE PERRY explained that his connection with the regiment had arisen from his having, on his return from the continent, just after the battle of Inkerman, felt that it was the duty of every man who had any leisure to devote himself to the military service of his country. He had even offered to go to the Crimea, and had made known his wish to his hon. Friends the First Lord of the Admiralty and the Secretary of the Treasury; though it might seem ludicrous for one in his position to entertain such an idea, he believed it his duty not to shrink from the sacrifices it might have entailed. The result was that he was placed in this regiment.

Colonel BUCK did not think a satisfactory answer had been given to the hon. Member for Surrey. The regiment was under the control of the lord lieutenant of the county; but he (Colonel Buck) had expected from the hon. Gentleman the Under Secretary of the War Department an assurance that some reference would be made to the nobleman or gentleman who filled the office of lord lieutenant of that county, who had not fulfilled his duty in not having called out the regiment during the training days, to know why he had not done so. As an humble Member of that House, and an humble member of the service, he felt grateful to the noble Lord at the head of the Government for the interest he had shown in the militia service; but he would suggest that the lords lieutenant of counties should not be allowed to number the militia regiments as they liked; for the effect of this was, the giving of No. 1 to the regiment which the lord lieutenant himself commanded, while on the ground of seniority, another regiment ought to be so numbered.

Sir DE LACY EVANS complained of inaccuracies in the return respecting the staff officers who had served in the Crimea, to which the hon. Member for Aylesbury had referred. He knew that he was a very obscure officer, and it was hardly for him to complain of the services of one so humble as himself being overlooked; but when he found that those of others quite as humble were not passed over, he felt he had some cause to complain. But all the staff service he had seen should have been stated in the return, if there was to be any mention in it of his staff services at all. He had happened to serve for six weeks at Chobham; and he had served for six weeks on the staff in North Britain. The returns stated that those were his past staff services, thus implying that they were all. Now it so happened that he had served for several years on the staff under the Duke of Wellington and Sir George Murray. He had served on the staff in France, in Spain, Waterloo and in America. He found the battles that other officers served in carefully recorded with their names, and he did not know why he should have been an exception. If the army returns generally were so devoid of truth as was the statement in this particular return regarding him, he would say that they were not worth the paper upon which they were printed, or the expense of their circulation.

Major REED said, he could endorse the statements of the hon. and gallant General. From a return of officers who were honourably mentioned in the course of the Burmese war, for which he had moved during the last Session of Parliament, there were omitted the names of two officers who had highly distinguished themselves. One of these gentlemen had been twice honourably mentioned in the despatches of General Godwin, had once received the thanks of the Governor General of India in Council, and had led a storming party, the companies supporting which were led by the other officer whose name was omitted. He did not know whether the fault was at the Horse Guards or at the War Office; but if returns were granted, they ought at least to be accurate.

MR. FREDERICK PEEL observed that the statement made by the hon. and gallant Member for Westminster was of such a nature that it would be difficult to reply to it in a satisfactory manner unless notice had been given of the intention to make it; but if the hon. and gallant Member would communicate with him he would endeavour to afford him all the satisfaction in his power. With respect to the observations of the hon. and gallant Member for Abingdon (Major Reed), he could only say that he had asked him to mention the officers whose names had been omitted, and, if the hon. and gallant Gentleman would comply with this request, he (Mr. Peel), though not concerned in the preparation of the list, would endeavour to have the omissions supplied. With regard to the complaint of the hon. Member for Aylesbury respecting the delay alleged to have taken place in the preparation of certain returns, he was not aware that any avoidable delay had occurred. He had a strong impression that all the returns moved for by the hon. Member had been presented, if the fact were otherwise; he would thank the hon. Member to particularise the return that was still wanting. The hon. Member had stated that he required the returns in time for a particular Motion, but the Motion in question might have been made in a week or ten days after the returns were applied for—a space of time quite insufficient for the compilation of such information as was required, unless, indeed, the clerks were to be taken from their other employments—a proceeding which would occasion much inconvenience to the public service.

MAJOR REED said, he had no objection to mention in public the names of the officers to whom allusion had been made; they were those of Major Christie and Captain Welsh, of the 80th Regiment.

The Motion for the adjournment of the House on its rising till Monday was then *agreed to.*

REPORT OF THE CRIMEAN COMMISSIONERS.

On the Question, "That the House resolve itself into a Committee of Supply."

MR. ROEBUCK: I am not unaware, Sir, of the danger attending the course which I now propose to pursue. At a time when peace and war hang trembling in the balance, it is of the utmost importance that we should have a Government capable in itself and enjoying and deserving to enjoy the confidence of the country. That consideration involves the difficulty before me; but, on the other hand, there is this danger, that, if we were to let pass without comment the proceedings to which I am about to direct the attention of the House, we should do an injury to the army, which is our great defence, we should paralyse one strong arm by which we resist aggression from abroad, and we should render inefficient one of the most assured means of national safety. Let it be understood, then, that I repudiate all responsibility accruing from the Motion I am about to submit. If the Government choose to build a wall, against which at the same time it pleases to thrust its own head, I am not in fault and I am not responsible. I will at once, therefore, proceed to explain the object of my Motion. Shortly after the army appeared before Sebastopol, there sprang up from day to day, and from hour to hour, whispers of the sufferings to which that army was exposed—whispers which at last deepened, I will not say into a cry, but into a roar of disapprobation expressed by the whole press of this country. From day to day and from hour to hour, there were told to us stories which harrowed the feelings of the community with regard to the army in the Crimea; and at last, when Parliament met, so alarmed was the public mind upon this subject, that the right hon. Gentleman the Member for South Wilts (Mr. S. Herbert), who was at that time Secretary at War, got up in his place and made a defence intended to answer and refute all the stories and rumours then current respecting the dangers and sufferings to which the army was said to be subjected. There was, Sir, such a charm in the right hon. Gentleman's manner, something so frank and ingenuous in his whole demeanour, that it won the House and the country to believe in the statements he then made. I was myself conscious of the delightful influence. I came down to this House on that occasion fully impressed with the conviction that our army was suffering unheard-of misery, and I went away with my mind disabused of and disenthralled from the terrible impressions that had been made upon it by the reports which were everywhere prevalent. I believed that the right hon. Gentleman had made out his case—that the army was not suffering—that they had everything at their command—and that, in a word, they were as properly cared for as an English army ought to be by the authorities of the country. Such was the impression left on my mind by the speech of the right hon. Gentleman; such, too, was the conviction produced in this House and throughout the nation by the speech of the right hon. Gentleman. But, Sir, very shortly after this, more stories of suffering and misery were reported from day to day, the same harrowing disclosures occurred, and many days did not elapse before the impression created in the House and in the country by the statements of the right hon. Gentleman was completely obliterated. The country reverted to its former emotions, the same anxiety and alarm which had distracted the public mind before the meeting of Parliament agitated it again after the House was adjourned. I may say, that this was the end of the first act of the terrible drama of the war in the Crimea. When Parliament again met, I, though wholly unequal to the task, gave notice of my intention to move for a Committee to inquire into the state of the army before Sebastopol. Of the effects produced by that notice, the House is already aware. The first effect was, the disappearance from the ranks of the Ministry of the noble Lord the Member for London. He, like a timid fisherman who finds a storm threatening to come on, and sees on the dim horizon a cloud no bigger than his hand, made straight for shore and ran howling on the land. Many exceptions were taken to the Motion I then made. It was stated—and stated, too, by many hon. and gallant Members—that the investigation would do injury to the army; that they were a body 3,000 miles off; that we could not hear with our own ears, nor see with our own eyes, that which we desired to inquire into; and, in a word, it was contended that a Committee of this House was a means of inquiry unfitted for the case and totally inadequate to the occasion. In spite of these statements and in defiance of the dangers prophesied to result from their determination, the House supported me in my Motion—with what a majority and with what consequences is well known. The first consequence was the utter disruption of Lord Aberdeen's Ministry. The danger at that time was great. We knew it was. We were waging a terrible war with a powerful adversary; yet, notwithstanding the danger that might result from at once dislocating all the faculties and functions of the Government, the House did not hesitate to give me its support on that occasion. We did inquire; and what was the result of our inquiry? Why, that every statement made by the press was verified to the very letter; that every story of misconduct, that every harrowing detail of suffering, was proved to the very letter before that Committee. Thus, then, before two tribunals, if I may so express myself—the press in the first instance, and a Committee of this House in the second—the matter was investigated and the same result followed—the wretched conviction that our army was melting away—that we had sent abroad a band of gallant men to fight our battles—and that they were neglected and left to die of cold, hunger, and disease; and that the power of England was inadequate, in the hands of the imbecile authorities who then ruled the State, to take care of her sons whom she had sent to champion her cause in a distant land. Such was the result of the second inquiry. But at this time—at the very time that the House appointed a Committee to inquire into the state of the army before Sebastopol—the Government which replaced that of Lord Aberdeen, issued a Commission to undertake a precisely similar duty. The gentlemen appointed to that office were Sir John M'Neill and Colonel Tulloch. I am informed that both these gentlemen were extremely reluctant to undertake the office, for they knew that the inquiry they were about to institute would be an ungrateful one, and they were unwilling to place themselves in a position that might subject them to painful and disagreeable consequences. But it was pressed upon them that they were thoroughly conversant with the subject of investigation; that they were men of high intelligence, in all respects peculiarly qualified to make the inquiry; and upon grounds of public service they were called upon by the Government to undertake the task. They yielded, and went to the Crimea. They inquired; they reported. Their first Report was dated in the month of June last. And what was the result of their inquiry? I dare say it may have disappointed those who nominated the Commissioners; but, however that may be, it is at least certain that it verified every assertion that had been made by the press, as they had already been verified by a Committee of this House. By the Report which Sir J. M'Neill and Colonel Tulloch presented to the Government certain persons were especially inculpated. The persons so inculpated, to whom I will now more particularly allude, are Lord Lucan, Lord Cardigan, Sir R. Airey, Colonel Gordon, and Commissary General Filder. And here let me, in passing, at once say that I think it no part of my business to attempt to justify any of the accusations made against any one of these individuals by the Crimean Commissioners. That is not the object I have in view. These persons were inculpated; and this was the second act of this sad drama. When the Report of the Commissioners was laid before the Government, what course ought they to have adopted? I think that that course was plain and clear, and one that, had it been adopted, would have been satisfactory to the country. They ought to have regarded the Report as equivalent to an indictment from a grand jury. They might, if they pleased, have viewed the statements in the Report as *ex parte*, and not made—as, indeed, no statements made under such an inquiry could be—upon oath. Still the Report being so thoroughly confirmed by, as it was thoroughly confirmatory of, the results of the previous inquiry, the Government would have been warranted in adopting it as a ground, not for further inquiry, but for the trial of the persons accused. If every one of the accused had been sent before a court martial, what would have been the result? Why, the charges would then have been made upon oath, the parties implicated would have been called upon for their defence, no undeserved injury would have been done to any one, and everybody would have had the opportunity, if possible, of vindicating himself. What, however, has been the actual course pursued by Her Majesty's Government? Why, they have issued a Commission to certain general officers, directing them to report upon the Report of their own Commissioners. I know that this representation of the case has been objected to; but let any one read the warrant which has been placed on the table of this House, and he will find that it bears out every iota of what I say. This Commission is literally appointed to report on the Report of their own Commissioners, and the Government is actually putting on their trial the very men whom they sent out to inquire on the spot. I assert, then, that by this proceeding the Government are doing an irreparable injury to the army. Nobody can admire more than I do the honesty and the courage of the Crimean Commissioners. Fully conscious of the grave nature of the duty they were about to discharge, they yet manfully told the plain, the simple, the disagreeable truth. But if the Government set a precedent of this kind, how can we be sure that on any future occasion we shall again find men of sufficient vigour and boldness of mind for the faithful performance of such painful duties? Have not the Government done their utmost to prevent the truth from coming to light? Would not other Commissioners, when called upon to undertake a similar task, be inclined to say, "We shall bear in mind the fate of Sir John M'Neill and Colonel Tulloch—we shall so shape our report as to make it suit the views of those to whom it will have to be made; the truth may be unpleasant—it may subject us to public suffering and injury; that is a risk which we will not run?" Sir, I ask the House with confidence whether that is not human nature? But, further, I maintain that the Government are substituting an inefficient for an efficient investigation. When the Sebastopol Committee was appointed the Government told us that its members would be 3,000 miles away from the seat of war. Was their own Commission then, 3,000, miles away? The reason alleged for the necessary inefficiency of the inquiry before the Committee of this House cannot apply to the investigation of the Commissioners on the spot. Yet, having selected as their Commissioners men who were above all suspicion, having received their Report, and having also, if rumour is to believed, given to the world not the whole of that Report, the Government now, forsooth, substitute for the investigation thus made the very mode of inquiry which they condemned when I proposed the appointment of a Committee of this House. There is this difference, however. I proposed a mode of inquiry, to which the House assented, and I placed upon the Committee men of different opinions, by which the truth was likely to be elicited; because what one Member might wish to keep back, another, for that very reason, would insist upon bringing before the public. But what are the constitution and the complexion of the Commission which the Government now propose? First of all, upon it are to sit some old gentlemen who have seen great service. For them I have the highest respect. But the other night we had a discussion about the age of Judges. Well, the very same arguments which apply to old Judges sitting in the Queen's Bench equally apply to old judges sitting on this Commission. But there are also to be certain carpet knights on this tribunal—men who never saw a shot fired—and I should like to know what is their special qualification for conducting such an inquiry? I can understand what is the capacity of one hon. and gallant Gentleman with whom I had the honour to sit on the Sebastopol Committee last year—I allude to the hon. Member for Huntingdon (General Peel). In the course of that inquiry I found him on every occasion on the side of the persons accused. I do not, however, mean to say that in this the hon. and gallant Gentleman did not act with the perfect honesty and frankness which belong to him. But I only assert that I can quite comprehend the ground for placing him upon this Commission. If he had taken the course opposite to that which I have named in the Select Committee, I think it may fairly be inferred that he would not have been nominated for this Commission. Let the House look for a moment at the probable consequences of this proceeding. First of all, it must militate against the discovery of the truth as to the state of our army abroad on any future occasion. That army, when it is sent to a foreign land to oppose our adversaries, confidently believes that the ægis of England follows it to every clime. It looks also to this House and the Government at home to support it in its season of distress and tribulation. What was the case of your army in the Crimea? I can understand that a gallant man may be struck down in the battle-field in the flower of his youth and vigour, and be at one blow made a corpse; I can understand such a man dying cheerfully, in the full conviction that his untimely fate will be followed by the sympathy and admiration of a grateful country, the glory of which he has bravely striven to advance. As there is something to sustain, so also there is something to ennoble, the last moments of such a hero. But the soldier who fell in the Crimea succumbed to a very different fate. He perished ingloriously from cold, hunger, and disease; his brave spirit was broken by neglect, and to his heart it went like a bolt of ice, that he was deserted by his country. I therefore warn this House to be careful how it possesses our army with the fatal notion that we are ready to abandon it in its hour of utmost need. Nothing which you have done has so greatly comforted that army as the anxiety you have of late evinced for its welfare and comfort. But I entreat you to beware how you now turn round and show your gallant army that you are wholly given up to feelings of party, and have a care for none save yourselves. Allow your soldiers but to draw that depressing conclusion, and then woe be to you! and woe also to England! Hoping better things of England, of this House, and of the Government, I now beg leave, Sir, to move the Resolution which I have placed in your hands.

MR. HADFIELD seconded the Motion.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the appointment of a Commission of General Officers to report upon the Report of Sir John M'Neill and Colonel Tulloch, is to substitute an inefficient for a very efficient mode of inquiry; and that the effect of such appointment will be to hide the misconduct of those by whom various departments of our army have been subjected to the command of officers who have been inculpated by the Commissioners appointed to inquire into their conduct,'—instead thereof."

SIR JOHN PAKINGTON: Sir, I find myself somewhat in difficulty on this question, for I am precluded by the forms of the House from proceeding with the Resolution of which I had given deliberate notice. I am one of those, Sir, who entertain a very decided opinion on the conduct of Her Majesty's Government with reference to the transactions adverted to in the speech of the hon. and learned Member for Sheffield; and in consequence of that opinion it was my intention myself to draw the attention of the House to these transactions. But I confess, Sir, that it was not my intention to have raised the question at the present moment. I felt upon various grounds that it might be better to postpone my Motion for some time at least, and within the last two days circumstances have arisen which I think have fairly tended to strengthen these doubts. A Commission has been named by Her Majesty to inquire into this subject, and the grounds upon which that Commission is to act have been clearly stated. I think, therefore, it may be seriously doubted—whatever our feelings may be upon the question generally—whether this is the most proper moment for entering into such discussion. The hon. and learned Member for Sheffield has, however, stated that he thought it his duty at once to raise this question, and that announcement having been made I certainly did feel, after a consultation with those friends with whom I generally act, that the line taken by the hon. and learned Gentleman did render it imperative on me to place upon record the opinion which I entertain upon the matter. But the noble Lord the Prime Minister, by refusing to the hon. and learned Gentleman an opportunity of expressing his views in the shape of a substantive Motion has precluded me from giving my opinion in the form of the Amendment, of which I had given notice. I do not intend to impute blame to the noble Lord on this subject. Whatever difference of opinion may exist between the friends with whom I am connected and the noble Lord, I am bound to say that we have never had cause to complain of a want of courtesy or fairness on the part of the noble Lord. I presume that the noble Lord saw a reason which, in his judgment, made it imperative on him to refuse the hon. and learned Member for Sheffield permission to bring this matter forward in the shape of a substantive Motion, but I confess I am desirous that it should be distinctly and publicly understood that it is because I am prevented by the forms of the House that I now abstain from moving my Amendment. Sir, being thus precluded from moving my Amendment, I am compelled to ask myself the question whether I find it in my power to support the Motion of the hon. and learned Gentleman. And here I am obliged to say that I am unable to give my support to it. Within the last two days the hon. and learned Gentleman has modified the Resolution which he at first intended to make, but still I am unable to support it. The hon. and learned Gentleman has altogether omitted several points in his Resolution which I think ought not to have been omitted from any Motion that has for its object to cast censure upon the conduct of the Government; and in other respects upon those points to which he does allude I think the words he has adopted are still open to the same objection as that which I entertained to the first form of words he had used—namely, I think that they tend to prejudge the case, which is still open for investigation, in regard to those officers whose conduct is now to become the subject of investigation. The words of the hon. and learned Gentleman's Motion either favour this construction, or else they censure the military departments for what he calls misconduct, which, in the event of a complete acquittal of the authorities thus censured, would become at the present moment no misconduct at all. Under these circumstances I cannot support the Motion of the hon. and learned Gentleman. I have decided, therefore, that the course which it is my duty to take at the present moment is to abstain from entering into any discussion upon those difficult and important matters, and to reserve to myself at the same time the power of bringing forward, on a future and more fitting occasion, those opinions that I entertain, and then to state the views and reasons which induce me to support them. In saying this much, I feel bound to state that in my humble opinion the conduct of the Government, in regard to this transaction, has been open to grave censure in almost every one of the points referred to. Whenever I find an opportunity of bringing this subject before the House I shall certainly allude, as I have already done in the form of words in which my Amendment is expressed, to the extraordinary omission on the part of the Government to communicate the Reports of the Commission to the Commander in Chief of the army; and I believe that this House was never impressed with greater astonishment than it felt on a former evening, when, in answer to a question, the Under Secretary of War expressed in a faltering and hesitating tone, which indicated the feelings he entertained at the moment when he made the extraordinary statement, that the first intimation Lord Hardinge received of the contents of these reports was when he received them in his capacity of a Peer of Parliament. When the fitting moment arrives I shall certainly invite the attention of the House to the inference which I intend to draw from that fact—namely, that that harmony which ought to exist between the offices of the Secretary of State for War and the Commander in Chief is altogether wanting; and I will further draw attention to the great injustice which, in my opinion, has, by the misconduct of the Government, been inflicted upon those officers whose conduct is now to be placed under investigation. On this point I do not now mean to dwell; but there is one of those officers to whom, in consequence of what occurred in the House yesterday, I will for a moment advert. I shall do so merely as an illustration of the injustice done by the Government by the manner in which they have acted. I allude to the case of Mr. Commissary General Filder. Sir, I do not stand here as the advocate of Mr. Commissary General Filder. I never had the pleasure of seeing, I do not even know him by sight; and certainly, any impression I may have derived from the Report before us would not lead me to become his advocate. But we must all feel that Mr. Commissary General Filder stands, perhaps, in a worse position than the other officers whose conduct is impugned; and for that reason I think he is entitled to an ample measure of justice at the hands of the Government. I yesterday felt it my duty, in consequence of a letter I received from Mr. Commissary General Filder, to ask the Under Secretary for War to lay upon the table the letter which he (Mr. Filder) had addressed to Lord Panmure. In making that application I stated, on the authority of Mr. Commissary General Filder, the extraordinary fact that although Commissary General Filder is, perhaps, more inculpated than any other officer by these reports, that these reports inculpating him—and I may say one exclusively devoted to him—I mean the first Commissioners' Report—that that report was in the hands of the Government for seven months without Mr. Commissary General Filder being informed of the charges brought against him, and that in fact he first learned the nature of them from reading them in the public newspapers. In my opinion this is a degree of negligence and injustice on the part of the Government towards this gentleman which neither the country nor the army ought tc tolerate. The House will probably recollect when the Under Secretary for War answered my question in regard to Mr. Commissary General Filder, that the hon. Gentleman went out of his way, and in a somewhat irregular manner, adverted to a subject to which I had not alluded, for the best reason in the world—because I had no knowledge of that subject before. The hon. Gentleman stated that when the proper time arrived he should be prepared to vindicate the recall by Lord Panmure of Mr. Commissary General Filder, and to state reasons for the adoption of that course which he thought would give satisfaction to the public. Perhaps the House will be surprised to hear that I received this morning another letter from Mr. Commissary General Filder, in which he states that until this morning, when he read the statement of the hon. Gentleman in the newspapers, he was not aware he had been recalled. I will not trouble the House by reading that letter, which I have in my pocket. I only mention the fact as an illustration of the mode in which business is conducted at the War Office. Mr. Commissary General Filder writes to say that he left the Crimea on the 18th of August by direction of the medical board, in consequence of his impaired state of health, and that if any recall has been sent out to the Crimea it must have crossed him on the voyage, but up to this very morning he had received no intimation whatever of such recall. I have thought it right, in the vindication of the general view expressed in my Amendment, to state that fact as an illustration of the system at work. Sir, I will not be drawn further into a discussion. It is my intention upon a future day to make this transaction the subject of a substantive Motion. I will postpone it until I think it can be brought forward without risking the inconveniences which might possibly attend a premature discussion at the present moment. But there is one remark upon the subject that I wish to make, and to which I attach some interest. I am sure the House will allow me to make this one branch of the subject an exception to the rule I had laid down for myself upon the present occasion, and that I may be permitted to state my views upon it. What I wish emphatically to say is, that in giving the notice I have, and which it is my intention to proceed with on a future occasion, nothing has been further from my mind than in any manner to prejudge or to do the slightest injustice to those officers whose cases are about to be investigated. I cannot imagine anything more unfair than, at a moment when those officers' conduct is about to undergo investigation by a board of officers, to enter into any discussion which even unintentionally might have the effect of doing injustice to them. They are undoubtedly entitled to the greatest forbearance on the part of Parliament; and if hon. Gentlemen will refer to the terms of my Amendment, they will find that I have not referred to the conduct of those officers, but only to the conduct of the Government. Upon that subject my opinion remains the same; and I wish to explain the distinction I draw between the conduct of the Government in sanctioning a commission of this character and the conduct of the officers themselves, which is to be investigated by that Commission. The last paragraph of the instructions issued by Lord Panmure to the Commissioners of Inquiry, last year, distinctly directed them to report on the alleged delay that took place with reference to the issuing of clothing and other stores to the troops. To prevent the possibility of mistake, the House will perhaps allow me to read it—

> "You will further make inquiry into the alleged delay in unshipping and distributing the clothing and other stores supplied for the use of the troops; and having obtained all the information in your power, you will transmit to me a full report on the subject."

Now the House will see that the alleged delays had been represented by the Secretary of State for War, and that these instructions were signed by Lord Panmure. The word "delays" may not in the ordinary sense appear to be one of great importance; but you must recollect that these delays involve the distribution of those articles of clothing and other stores which were absolutely essential to the health, indeed I may say to the lives, of the soldiers before Sebastopol. Delay having been alleged, the Secretary of State, it appears, felt it to be his duty to direct inquiry, which intimately related to the Quartermaster General's department. I feel convinced that the House and the country will go with me in saying, that, after the Government had directed an inquiry into the Quartermaster General's department, they should have awaited the result of that inquiry before they took any steps in respect to the conduct of the officers involved. I think the Government has been guilty of a want of due caution in this respect, and has acted in an indiscreet manner in promoting those officers to places of trust and confidence at a time when they had directed an inquiry which intimately concerned them, and before the result of that inquiry had been received. In stating so much, I do not intend to say one word involving the conduct of those officers. If those officers are justified by this inquiry, as I hope and trust they may be—if they succeed in establishing before this new Commission the most triumphant defence—my complaint against the Government will remain precisely the same. I complain, and the country complains, that while the investigation was pending, which directly affects the heads of the Quartermaster General's department, the Government should be so wanting in what was due to their own Commission and their own inquiry as to prejudge that inquiry by promoting those officers to whom it relates. Those officers are now to submit their conduct to the investigation of a new Commission, and I earnestly hope that they will be able to substantiate a fair answer to those charges; but I think the Government has done these officers great injustice in compelling them to submit to this new commission of inquiry. I think that their character has been greatly injured by the course thus taken. It is impossible that they can stand in that position of advantage which they ought to have attained, and which they would have attained if the Government had adopted a more prudent line of conduct. But I hope that they will not be prejudiced by the conduct of the Government. I think the result of the inquiry has produced an exaggerated feeling in regard to those officers. We are bound to recollect that they are, after all, only charged with an error in judgment. No doubt, if an error in judgment were committed by them, it might have led to consequences of the gravest character; but if it were committed, it was committed under circumstances of extraordinary difficulty, and many hon. Members here must feel with me that whatever error in judgment may have been committed by them, they are officers of known gallantry and of the highest honour. I am sure, however, that the general feeling in this House and the country will be, that the inquiry before the Commission should not, at all events, be prejudiced by premature discussion. Whatever blame may be attached to the premature promotion of these officers, I wish to call attention to the language held by the Secretary of State in regard to the assumption by the Government of the full responsibility of those promotions. Whatever fault we may be disposed to find with the conduct of the Government, we certainly cannot extend it to a censure of the language held in this respect. The Government have avowed, in the most distinct manner, that they hold themselves responsible for these appointments, and in so doing I think they have taken an honourable and a proper course. But upon this subject, which is one of great importance, I shall abstain from going at further length. It is, however, a subject which must be dealt with; and whatever satisfaction we may feel as to the language of the Secretary of State, we have a right to have a full understanding as to the responsibility of the Government in regard to all the appointments made in the army. I shall reserve to myself the power of entering more fully into these matters when an opportunity arises for making a substantive Motion. I shall now content myself with saying, for all the reasons stated, that I am unable to concur in the Motion of the hon. and learned Gentleman the Member for Sheffield.

General PEEL: Sir, the reluctance which I always feel in rising to address the House, is increased to an almost insurmountable degree, when I have to request its indulgence on a matter personal to myself. I think it, however, extremely hard when called upon to discharge one of the most unpleasant duties that an officer can have to perform, that I should be subjected to the sneers and imputations of the hon. Member for Sheffield; but I think I shall be able to show that, if I have not seen any active service, it has been my misfortune, and not my fault.

I selected the army as a profession—not in a time of peace, for the sake of wearing a red coat or avoiding school—but during the course of the Peninsular war; and I went, at the age of fourteen, to Sandhurst, to prepare myself for it. I passed all the examinations there, and obtained the usual certificates; and three days before the battle of Waterloo, when I was just fifteen and a half years old, I obtained my first commission in the 95th Regiment. Now, I appeal to any person who knows anything of the service, whether an officer, entering that regiment (which is now the Rifle Brigade), at the commencement of a war, and when the three battalions of which it was composed were in the presence of the enemy, was not likely to see active service? The result of the battle of Waterloo, however, put an end to the war; but I had the good fortune of being brought up in some of those infantry regiments, which the Duke of Wellington so justly described, as being able to "do anything and go anywhere," of which every officer and every private was a soldier in the strictest sense of the word; and I cannot pay a greater or more just compliment to those who now fill the ranks of the Rifle Brigade and the 71st Light Infantry, than to say that they have fully maintained the discipline and character of those distinguished regiments.

I afterwards served in an equally distinguished regiment, the Grenadier Guards, and, without obtaining any promotion in it, returned to the line, and after twelve years' service was appointed lieutenant colonel. And I have a right to assume that I was considered fully qualified to be so, for the then General Commanding in Chief appointed me to the command of his own regiment. I had, however, Sir, at that time the honour of representing the city of Norwich, and, feeling it impossible to do my duty to my constituents and to my regiment, as it was a time of peace, I preferred the former, and wrote a letter to the Commander in Chief, requesting to be placed on half-pay, but expressing a hope that it would not be considered that I did so for my own convenience, but as a matter of duty; adding, that if a war should break out, I should be ready at any time to give up my seat in Parliament and return to the service. When the present war was declared, circulars were sent to every officer, asking whether they were able and willing to serve? I not only answered both these queries in the affirmative, but I wrote a letter to the Military Secretary at the Horse Guards, stating that, believing myself to be one of the youngest officers of my rank in the service, and being blessed with a degree of health and strength that few people enjoyed, I considered it my duty (without wishing to put myself forward, or to ask for any command that my long retirement on half-pay might have disqualified me for) to express my willingness to serve anywhere, and in any capacity that I could be of the least use. Again, after the battle of Inkerman, when it was reported that there were many officers who wished to return home, and that several general officers were in a bad state of health, I went to the Commander in Chief, and told him that I was ashamed of holding the rank I did without having seen any active service, and that I was most anxious to go out to the Crimea in any capacity. I was, however, unfortunately senior to many who held high commands, and my request could not be complied with. I am aware that there are now younger men sprung up, who have learned their duties in the field;—they have won their laurels well, and may they wear them long!—but I think it is too bad that those officers who have always been willing to serve should be exposed to such taunts and imputations as have just been thrown out. The hon. Member for Sheffield accuses me of having, throughout the whole investigation before the Sebastopol Committee, taken the part of the accused. Now, I will tell the hon. Member the difference between us. He always appears to consider every person guilty of the charges brought against them, whilst I prefer to consider them innocent until they have been proved to be guilty;—but I appeal to every Member of the Committee whether I did not endeavour to have the real facts ascertained. There were only two occasions on which direct accusations were brought:—one referred to Admiral Boxer, who was accused of having improperly detained a transport, and I moved in the Committee that the evidence should be instantly reported to the Admiralty, that they might order an inquiry on the spot. The other case was one in which an officer commanding a regiment was charged with having kept the knapsacks from the men, although they were dying from want of the clothing contained in them. I went myself to the Horse Guards, and to the Secretary for War, to call their attention to the charge, which, however, was fortunately proved the very next day to be unfounded.

I feel it is unnecessary for me to say one word more, further than that, from the moment I was appointed as a member of the Commission that is about to sit, I determined to judge for myself from the evidence that may be brought before us, and not from any previously formed opinion; and my sole anxiety, as a member of the Commission, will be, that justice shall be done to all parties, and the truth made manifest.

MR. FREDERICK PEEL said, it was not to be expected that he should concur in the eulogy which the right hon. Baronet opposite had passed on his own opinions in reference to the present question, or in the Resolution of which he had given notice; but he entirely concurred in his objection to the Motion of the hon. and learned Member for Sheffield, because that objection was founded on a consideration of the unadvisability, on every ground, of prejudging a case which had been remitted from the House to a tribunal of a different character. With the instinctive feeling of an English gentleman, with that spirit of fairness which characterised every Member of that House, the right hon. Baronet had himself abstained, and had advised the House generally to abstain, from entering into questions which it was impossible to discuss now without encroaching on the province of the Board of general officers which had just been appointed. At the same time, he was not surprised at the course pursued by the hon. and learned Member for Sheffield in bringing forward this question, but he (Mr. Peel) did not believe it was one which any other Member of that House would desire to be foremost in following. He repeated that he was not surprised at the hon. and learned Member having brought forward this Motion, because the course he had now taken was in principle precisely similar to that which he pursued last year. The hon. and learned Member had minutely described the preliminary Motion he had submitted to the House last year for the purpose of procuring a Committee to inquire into the causes which led to the sufferings of the British army in the Crimea: but he had totally omitted to call attention to the Motion he made after the report of the Committee, to the effect that every Member of the Cabinet who belonged to the Government of this country at the time when the expeditionary army left for the Crimea should be stigmatised and debarred in a manner from entering public life for the future. To that Motion what was the unanswerable objection made by those Members of the Government who had not at the time quitted office, as some others had? They said they had had no opportunity of entering into an explanation of their conduct; that, if they could have had the slightest idea that the result of the inquiry before the Committee would be to inculpate them, they would have claimed the right of appearing before the Committee, and of making such statements as they might have thought requisite; and they added that they felt no doubt that the Committee itself, if it had had any idea that its labours were to terminate in a censure of the Members of the Government, would have called those individuals before it, and given them an opportunity of explaining their conduct. The course now taken by the hon. and learned Gentleman was precisely similar to the course pursued by him on that occasion. On the eve of the meeting of a Board of general officers the hon. and learned Gentleman stept in and submitted a Motion, which he had himself abstained from discussing or explaining to the House, and which it was impossible to discuss—at least, it was very difficult to draw the line which should separate those matters on which the Government might freely express their opinion, and those other matters on which the Government could not be expected to express any opinion of their own—and sought to obtain the opinion of the House upon the conduct of military officers, the investigation into which had been referred to another tribunal. Such being the course taken by the hon. and learned Gentleman in reference to the officers whose conduct was impugned, he next said that the object of the Government in appointing the Commission of general officers had been to hide their own misconduct. Did the House really think that they could be guilty of such an act of cowardice? Could the House really believe that their object in appointing a Board of general officers was to shift any just responsibility from themselves? Could the hon. and learned Gentleman imagine that they would be guilty of such an act of injustice and of such solemn mockery as to issue a formal document constituting this Board of general officers, and declaring that the sole object was that the truth might be made manifest and justice done, while at the same time they had no other object in view except to hide their own misconduct? The hon. and learned Gentleman had passed great compliments on the Commissioners who went to the Crimea, describing them as men of great energy, courage, and impartiality, and perfectly cognisant of the business they had to perform. But the hon. and learned Gentleman forgot how the first proposition to appoint those Commissioners was received by himself and his friends. Did he not remember that immediately on the formation of the present Government the noble Lord at its head came down to the House and announced the intention of sending a Commission to the East to investigate on the spot the causes of the imperfect supply of commissariat and other articles? And how was that announcement received by the hon. and learned Member and by the hon. Member (Mr. Layard) near him? Why, they said that no possible good could be expected from that Commission; that it was a sham, a mockery, and an attempt to hide the misconduct of the Government. [Mr. LAYARD: Hear, hear!] The hon. Member for Aylesbury cheered, and he believed it was that hon. Member himself who made use of those expressions, and who indeed went further, and criticised the individuals proposed to be appointed as Members of the Commission. Sir J. M'Neill, it was alleged, was an old man, unable, from physical debility, to go so far as the Crimea, much less to move about and investigate into all the various matters he was sent to report upon. But all this was forgotten now. The Commissioners had gone to the East, and discharged their duty with impartiality and firmness; and they were now declared to be men remarkable for energy, ability, and impartiality, than whom no better persons for the purpose could have been selected. He thought it very strange that the hon. and learned Gentleman, whilst holding such language to-night, should have forgotten, seemingly, the course he pursued on the previous occasion. The hon. and learned Gentleman appeared to be actuated by only one principle—by a desire to condemn every one concerned in the administration of affairs in the Crimea, without regard to the merits of the case. The hon. and learned Gentleman said the Government appointed Commissioners to inquire into the conduct of certain officers, and that, having done that, the Government now appointed a second Commission for the purpose of reporting on the report of the first Commission. He denied that there was a syllable of truth in that representation. He denied that the Commissioners who went to the Crimea went there for the purpose of inquiring into the conduct of certain officers. The very first instruction to the Crimean Commissioners was to inquire into the whole arrangement and management of the Commissariat Department. The Commissioners were also instructed to inquire into the alleged irregularities in the issue of supplies. Three days afterwards further instructions were given to them to inquire into the alleged delays in unshipping and distributing the clothing for the troops. Where, then, did the hon. and learned Gentleman find in their instructions any directions to inquire into the conduct of the officers.

MR. ROEBUCK said, the hon. Gentleman had misunderstood his Motion. The object of the Motion was to censure the misconduct of those by whom various departments of the army had been placed under the command of officers whose conduct had been inculpated by the Commissioners appointed to inquire into their conduct.

MR. FREDERICK PEEL: The hon. and learned Member had altered his Motion so often that it was somewhat difficult to understand exactly what he did mean. When the hon. and learned Member conceived that the Court of Inquiry was to sit with closed doors, he spoke of it as incompetent, and said the object of the Government was to shield the officers whose capacity had been impugned in the Report. But when he was told that the Board was to be an open one, he withdrew the expression that it was incompetent, and said the object was not to shelter the incompetency of the officers, but to hide the misconduct of the Government. He (Mr. F. Peel) dwelt upon this point the more, because it was in favour of the officers who might be supposed to be inculpated in the Report. He would undertake that the impression of the Commissioners themselves was, that they were not to inquire into the conduct of any particular officers. If the hon. and learned Gentleman would turn to that page of the Report which contained the copy of the letter addressed by the Commissioners, on their arrival in the Crimea, to Lord Raglan, he would see how very foreign to their minds was the idea that they were sent to inquire into the misconduct of any of the officers. They never said it was their business to have before them the officers of the Quartermaster General's Department, or to inquire whether any of the charges that had been brought against them were true. There was another point which ought to be borne in mind as being favourable to the supposed inculpated officers. He wished to observe that a very general impression seemed to prevail that the Commissioners in the Crimea carried on their inquiries in an open manner. That was not the case. It was essentially a close Commission—that was to say, no other persons were present but the witnesses themselves when they were being examined, and no one witness knew what another said. If the object of the Commissioners had been to inquire into the conduct of the officers of the Quartermaster General's Department, they would have said so, and have given those officers an opportunity of hearing the charges against them, and of making a reply. The proposition laid down in the Resolution, therefore, that the Commissioners were appointed to inquire into the conduct of certain officers was not correct. It was quite the reverse. But, said the hon. and learned Gentleman, the Government having received the Report of the Commission, proceeded to issue another Commission to report upon the Report of the first. He did not know what course the hon. and learned Gentleman wished the Government to have taken. In one part of his speech he said that, having the Report in their possession, they ought to have instituted a court martial and brought the officers implicated before it. Now, one objection urged against the Board of General Officers was, that it was entirely composed of military men. "Contrast that Board," said the hon. and learned Gentleman, "with the tribunal over which I myself presided; when I got a Committee of this House last year I took care to intermingle civilians with military men." [Mr. ROEBUCK: I did not say so; I said, "men of all parties."] The hon. and learned Gentleman certainly objected to the Board of General Officers because it was composed of military men. [Mr. ROEBUCK: No; military men of one opinion.] Just so; and the hon. and learned Gentleman added that it was composed of men advanced in years. But if he had made inquiry into the ages of the officers of the Board, he would have found he was in a great error in that respect, for they were by no means so advanced in age as he seemed to imagine. But the principal objection of the hon. and learned Gentleman was, that the Board was to sit in England to review the proceedings of a Commission in the Crimea whose inquiries had been made upon the spot. He begged to remind the hon. and learned Gentleman, that when the noble Lord at the head of the Government proposed the appointment of a Commission to proceed to the Crimea to inquire into the manner in which the supplies were distributed to the army, so as to divide the labour of inquiry between that Commission and the Committee appointed by the House—a division of labour that seemed in the highest degree reasonable—the hon. and learned Gentleman said that he had no confidence in any such Commission, and insisted on the Committee of the House of Commons assuming to itself the whole of the labour. Now, however, he thought it a matter of essential importance that this inquiry should be conducted in the Crimea; and with singular inconsistency he argued in favour of a court martial, though he must be aware that it would have to sit in this country. He (Mr. Peel) maintained that the Government had taken the only course by which they could in fairness do justice to all the parties concerned. Indeed there was nothing in the speech of the hon. and learned Gentleman which could lead him to suppose that he had really made himself conversant with the contents of the Report of the Commissioners. His statements regarding it were of the most vague and general character. He (Mr. Peel) had had better opportunities than the hon. and learned Gentleman of making himself acquainted with its contents, and of learning the nature of the charges it contained; and it was impossible for him to deny, when he read the document, that the officers—who were, he would not say directly charged, but with regard to whom statements were made which left the impression that charges were brought against them—had a right to call for further inquiry and investigation. The first point to be established—and it was one which the Executive Government was incapable of establishing—was, whether the Report of the Commissioners was founded in every point on the evidence which they had taken. He should be sorry if any of the officers against whom charges were made should be under the censure of the Commissioners, unless it could be clearly shown that there was that in the evidence which substantiated the points alleged against them. There had been things alleged which were highly criminatory of officers who had served with the army in the Crimea. But he altogether refused to give in his adhesion to the accuracy of those allegations till he knew whether those officers had anything to advance in opposition to them. He would give one or two illustrations of his meaning in order that the House might be satisfied of the justice of the course which the Government had taken. What was one of the gravest charges brought against Colonel Gordon? It was that he had neglected to issue great-coats and blankets at the proper time, and that the troops suffered very severely in consequence. In November and December the troops had nothing but the great coat and blanket that were issued to every man. The weather was extremely cold; the men were in the habit of going to the trenches day and night with their great-coats and blankets to protect them from its severity, and when they returned to their tents, having no others to exchange for them, they were compelled to lie down on the damp ground in the only coats and blankets which they had. This was one of the most serious charges brought against the Quartermaster General's Department, because it was said they had a very large supply of these articles on hand, and did not issue them to the troops. The Commissioners went on to state that one of the reasons assigned by Colonel Gordon why he did not issue extra great-coats was the existence of a regulation in the army which required that great-coats should only be issued once in three years. But the question arose, had Colonel Gordon himself assigned that as the reason why great-coats were not issued to the troops? It was hardly possible to accept a statement so improbable. One was naturally unwilling to accept such a statement without seeing the evidence upon which it was founded, without satisfying oneself that the evidence given by Colonel Gordon fully substantiated the allegation. But any one who examined the evidence reported by the Commissioners would look in vain for any passage in which Colonel Gordon assigned that as the reason why he had not issued great-coats to the troops. The Commissioners, after stating that such was one of his reasons, proceeded to say that they thought the Government at home ought to have sent out special instructions to dispense with the regulation authorising the issue of great-coats; that in the absence of such instructions the Quartermaster General's Department should have applied to the Commander in Chief on the spot, for the purpose of obtaining his authority to dispense with the regulation; and that if neither of those courses were available, the Quartermaster General's Department should themselves have assumed that it was the intention of the Government to dispense with the regulation, for otherwise how could it be explained that they had sent out a sufficiency of great-coats to last for no fewer than five years if it was their intention that an issue should take place only once in three years? Undoubtedly the conduct of Colonel Gordon, as represented in the Report, seemed absurd; but in no one part of the evidence given by that officer himself would they find him stating that he was prevented from issuing great-coats to the troops in consequence of the existence of the warrant, or of the want of power to set it aside. Such was one reason why it was impossible for the Government to adopt the Report as conclusive, and why it was absolutely necessary that some tribunal or other should be created for the purpose of receiving such evidence in defence as might be offered. Let him give another case. It was stated by the Commissioners that when the troops first landed in the Crimea they were directed to leave their knapsacks in the transports, and that several weeks—as many as six or eight—elapsed before the knapsacks were returned to them ; and that, in the interim, they were suffering much from the want of ordinary necessaries. Colonel Gordon was asked how he accounted for this delay. He replied that shortly after the battle of the Alma a circular was addressed to all the general officers who commanded divisions, inviting them to state whether they were desirous that their men should have their knapsacks again or not, and adding, that if they expressed a wish that the knapsacks should be returned, there would be no difficulty in getting them landed from the transports. And in answer to that communication, it was stated that all the general officers commanding divisions, with one exception, declined to receive the knapsacks at that time. It was added that when the Commissioners returned to England they met some of the general officers, and inquired of them how they came to decline receiving the knapsacks ? As stated in the published Report, one officer denied positively that any such offer had been made to him; another stated that he had no recollection of it, although it might possibly have been so; while, with regard to a third, the Commissioners regretted that they had not had an opportunity of communicating with him on the subject. Here, then, was a statement directly impugning the veracity of Colonel Gordon ; and who, without inquiry, would undertake to say at once which was right—whether the reason given by Colonel Gordon why the knapsacks were not returned to the men was one which exonerated him from blame, or whether he had been incorrect in stating that the general officers who commanded divisions were unwilling to receive the knapsacks ? What Colonel Gordon now said was, that when he gave his answer to the Commissioners he had in his hand letters from no fewer than three general officers who commanded divisions, declining to receive the knapsacks ; that the fourth had verbally explained to him why he was unwilling to receive them ; and that there was an entry as regarded the latter in the official memorandum book of the Quartermaster General's Department confirming this statement. This was another illustration of the impossibility of adopting the Report as conclusive, and of the absolute necessity for appointing a new tribunal for the purpose of receiving explanations. Let him give one more instance. The charge against the Quartermaster General's Department was, that, having an abundance of stores in their possession, they omitted to issue those stores to the troops ; and that, too, at the very moment when the men were suffering and dying from the want of them. General Airey was the head of that department; he was the officer who was responsible for any omission of duty ; but if they examined the evidence they would find that General Airey was not examined by the Commissioners at all. General Airey stated that he extremely regretted that the Commissioners had been unable, from illness, to remain in the Crimea for the purpose of receiving his evidence ; that he, of course, was not responsible for the necessity they were under of leaving the Crimea ; that it would be unjust to condemn him because they were unable to receive his evidence ; that, although they had addressed to him written questions, and although he had made written answers to those questions, yet he was not once called upon to explain why the stores in the possession of his department were not issued. Thus it appeared that the only point upon which the Quartermaster General's Department was condemned was the point upon which, for some reason or other, no question had ever been put to the head of that department. It was upon these grounds that the Government deemed it absolutely indispensable that a Board of General Officers should be formed for the purpose of receiving from the inculpated officers any explanations or answers they might wish to offer with reference to the statements in the Report. The right hon. Baronet the Member for Droitwich had abstained from moving his Amendment, but had expressed his dissatisfaction with the Government in not communicating the Report to the Horse Guards prior to its being laid on the table of the House. It was rather a disadvantage to the Government to be uncertain whether they should enter into a full explanation of that matter now, or defer it until the right hon. Baronet fulfilled his promise to bring the subject before the

House at a more fitting period; but no harm could be done by stating that, although it might have been proper in point of form to communicate the Report to the Horse Guards, prior to its being laid on the table of the House, yet, in point of fact, the authorities of the Horse Guards could not have had an opportunity of becoming acquainted with its contents, far less of inquiring into the accuracy of its statements, because it came into the hands of the War Department only a day or two before the meeting of Parliament, and it was immediately laid on the table of the House. If the War Deparment had withheld it until the authorities of the Horse Guards had examined all its statements, and until the inculpated officers had had an opportunity of entering fully into their several defences, could any man believe that it would have been possible to resist the Motions which would unquestionably have been made for the immediate production of the Report? Why, he could not even withhold a portion of certain papers which were intended to form part of the Report, but which for sufficient reasons had been omitted, without having daily inquiries whether he meant to present the whole of the documents or not. He therefore thought that the course adopted by the Government was, under the circumstances, the one most advisable to pursue. As the hon. and learned Gentleman's Resolution distinctly imputed misconduct to the Government for having appointed officers to commands who were inculpated in the Report; and as the right hon. Baronet opposite, although he objected to the form of words proposed by the hon. and learned Gentleman, on the ground that they prejudged the question in reference to those officers, blamed the Government for their premature appointment to posts of importance, he felt bound to give some explanation of the course which had been taken by the Government in reference to those officers. The hon. and learned Gentleman pointed out the Earl of Cardigan, the Earl of Lucan, General Airey, and Colonel Gordon as being the officers most inculpated by the Report, and he maintained that the Government had been guilty of misconduct in having employed those officers pending an inquiry which had resulted in the production of charges against them. But how did the case stand with regard to each of them? He would take that of Lord Cardigan first. The Earl of Cardigan had been appointed Inspector General of Cavalry in the month of January last year, at a time when the country resounded from one end to the other with the fame of the Balaklava charge—when the noble Earl was receiving universal praise for having ridden at the head of the light cavalry to what was looked upon as almost certain death—at a time, too, antecedent not only to the appointment of the Commission, but even to the existence of the Government with which the Commission originated. How that could fairly be made a charge of misconduct against the Government he could not understand. Next, with regard to Lord Lucan. The Earl of Lucan had received the command of a cavalry regiment. Now, considering that he was the only general officer commanding a division who had not received the command of a regiment—considering, also, that although it had been necessary to recall him in consequence of a difference with the general in command, it was agreed on all hands that he ought not to be proscribed on that account, there could be nothing wrong in appointing him to the command of a cavalry regiment at a time when the Commission had not made its Report, and when it was not known that any charge would be brought against him. Then, there was Colonel Gordon. Colonel Gordon had been Assistant Quartermaster General of the army, and the Government was blamed because he had been appointed Deputy Quartermaster General at the Horse Guards. Now, considering the authority and responsibility of the office which he had held in the army, the Government was not to blame for the appointment at the Horse Guards. In December, 1854, Lord Raglan recommended Colonel Gordon to be made a Deputy Quartermaster General of the army and a Queen's Aide-de-camp. That recommendation was not complied with by Lord Hardinge. Lord Raglan repeated it in the month of March, 1855, and it was again disregarded. Colonel Gordon was neither made a Queen's Aide-de-camp nor a Deputy Quartermaster General. He was then a lieutenant colonel in the Guards, and he shortly afterwards became a colonel in the army, not by favouritism, or the influence of Lord Raglan, out of his turn, but by seniority, being the senior lieutenant colonel at the time when a vacancy occurred which gave him the step. Twice Lord Raglan recommended him to be made a

Deputy Quartermaster General of the army, and twice that recommendation was attended with no effect; but soon after Lord Raglan died, and Colonel Gordon availed himself of the opportunity to come home. He was about to return to the Crimea when the death of General Torrens left vacant the office of Deputy Quartermaster General at the Horse Guards, and it was by no means unnatural that Lord Hardinge, in the month of July or August, before this Report was presented, and before it was known that these charges would be brought against Colonel Gordon, should have appointed to the vacancy an officer who had filled a similar post in the Crimea, and who had discharged its duties so efficiently as to induce Lord Raglan, on two separate occasions, specially to recommend him for promotion. The right hon. Gentleman opposite was of opinion that the appointment was premature, because the Government knew that that officer's conduct was being inquired into; but would the right hon. Gentleman seriously maintain that, because the Government knew that the conduct of certain officers was being inquired into, they would have been justified in recalling them? If they were not bound to recall them, how could they be justified in refusing to employ them in situations of an analogous character? If the House acceded to the doctrine of the right hon. Baronet, that no officer whose conduct was being inquired into should be employed, the consequences might be most embarrassing. Take, for instance, the case of Colonel Wetherall. The charge against the Quartermaster General's Department was, that it had neglected to issue stores in its possession of which the army was in need; but it so happened that the officer who was responsible to a certain extent for the issue of those stores, who was detached from all other duties for that special purpose, was Colonel Wetherall; and yet, since this Commission was appointed, Colonel Wetherall had been employed in several very important posts. He was first of all sent as Deputy Quartermaster General to the Turkish Contingent, in which office he gave the greatest satisfaction. When General Airey came home many persons in this country and both the Generals in the Crimea—General Simpson and General Codrington—were of opinion that the fittest man to succeed General Airey was Colonel Wetherall, but when that vacancy was filled by another officer Colonel Wetherall was placed at the head of the Land Transport Corps, and, with all possible respect for the energy and judgment displayed by Colonel M'Murdo, he was convinced that no one could have done more service to the army in the Crimea than Colonel Wetherall had by the manner in which he had handled that important department. Last of all came the case of General Airey. General Airey was Quartermaster General of the army in the Crimea first under Lord Raglan, and afterwards under General Simpson. When General Simpson returned home considerable changes were made in the important offices in the Crimea. General Codrington was made Commander in Chief, and General Windham, a junior officer to General Airey, became chief of the staff. It was necessary, therefore, that General Airey should return home; and it was just at that juncture that General Freeth, after a service of forty-two years, resigned the post of Quartermaster General at the Horse Guards, and retired into private life. Would the hon. and learned Gentleman deny that it was an immense advantage to Lord Hardinge and Lord Panmure, while the war continued, to have at their elbow an officer who had discharged the duties of the Quartermaster General's Department for two years with an army in the field? Could any officer be preferred to General Airey with his experience? Impossible. The estimate formed of the character and services of General Airey by Lord Hardinge was shared by the Members of the Government, for otherwise what could have induced them to send General Airey to Paris to take part in the military conferences, and arrange plans for the ensuing campaign? If the Government thought General Airey capable of rendering service in the Conferences, was it unreasonable in Lord Hardinge to suppose that General Airey could render efficient service in the Quartermaster General's Department at home to that army with which he had served for two years in the field? He thought that no appointment could be more politic. He did not know whether Mr. Filder had been named by the hon. and learned Gentleman, but he had been pointedly referred to by the right hon. Baronet, and it had been said that great injustice had been done to that officer. It was said that injustice had been done to Mr. Filder, because he was not aware that he had been recalled until he (Mr. Peel) had so stated it in the House, and because he had not been shown the Report containing allegations affecting his administration. It was thought that his recall by the Government conveyed some censure. Now, he had not intended in the answer he gave last night to use the word "recall" in that sense, but he would state the circumstances under which Mr. Filder has ceased to be Commissary General. When Lord Panmure first came to the War Department, he certainly formed the impression that the duties of the Commissariat Department in the Crimea had not been so satisfactorily performed as they ought to have been. The Report made by the Select Committee of that House, presided over by the hon. and learned Gentleman (Mr. Roebuck), strengthened that impression, and the first Report of the Commissioners could not but tend to confirm it. At the same time the Government heard that the health of the Commissary General was failing, and, under these circumstances, it was not unnatural that Lord Panmure should take the first opportunity of relieving that officer from the discharge of his duties. Lord Panmure knew that there was a prospect of the army remaining another winter in the Crimea, that it would be largely increased in numbers, and that, great as were the exertions necessary for the proper supply of the army in the Crimea in 1854-5, still greater exertions would be required for the winter of 1855-6. In consequence of these concurrent circumstances Lord Panmure came to the resolution of intimating to the Commissary General that another officer would be appointed to succeed him. A dispatch was accordingly sent out to General Simpson stating these reasons, but in the kindest and most considerate manner. At the time this dispatch of the Government was on its way to the Crimea Mr. Filder had applied for a board of medical officers to report upon the state of his health with a view of returning to England and being relieved of his post, and before the Government dispatch arrived in the Crimea he had left the seat of war. Had he remained in the Crimea he would have been made acquainted with the fact of another officer having been appointed to succeed him. He had been asked why he had not communicated to Mr. Commissary Filder the first Report of the Commissioners? At the time the Government received that Report, the Commissary General had returned to this country, and he doubted whether it was an advisable or a necessary course that the Government should communicate this Report containing charges against him when the whole question was settled by his resignation. It must be remembered, too, that the first Report, received in June, was not transmitted in the form in which it now appeared—complete with the evidence upon which it was founded. It was the bare Report of the Commission, sent hurriedly, to show the Government that no time had been lost, and in order that they might be acquainted with the defects in the Commissariat as soon as possible. The Government were, therefore, unwilling to do anything which would give pain to Mr. Filder, but in the month of January last the Commissary General applied to Lord Panmure to recommend him for the Order of the Bath. A correspondence commenced, which continued for some time, and it there became necessary for Lord Panmure to tell Mr. Filder that he was unable to recommend him for the honour of the Bath, because he was not satisfied with the way in which he had conducted the duties of the Commissariat, and because he had not made all the exertions that he might have made to get supplies for the army, and to provide for their systematic and regular distribution. This communication was not made to Mr. Filder till the middle of January, soon after the complete Report of the Crimean Commission had reached the Government. This was all he thought it necessary to say on these subjects at present. It was obvious that the statements in the Report of the Commissioners rendered it necessary that further explanations should be received from the officers implicated, and it was considered advisable to deal with Mr. Filder in that respect as it was proposed to deal with the others. When the hon. and learned Gentleman imputed misconduct to the Government, that they had placed the army under inefficient officers, and that some of their appointments were open to blame, let them have credit for others to which no exception could be taken. The departments generally were now admitted to be filled by the fittest men. The present Adjutant General of the army in the Crimea was an officer of acknowledged ability, who had paid great attention to drilling the troops and teaching them the use of their weapons, and to forming an infantry which in any future action would be found to have attained greater effectiveness than had ever been attained before by the infantry of this country. If they referred to what had been done by the present Quartermaster General in the Crimea, they would find that the quarters of the troops, their huts, tents, and supplies testified to his capacity. The medical department in the Crimea was presided over by the same officer, Dr. Hall. [MR. ROEBUCK: Hear, hear!] He supposed from that cheer that the hon. and learned Gentleman was of opinion that Dr. Hall ought to have been removed. But let the sanitary returns testify whether Dr. Hall was not doing his duty. The last returns gave seven deaths in seven days in an army of 70,000 men. Compare that with the state of the army last year [MR. ROEBUCK: Hear, hear!], when in a force of about one-half or one-third of its present strength the number of deaths was at one period 100 a day. Take any other department in the army in the Crimea, and it would be found that men had been appointed to the posts they were best qualified to fill. He would now leave the question in the hands of the House, not doubting, after what the right hon. Baronet had said, that the House would shrink from any course which would prejudge the case of the officers whose conduct was called in question. They would make their explanations to a board of general officers, and in the meantime some merit, he thought, was due to those who had done their utmost to provide an army which was now strong in numbers, strong in spirit, and eager to measure its strength with the enemy. Every one must desire that peace would be the result of the Conferences now opened at Paris; but, if war were the only alternative before us, we should enter upon a renewal of the conflict without any doubt or misgiving as to the result.

MR. BENTINCK said, when he heard the Motion brought forward by the hon. and learned Gentleman, and recollected that the hon. Gentleman had originated the only two or three important discussions of the Session, he felt justified in stopping at the outset to consider the political objects which the hon. and learned Gentleman had in view, and before he came to a decision on the question before the House, to decide, from that hon. Gentleman's antecedents, how far he could give him his confidence. The hon. and learned Gentleman had commenced his Parliamentary career in the present Session by a remarkable assertion; an assertion which had been referred to in the House, and widely commented on in the country; he had stated it as his opinion that this country had embarked in the war with Russia for the sole purpose of protecting our Indian possessions, and not for maintaining the balance of power in Europe. Considering that the hon. and learned Gentleman adduced no proofs in support of this assertion, he (Mr. Bentinck) was justified in regarding it as of a very doubtful character, and, therefore, as a statement abounding in indiscretion. On this ground alone, he (Mr. Bentinck) could not feel confidence in the Motion of the hon. and learned Member. But that was not all. The hon. and learned Member, during the pending negotiations with America upon a critical and delicate subject—a subject on which it might be supposed every one with a sense of what was at issue would avoid irritating discussion—had thought proper upon this occasion to force the House into a discussion on this delicate subject at the present critical moment. The good sense of the House prevented this discussion; and by so doing it marked in the strongest manner its sense of the indiscretion of the hon. and learned Gentleman. The next indiscretion of the hon. and learned Member was the Motion before the House. It looked like a determination on the part of the hon. and learned Gentleman to attack every man who was in difficulty. He (Mr. Bentinck) fully admitted that the conduct of Government was the cause of the difficulties that existed. The position of affairs, as he understood it, was this. Certain gallant officers, holding high appointments, considered themselves wronged by the Report of the Commission, and they impugned the accuracy, therefore, of the members of that Commission. Admitting, however, to the full, that Her Majesty's Government were in error in their manner of prosecuting the affair, he (Mr. Bentinck) contended that, under present circumstances, it was impossible to render justice to all parties without Her Majesty's Government taking the step which had been taken in this case. They had created the difficulty, and they were bound to find a solution of it, by the appointment of an efficient tribunal to investigate the charges against these officers. Such a course had become indispensable under present circumstances; and he (Mr. Bentinck) was therefore at a loss to know why the hon. and learned Gentleman should confine himself to a violent attack upon the Government for taking it—considering that the hon. and learned Gentleman suggested no remedy himself for the wrong. The hon. and learned Gentleman, however, was always more inclined to attack, right or wrong, than to suggest a remedy; and he (Mr. Bentinck) would suggest to the hon. and learned Member, if it was his intention to continue daily to edify the House, by playing the part of the indignant and independent patriot, that he should exhibit more accuracy in his facts and more discretion in the selection of the subjects which he brought for discussion before the House.

Mr. LAYARD said, that, without any disparagement to his hon. and learned Friend the Member for Sheffield, he thought that the course indicated by the notice which he had given of his intention to call the attention of the House to the report of Sir John M'Neill and Colonel Tulloch was, in many respects, preferable to that which had been pursued by his hon. and learned Friend in bringing forward this Motion. He thought that that Commission ought to have been thoroughly discussed; and he should confine himself entirely to that part of the subject. The right hon. Baronet who had given notice of an Amendment (Sir J. Pakington) had said, that he did not think that this was the right time to enter into the question. He (Mr. Layard) perfectly agreed with the right hon. Baronet, so far as referred to the part of the subject which concerned the officers whose conduct was impugned by the Report. After the course which had been taken by the Government, it would be most unadvisable to enter on that part of the subject, and he therefore listened with extreme surprise to the extraordinary and indiscreet speech made by the Under Secretary for War. He would not return to the history of the army in the Crimea, which, in his usual epigrammatic style, his hon. and learned Friend (Mr. Roebuck) had laid before the House. That history was well known to every Member of the House, to every man in the country—he might almost say, to every man in the world. Let him, however, remind the House, that when the Motion of his hon. and learned Friend for a Committee was carried, the Government which then held the reins of power fell, and the noble Lord, now the Prime Minister, who succeeded, made a very remarkable speech. He endeavoured to take the inquiry out of the hands of the House, and said, in the words of a King of England,—"I will be your leader. I will take upon myself to examine the culprits. I will be responsible for the punishment of the guilty." If such were not his words, that was their purport. Notwithstanding that speech and that declaration, the Committee was appointed, and it went into a full inquiry. The noble Lord chose two gentlemen to carry on another inquiry. He declared that the Committee could not have a sufficient opportunity of examining witnesses, and that, being 3,000 miles away from the scene of the occurrences into which it was to inquire, it could not arrive at a definite or just conclusion. He therefore sent Sir John M'Neill and Colonel Tulloch to make an investigation upon the spot, and to report to the Government, to this House, and to the country. The appointments were unexceptionable. Sir John M'Neill commenced life as a surgeon in the army; he consequently had considerable knowledge of the details of his profession as connected with a military force, and was, in that respect, well qualified to perform the task imposed upon him. He had been ambassador in Persia, and was acquainted with the resources of the East. Moreover, he had, during the latter years of his life, held a semi-judicial office in Scotland, and was well qualified to sift and examine evidence. Colonel Tulloch was an officer of admitted attainments and abilities. The hon. Gentleman (Mr. Peel) had said that he (Mr. Layard) had criticised those appointments, and he had stated the grounds of his criticism. What were they? The hon. Gentleman said he had criticised them because the report would be a sham, and because Sir John M'Neill was in delicate health. Had not the hon. Gentleman himself shown that that criticism was well founded? He (Mr. Layard) said the report would be a sham, because he felt sure that the Government would not adopt it. The hon. Gentleman had that evening gone into an elaborate examination of the report, and the report itself had been overthrown by the Government. The hon. Gentleman went on to say that General Airey had not been examined because Sir John M'Neill had been compelled by ill-health to leave the Crimea. He (Mr. Layard) remembered meeting Sir John M'Neill at the time of his appointment, and asking him the state of his health. Sir John M'Neill told him that his health was delicate and that he went out with considerable misgivings; but he added that he had a duty to perform, that the office had been pressed upon him by the Government, and that it was at their urgent request and entreaty that he was going out. Had not his (Mr. Layard's) prognostications been fulfilled? Had not the remarks of the hon. Gentleman that evening justified all that he had said? He would not now discuss the report of the Commissioners. What, however, were the circumstances under which it was presented? The Commissioners went to the Crimea, returned home, and made a report to the Government. They acted like a judge summing up the facts. They did not give any opinion. The hon. Gentleman himself said they did not condemn any officer. They merely stated the evidence which they had collected, and referred it to that House, to the country, and to the Government, as a jury; and that House and the country were as well able to judge as any board of general officers, however carefully constituted, or however well its Members might be chosen, of its veracity and its impartiality. The Report was recognised by the Government in the most solemn manner, and it had been in the name of Her Majesty communicated to both Houses of Parliament. By that mode of communication the Government had virtually adopted and endorsed it with their sanction. But to his astonishment, he had just heard the hon. Gentleman (Mr. Peel) go into an elaborate criticism of it; and how trumpery a criticism! He was almost ashamed to refer to it; but there were two subjects on which he thought it necessary to enter into some explanation. The hon. Gentleman had charged Sir John M'Neill and Colonel Tulloch with a want of veracity, and in support of that charge he referred to two points in the evidence of Colonel Gordon. He said that Sir John M'Neill and Colonel Tulloch had stated that Colonel Gordon had asserted that the knapsacks were not given because the Generals refused to accept them. The Commissioners did mention in their Report that Colonel Gordon had made this statement, but they added that three Generals of division had contradicted it. They merely described the fact that Colonel Gordon said one thing and three Generals another; he (Mr. Layard) did not say which was right. The hon. Gentleman said Colonel Gordon had letters in his possession to show that the knapsacks were refused by the three Generals in question. Those letters were never produced. He believed Colonel Gordon had found them since the Report was made. He did not wish to throw blame on Colonel Gordon, but it was unfair to charge Sir J. M'Neill and Colonel Tulloch with want of veracity when they stated, as a matter of fact, that which was true as far as it went.

MR. FREDERICK PEEL said, he had not impugned the veracity of the Commissioners. What he said was, that Colonel Gordon had made an assertion which was contradicted by the Report of the Commissioners, and that the Government could not undertake to say whether Colonel Gordon or the Commissioners were right.

MR. LAYARD: Very well; the next point related to the great-coats. The hon. Gentleman said Sir John M'Neill and Colonel Tulloch had reported that the issue of great-coats was restricted by the Queen's warrant to every three years, while no such words appeared in the evidence of Colonel Gordon. What Colonel Gordon stated was, that the issue of great-coats was only restricted by the terms of the warrant, and the Commissioners inserted the words, "by the Queen's warrant, restricting the issue of great-coats under ordinary circumstances to every three years," because those words were essential to make the evidence clear and intelligible to the public. The usual mode of proceeding at the Horse Guards had been adopted in this matter. Weak men had been thrown over; strong men promoted and rewarded. The hon. Gentleman had attempted a defence of the conduct of the Government towards Commissary General Filder; but it appeared to him that his defence was as lame as possible. The hon. Gentleman now said Commissary General Filder was not recalled, although he stated the other day that he had been so. The hon. Gentleman declares that Commissary General Filder was only relieved from the further performance of his duties. Up to that moment it was evident that Mr. Filder had never received any official intimation that he had been thus dealt with. A communication to that effect must either have been addressed to Commissary General Filder, or to those in authority above him. If it were addressed to those in authority over him, it was undoubtedly a recall in the strict sense of the term, and no glossing of the hon. Gentleman could make it anything else. When public indignation was excited in consequence of the Report of Sir John M'Neill and Colonel Tulloch, the noble Lord at the head of the Government had recourse to his usual tactics. He appointed a Commission. No doubt the Government originally intended to make that a close Commission, but, when the noble Lord found the popular feeling would not allow for a moment of such a proceeding, he changed his policy and made it an open Commission. An open inquiry was very different from a close inquiry; and he should take a very different course in the one case to what he should have taken in the other. Still he had many objections to the Commission, some of which he would briefly state. In the first place it was undoubtedly an inquiry into a Report. Those were almost the words of the warrant, notwithstanding the denial of the hon. Gentleman. The words of the warrant were, that inquiry should be made by the general officers hereinafter mentioned into the statements contained in the Reports, and into the evidence affecting the officers referred to. The warrant directed inquiry into a Report accepted by the Government, communicated by the Government to the House, and made by officers whom the Government had chosen. His next objection to the Commission was, that it was an appeal by the Government against their own sentence. He had shown already that the Report of the Commissioners, endorsed by the Government, was their own sentence. He objected, thirdly, because it was impossible there could be a fair trial. Let the House look at the remarkable manner in which Sir John M'Neill and Colonel Tulloch pursued their examination. They were perfectly aware of the nature of the task intrusted to them, and they knew perfectly well the difficulties they had to encounter. They did not commence by examining the general officers or men high in position. They commenced with the lowest man in the scale and worked upwards until they got to the highest, because they knew that not a single man would have dared to give evidence which tended in any way to contradict his superiors. He had gone through the evidence, and carefully read every word of it; and he was convinced that, even with these precautions, though many officers were examined, only four or five spoke their minds openly. Now, the course which the Government had taken justified the prudence of those officers who hesitated to give evidence. Everybody who knew the rules of the army—everybody who knew the power of the Horse Guards—knew very well that no inferior officer would dare to speak his mind before this Commission if it involved him in the contradiction of his superiors. He appealed to any man in that House—to any honest man in the army and navy—whether any officer low in rank would either dare to repeat unpalatable evidence given in the Crimea, or give fresh testimony to upset the statements of his superiors? He stated unhesitatingly that no officer would venture to do so, and he was sure that statement was one which no one could contradict. One case would completely illustrate his position. Two or three years ago there was a rebellion in Ceylon. Proclamations were issued, signed by a Captain Watson, of a very arbitrary and violent character, so much so that an inquiry was ordered. Two gentlemen, civil servants in the Madras Presidency, judges and men of high character, were sent to the island of Ceylon to investigate, and their investigation proved most undoubtedly that the proclamations were issued by Captain Watson, and that he was guilty. The Horse Guards, however, interfered, appointed a court martial, a second inquiry took place, and Captain Watson was acquitted. Yet there was not a man in Ceylon who knew the facts who did not clearly see that the court martial was appointed solely to relieve Captain Watson from the effects of the first inquiry. He objected also to the Commission, because it was a clumsy mode of carrying out the intentions of the Government. The noble Lord at the head of the War Department stated the other evening, in another place, that "these general officers would have the same power of taking evidence and satisfying themselves upon the matter adverted to as the Commissioners in the Crimea had." What did that mean? Were they to understand that the whole of the evidence was to be gone over again, or were they to understand that witnesses were to be called to contradict those who spoke to facts in the Crimea, and that the latter were not to be allowed to reassert or explain their statements? If the latter was to be the mode adopted, it would be most unfair; and, if the former, then, as he had said, the inferior officers would not dare to repeat their statements under the terror which the Horse Guards inspired among all men in the army. Another objection was, that no oath would be administered either to those who formed the Board or to those who were to be examined before it. He regretted that the hon. and gallant Member for Huntingdon (General Peel) should have left his place, because he had very much misunderstood what had fallen from his hon. and learned Friend (Mr. Roebuck). His hon. and learned Friend was the last man to cast one word of doubt on the honour and gallantry of the gallant Gentleman. (Mr. ROEBUCK: Hear.) What his hon. and learned Friend had said was, that the hon. and gallant Gentleman had had no experience in the field, a fact which the hon. and gallant Member had himself admitted, when very modestly stating how much he had desired and how unfortunate he had been in not having had that experience. He (Mr. Layard) did not think the composition of the Board was such as would command the confidence of the country. If the Government had named such men as Sir William Napier and Sir George Pollock—men who had had large experience of armies in the field, had held high commands, and gone through great campaigns—they would have been capable of judging in these matters; but the officers named in the Commission were not capable of judging from experience, and they did not, with one exception, enjoy the public confidence. Another objection was, that the appointment of the Commission undoubtedly did condemn Sir John M'Neill and Colonel Tulloch. The terms of the warrant were condemnatory. The warrant said they were to inquire into the statements contained in the Reports of those gentlemen, as well as into the evidence given before them. The use of the word "statements" was, undoubtedly, a reflection upon them. Another objection was that, under the plea of sending to the Crimea, or something of that kind, there would be delay, until the House was not in a position to take any further steps in the matter. He was very much surprised at the Government justifying this Commission by that which was appointed to inquire into the Convention of Cintra. The question was so deeply important that he trusted the House would allow him to read one or two opinions upon the appointment of the Board of Inquiry into the Convention of Cintra. The opinions were so remarkable that they could not fail to strike the House. Mr. Windham was reported to have said—

> "What the Ministers wanted was, that, as a public tribunal, they should determine whether the country ought to acquit his Ministers. They pervert, therefore, the whole nature of the tribunal, and have produced out of it such a strange, anomalous, and inconsistent proceeding as was never known in the laws of this or of any country, and which cannot be made conclusive to any purpose that shall be at once rational and honest. It is a trial and no trial. It can neither condemn so as to inflict punishment on the guilty, nor acquit so as to protect the innocent from further prosecution. . . . . The Ministers wanted to hush up the business so as to prevent that full disclosure which a trial would bring out, and which might involve statements not so convenient to themselves. For this purpose, either no inquiry at all, or an inquiry in the regular mode, with shut doors, would have been most convenient. But that the impatience of the public would not readily acquiesce in. To that the terrors of the newspapers were opposed. They therefore conceived and brought forth that monstrous production, unknown to our laws and our usages, an open Court of Inquiry, of which the only effect has been to throw dust in the eyes of the people—by a show of trial without the reality."—[*Hansard*, xii. 939.]

This was prophetic of the case now before the House. He would read another remarkable opinion, no less than that of Lord Henry Petty, now the Marquess of Lansdowne, who impugned the appointment of that Commission—

> "I am sure that in this House it will not be thought that any form of inquiry that has passed already, or anything that has borne the name of Inquiry, has been of a nature to preclude the expediency and necessity of this House taking up the inquiry itself, because, with whatever respect I may view the individual and military characters of the persons who composed the Board of Inquiry assembled by His Majesty's command, I must say that, constituted as that Board was, and directed as its functions were, that Board was a tribunal more incompetent to give satisfaction to the country, more irreconcilable with all the known and received principles of law and equity in this country, than any that has ever existed. . . . I hold in my hand the opinion delivered by Lord Woodhouselee on the subject of Courts of Inquiry. He asserts that, although there is in the King a power inherent to convene such Boards as Courts of Advice, yet still that their decisions have no binding effects on the party accused. And, though it has happened that persons suspected have been examined by them, the call was not founded in justice, nor can persons be compelled to obey them. In this opinion Mr. Macarthur and Mr. Adey, two gentlemen who have also written on this subject, concur. . . . . . There is, besides, in our history a memorable instance, in which the reference to such a court was pregnant with evils; yet, will it be believed that this very instance, which has proved in its operation so mischievous and in its consequences so pregnant with evil, was the very identical precedent on which the servants of the Crown recommended to their Sovereign the formation of the late Court of Inquiry! I allude to the case of Sir John Mordaunt, whose conduct was first submitted to a Board of Inquiry, which next sent him to a court martial, where he was acquitted upon the ground that the only evidence against him arose from his own answers tending to criminate himself. Such

an example is of itself sufficient to satisfy the House of the inconvenience and disadvantages arising from that particular mode of inquiry. I therefore do think myself justified in asserting that a Court of Inquiry, held as this has been, opening its doors to the public, calling upon the very parties to give their testimony, and drawing from them information by which they were to be subjected to criminal prosecution, was a tribunal calculated rather to defeat than to promote the ends of justice or to give satisfaction to the public. Even by the constitution of the Court itself it was impossible for it to inquire into any demerits beyond those of the officers."—[*Hansard*, xii. 898.]

The next authority he should quote was that of no less a person than Sir Arthur Wellesley, afterwards the great Duke of Wellington, who, speaking in the House of Commons on the 21st of February, 1809, expressed himself to this effect—

> "He perfectly agreed with the noble Lord (Lord H. Petty) in the wish that this Court of Inquiry might be the last of the kind which should ever assemble. It was not a Court before which any officer would desire to be tried. A general impression has gone abroad that this Court had been instituted by his noble Friend (Lord Castlereagh) out of friendship to him. It was rather hard upon him to be subjected to such a reflection; as, if he had been tried in any other manner he must have been acquitted. As far as he was concerned, he must say, without meaning to blame any of the members, that this Court had been a source of injustice, and he therefore hoped it would be the last Court of the kind to which the investigation of the conduct of officers should be submitted."—[*Hansard*, xii. 935.]

Such were the opinions expressed by three men whose authority on such a subject no one could venture to call in question. Yet the House had been given to understand that it was upon the precedent of the Commission appointed to inquire into the Convention of Cintra that the Government had founded their determination to nominate the present Board. Anything more absurd or irrational than such a vindication for such a proceeding it would be difficult to imagine. If it should be objected that the interference of the House in these matters was inconvenient, all he could say was, that the Horse Guards had only themselves to thank for it. It appeared to him that they had brought it all upon themselves. They had defied the indignation of the country and pursued a policy which, rendered into language, might be thus interpreted—"We care nothing for public opinion, nothing for the indignation of the country. You may bring forward what evidence you please to establish the unfitness and incompetency of any man. We care not. We have the power of appointment and promotion in our own hands, and we will exercise our right, and appoint or promote these officers in spite of you." It was idle to contend that Sir R. Airey received his appointment in September, for it was well known that he was actually appointed on the 26th of December. Lord Panmure, it was said, had not seen the printed Report reflecting on Sir R. Airey until it was presented to Parliament. That was very possible. But what an evasion was this! Would it be said that he had not seen the written Report? Why, it was within his (Mr. Layard's) knowledge that that Report had been seen by many persons long before the month of December. [Mr. F. PEEL: Sir R. Airey was appointed in September, but not gazetted till December.] In that case the conduct of the Government was all the less excusable; for as long as the appointment was not gazetted a retreat was still open to them, and they had a very fair excuse for retracing their steps. The under Secretary for War had gone out of his way to defend Lords Lucan and Cardigan—a superfluous proceeding under the circumstances, for not one word had been said about those noblemen by the hon. and learned Member who had proposed the Motion. But the fact was, that the Under Secretary had got up a speech on the subject of a totally different Motion, and had prepared certain statements in reply to remarks which he took it for granted would be made by him (Mr. Layard). Equally gratuitous, but still more unfortunate, were the hon. Gentleman's allusions to Dr. Hall. If in these deplorable proceedings there was one case more gross and of a deeper dye than the others, it was that of Dr. Hall. There was a concurrence of testimony against that Gentleman. He was reported against by the Sebastopol Committee; and the Duke of Newcastle, Dr. Andrew Smith, Dr. Cumming, Mr. (now Sir) Benson Maxwell, and other witnesses, all concurred in pronouncing his condemnation. The only man whom Sir John M'Niell and Colonel Tulloch directly censured and almost charged with want of veracity was Dr. Hall. Yet, in defiance of all this, on the 6th of February, only three weeks ago, he was gazetted a K.C.B. In this case, no pretext of not having seen the reports before the distinction was conferred would avail the Government. They had seen all the reports, both written and printed; but in spite of them all, and in utter disregard of this accumulated evidence, they had gazetted Dr. Hall. Such was the contempt with which the Horse Guards were prepared to meet that House and the country. Never was there a more glaring case. Such proceedings not only created indignation at home, but exposed us to the ridicule of foreign notions, and in Paris he had himself heard the greatest surprise expressed upon the fact that Sir Richard Airey, whose conduct was impugned, was among the persons selected for the honours and distinctions which the Emperor had conferred upon British officers. He did not mean to say that Sir Richard Airey was not innocent, for he would not prejudge him; but he ought not to have been appointed to the place he now held under such circumstances. But it was to be hoped that the day was not distant when a better state of things would be inaugurated. At present the Horse Guards had joined issue with the country, saying, "We defy you!" The country accepted the challenge, and if the Horse Guards were defeated they must prepare themselves for the result—the utter and immediate abolition of that system of trickery and deception to which the best interests alike of the army and the country had been remorselessly sacrificed. In conclusion, he would only observe that when the time arrived for that House to take up the main question and to pronounce a verdict upon it, it would be their bounden duty to do justice to their countrymen who had died not by the sword of the enemy, but fallen victims to the incapacity of their leaders and to the incompetence or negligence of those whom the Horse Guards had sent to take care of them.

COLONEL NORTH complained of the terms in which the hon. Member had referred to the young officers of the army. Those officers were men possessed of as high a sense of honour as the hon. Gentleman himself, or any other Member of that House. Last Session it was the old and distinguished officers whom the hon. Gentleman selected as the objects of his attack. Now, it was most painful to the feelings of those veterans that they should have been assailed as they had been, and that the House should have endured to hear them spoken of with disrespect. The hon. Gentleman, in a speech at Liverpool, affected disgust at the word "Peninsula," and even went the length of wishing that he could take a sleeping draught so that he might never hear it more; yet there was a time when English hearts beat high at the mention of that word, and when Englishmen delighted to hear the names of the gallant men who in the Peninsula raised their country to the highest pitch of glory. He trusted that that time had not yet passed away. England did less than any other country to teach her soldiers and officers their duties, yet her army was second to none in the world in doing its duty in the field. The fact was to be attributed to the *esprit de corps* which existed to a greater or less extent in every regiment. Traditions of personal valour fired the emulation of the whole corps, and in every regiment the memory of the brave deeds performed by officers and men, and mostly in the Peninsula campaigns, was cherished with the fondest pride. Yet it was the gallant Englishmen who had done these deeds, and whose bright example was, so to speak, a guiding-star for the army, that the hon. Member for Aylesbury would hold up to obloquy and contempt. [Mr. LAYARD: No, no!] In every branch of the service glorious acts had been performed. Take our Cavalry. What soldier of that service, no matter how short a time he had been with his regiment, but must have heard of the gallant deeds of Sir Stapleton Cotton, now Viscount Combermere? Take, then, our Infantry. In the regiment in which he (Colonel North) had served, the name of Lord Gough was never mentioned in other language than that of admiration; Sir Edward Blakeney was still thought of with pride in the 7th Fusileers; Lord Seaton was still the glory of the 52nd, and the Royal Artillery were fondly jealous of the splendid reputation of Sir Hew Ross. The corps of Royal Engineers were proud, not without cause, of the brilliant career of Sir Harry Jones. Yet, in what terms of contempt had "Our own correspondent" alluded to that distinguished officer, whose gallant nature urged him, notwithstanding his severe illness, to witness the last assault on Sebastopol. Some wretched artist, too, had profited by the hint, and produced a miserable caricature, in which he represented the three English Generals as sitting in a ditch, while the battle was raging around. Why, from such representations as these, one would think that we were a nation of cowards. But all this was to be expected, as the Government had remained silent while generals and officers whom it was their duty to support were made the objects of unsparing attacks. Members of the Ministry might not have felt themselves quite competent to explain and defend the strategy and tactics of their commanders from hostile criticism, nor could they, as they would not admit a soldier into the Cabinet, although this country was carrying on a great war; but they might, at all events, have taken credit for the appointment of an officer like Raglan, whose characteristic courtesy and good temper, and his reputation in the opinion of our Allies as the bravest soldier of the age, peculiarly qualified him above any other general that could have been named for maintaining that friendly concert and perfect accord between the English and French armies upon which the success of the war so greatly depended. When the news of Lord Raglan's death arrived, Members of the Government rose, one after another, in praise of that gallant officer; but one could not but feel, that if what they stated was their true opinions of his services, they had disgracefully abandoned him when he was so unscrupulously assailed in the press, and throughout the country, and did not rise to offer a single word in his defence during his lifetime. With regard to the Report now under discussion, the noble Lord at the head of the Cabinet had been distinctly understood to declare that the Report of the Commissioners would not be laid on the table, because those gentlemen had been sent out to collect information for the exclusive use of the Government; and certainly the witnesses who were called to give evidence before them were not made aware that their statements would afterwards be converted into grounds of accusation either against themselves or against other persons. Seven months had been suffered to elapse since the Report was prepared; the poison of detraction in the meanwhile had gone forth, far and wide, unchecked, and the whole country rang with incessant outcries for the recall of Sir Richard Airey, Colonel Gordon, Mr. Filder, and other officers. If the Report must have been made public, it ought at least to have been withheld until the persons it implicated had had an opportunity of vindicating themselves. By this means the antidote might have gone out in time to counteract the bane, and the injustice done by the course that had been taken would have been avoided; for, as it was, however complete might be the answer of the accused, it would have been so long, but involuntarily delayed, that ninety-nine out of every hundred of the public would refuse to believe it, and would adhere to their foregone conclusions as to the culpability of individual officers. Sir Richard Airey was one of his oldest friends, who, he believed, would be able most satisfactorily to clear himself; yet that officer had been kept in ignorance of the allegations contained in the Report until it was laid before that House. Nothing could exceed the lameness of the excuse offered for not allowing Lord Hardinge to see the document—namely, that it only referred to the Commissariat. What on earth ought to be made known to a Commander in Chief if he was to be kept in the dark as to the state of a branch of the service on which every movement, and even the very existence of an army depended? But, overlooking that irresistible consideration, why, even as a mere matter of courtesy, was not a copy of the Report furnished to Lord Hardinge? The House, under such circumstances, ought to suspend its judgment respecting the persons implicated until they had had an opportunity of making their defence. Those officers had innumerable difficulties to contend with; and, moreover, let the country abuse its Governments, its Generals, or its Admirals as much as ever it pleased, there could be no doubt that the real blame was deserved much nearer home—the House of Commons. For a series of years the Minister who asked for the lowest sum to meet the expenditure of the public service had invariably been patted on the back for his economy; and that, too, wholly irrespective of whether his particular department was in good or in bad working order. England did not require a very large standing army; but, however small the force we maintained, the Commissariat and other auxiliary branches should always be fully efficient, and ready for rapid expansion on the occurrence of any sudden emergency. Parliament, before the war, had also reduced our military and naval forces to a miserable scale; and it was sincerely to be hoped that the recent lesson it had learnt would teach it to avoid a repetition of the same deplorable blunder.

SIR DE LACY EVANS: I should have been very glad, Sir, to have remained silent on the present occasion, but after what has taken place it is impossible for me to refrain from troubling the House with a few observations. I entirely concur with the hon. and gallant Gentleman who spoke last in the eulogies he has passed on my brother officers; but the remark which he made, to the effect that ninety-nine out of every hundred persons in the country will refuse to credit any Report which the proposed Government Commission may draw up, could hardly have been agreeable to this (the Ministerial) side of the House. For myself, I regret that, owing to the blunders and inconsistencies of the Government, such a result as the hon. and gallant Gentleman anticipates is not, in my opinion, at all unlikely to be realised. I am also exceedingly sorry that the hon. Gentleman the Under Secretary for War did not act upon the suggestion offered by the right hon. Baronet opposite (Sir J. Pakington), who said he regarded this discussion as entirely premature, and promised to bring forward a substantive Motion on the same subject hereafter, if the question were for the present postponed. Now, when I heard that assurance given by a Gentleman of so distinguished a position in that House as the right hon. Baronet, I considered it would be more preferable, if compelled to speak, to do so deliberately on a proper occasion. The hon. Gentleman (Mr. Peel), however, having evidently got up his speech, as was very well said, and to have got it by heart, could not be prevailed upon to reserve himself for the future and more legitimate opportunity thus proffered to him by the right hon. Baronet, but must launch rashly at all hazards forth on the present occasion, and level his pent-up accusations right and left on every hand. And, first, he must needs fall foul of the generals of division. Now, it is perfectly true that Colonel Gordon alleged, as an excuse for the knapsacks not being delivered sooner to the regiments, that all the generals of division declined to receive them — all, at least, save His Royal Highness the Duke of Cambridge. And here I must say that I could not but admire the judicious and courtier-like exception in favour of the Royal Duke thus made by Colonel Gordon. But I put it to the House whether it is probable that His Royal Highness, who never saw an enemy before, would know best of all what was needful to be done, while the four older generals, of greater experience, were entirely and stupidly ignorant on the matter. Of course, my bare assertion is not more valuable than that of Colonel Gordon or the hon. Under Secretary for War. I do not arrogate to myself a monopoly of the truth; I only ask the House to look to what are the probabilities of the case; and I challenge the hon. Gentleman to adduce any proof that the four senior general officers really did refuse to receive the knapsacks. I challenge him to prove that assertion. But, after what Colonel Gordon has stated, we must, of course, assume that the Duke of Cambridge's division actually got their knapsacks. Now, it so happened that at the very time when Colonel Gordon was giving this evidence in the Crimea, the Duke of Cambridge was also giving his evidence in this country. Well, does His Royal Highness corroborate the statement on this point which the hon. Gentleman (Mr. Peel) has most gratuitously and imprudently ventured to make here to-night? And let me ask, what right has the hon. Gentleman to indulge in these rash and inculpatory assertions? Is it because he happens to be the Under Secretary of State for War that he presumes in this manner to level his unprovoked accusations against the four older generals of divisions? What did His Royal Highness state when examined before the Sebastopol Committee in the month of March, 1855? The question was—

> "Is Your Royal Highness aware at all of what was the reason of this great delay in the restoration of the knapsacks after they had been taken away?—The reason was simply this, that, instead of each ship, after coming round to Balaklava, entering the harbour and discharging its cargo of knapsacks, and care being taken that the regiments were informed at the time that such would be the case, a sort of circular was sent round that a ship was outside or inside the harbour, and the chance was taken of getting the knapsacks out. It occurred once or twice, on sending down for them, that the ship had sailed in the meantime to Constantinople or Marseilles upon another service, and the knapsacks were gone. Is the fact within Your Royal Highness's knowledge, that ships laden with those knapsacks went two or three times backwards and forwards across the Black Sea without landing?—I think that that is true. Does not that imply great neglect in some quarters?—I think it a very bad arrangement.

Thus the Royal Duke, who was ready to receive the knapsacks, did not get them any more than the four foolish old generals of division who refused them. Then, again, what does His Royal Highness say further?—

> "Would it not have been possible, after the flank march was determined upon, to have all the knapsacks collected together out of the different ships into one, and to have sent them round to Balaklava?—I have no doubt that some arrangement of the sort might have been made at the

time. Of course at sea it is not, perhaps, a very very easy matter to shift knapsacks from one ship to another. I apprehend the simplest course would have been, to have landed the knapsacks of each regiment at Balaklava, and then to have made the ships available at once for any other duty."

If the hon. Gentleman, in his study of blue books—a study to which I believe he is much addicted—would only refer to General Bentinck's evidence, he would find that gallant officer fully corroborates His Royal Highness, and that he could not get the knapsacks, notwithstanding the wonderful alacrity of Colonel Gordon. Then, what does Colonel Wilson, of the Guards, tell us? He was asked—

> "You stated that the men had no change before you came away; had they not got their knapsacks?—Before I came away I do not think twenty of our English soldiers had their knapsacks, except the two companies of the regiment which had been placed on board the *Bellerophon*, under Lord Frederick Paulet, and Lord Frederick brought those men on shore with their knapsacks, and those, I believe, were the only men that had their knapsacks out of the whole brigade."

And, again—

> "Do you know what steps were taken on the part of the officers to obtain their baggage while encamped before Sebastopol?—I know that the officers repeatedly sent down their servants to Balaklava to endeavour to discover the ships in which they had sailed to the Crimea, for the purpose of getting their baggage. I did so myself, and on one occasion the *Tonning*, the ship in which I before said I sailed to the Crimea, did arrive, and I sent my servant down, and they told him that they had been ordered at Constantinople to disgorge all the baggage, and to put it into store there, so that I got nothing."

That was the excellent arrangement which Colonel Gordon made for the Guards.

I do not wish to trouble the House with a variety of evidence upon this subject, but perhaps hon. Members are not aware why it is that the subject of the knapsack is dwelt upon so much. I must remind them that it was stated by the medical officers that, in consequence of the troops not having a change of clothes, their sufferings were aggravated; and I know the sick and wounded went down to Scutari with their shirts sticking to their backs, in the most deplorable condition, no provision at all being made for them at Balaklava. So much for the willingness of the Duke of Cambridge to receive the knapsacks. Now, Sir, as soon as I heard of this, I obtained a document from General Pennefather, who commanded one of the brigades under my orders, and from Colonel Armstrong (General Adams, who commanded the other brigade, having, unfortunately, been killed), in which those officers said they sent down to Balaklava whenever they heard of a ship coming into harbour with baggage, but they invariably found that the knapsacks had been sent on to Marseilles, or Constantinople, or some other place. The hon. Gentleman the Under Secretary quotes Colonel Gordon, without knowing whether what Colonel Gordon says is sound or not, and I complain that he has not candidly avowed he was not aware of the evil consequences which have resulted from the knapsacks having been withheld and sent about from place to place except to that place where they were required. I admit that perhaps some confusion was inevitable, but I do not think that such efforts were made or arrangements concluded as prudence would have dictated. I complain, also, of the readiness, which I discover from the evidence, Colonel Gordon displays to shift any blame which might be attributed to him upon the shoulders of other persons. The five generals of division were all absent, one of them unhappily having perished, and then Colonel Gordon says, slapdash, except His Royal Highness the Duke of Cambridge, those generals caused all the difficulty by their refusal to receive the knapsacks. The hon. Gentleman the Under Secretary for War, not appreciating the discreet observations of the right hon. Baronet (Sir J. Pakington), goes into and opens up the whole question, and challenges the opinion of Parliament upon it. At one time he says, a Commission is about to be appointed, a trial is pending, and, therefore, it would be unfair to make any remarks, but the moment after he commences an attack upon everybody. The hon. Gentleman says this Motion is unfair, because the Commissioners are somewhat assailed by this proceeding, but immediately afterwards he does not hesitate to commence an attack himself upon the Commissioners. Surely, those Commissioners are as equally entitled to fair play as the officers who are said to be reflected upon by their Report. And, Sir, after all, those Commissioners were officers appointed and selected by the War Department, and now down comes one of the organs of the War Department and complains of them. It seems to be intended to lay down a rule that everything may be said about any one except as to those officers who have a connection with the Court. I cannot help saying that I believe the public imagine that different justice is administered by the Government to noble Lords and hon. Gentlemen favoured at Court than that awarded to humble and friendless individuals. I confess, too, I did not like the announcement of the noble Lord (Viscount Palmerston), that this Board of Commission is to close its doors occasionally whenever its members may decide to do so. Let us understand whether evidence is to be heard while those doors are closed. I have also heard it said, and am not sure that there is no foundation for the statement, that one of the modes by which these gentlemen, who consider themselves inculpated, intend to escape from censure is to cast all the blame upon the late Lord Raglan. Sir, Lord Raglan and the Adjutant General can no longer confront each other, and I would advise the friends of the late Lord Raglan, of whom there must be many in this House, to be upon their guard against any attempt on the part of certain individuals to exonerate themselves at the expense of the late Commander in Chief. Why, I want to know, is there to be any secrecy at all? Tell us that. A distinction has been drawn by my hon. Friend the Member for Aylesbury (Mr. Layard), between the Commission or Board and that which sat after the Convention of Cintra. Upon that occasion there was ample reason for caution and even for secrecy—there were great strategical points to be discussed. I myself have been placed in a false position in Spain, when I could amply have defended myself from an imputation made, but was prevented from so doing because an explanation would necessarily expose to the enemy the intentions of the Government which I was then serving. But here, Sir, there is nothing of the kind—here the question is simply the provision made for the material wants of an army. I must say I have no confidence in the Government upon this subject, and it is most important that every part of this matter should be inquired into publicly and above-board. There was an instance not long ago of a secret inquiry somewhat remarkable in its circumstances. I will not mention the exact date, but there was an imputation made affecting the character of an officer of high rank, connected with two or three ducal families—an imputation certainly very discreditable. It was brought, in the first instance, before the late Duke of Wellington, and I venture to think that upon that occasion the illustrious Duke did not proceed with all the equity which might have been expected, and was to be desired. The papers were taken away, and locked up. However, it so happened that the matter was brought under public discussion, and then it became desirable to take some step which would save certain noble families from annoyance; and what was done? There was a Board, as it was called; two or three old gentlemen of my acquaintance were placed on it; and one or two of them were in so low a state of health that they were quite unable to examine minutely and scrupulously into a difficult and disputed question. But a lawyer was given to assist them—a Deputy Judge Advocate General—into whose hands the whole business, of course, fell; and what was the result? Some eight or ten officers of the highest rank appeared before the Board, and made statements as to a particular fact; they were supported by two eminent scientific witnesses; the court was closed; and then what was the finding? Some gentleman of rank and position had come forward and said they could not think that the officer in question—their friend, so honourable a man—could have done anything to forfeit that good opinion. Well, the gallant officers, who had, he apprehended, little to do with drawing up the finding, at last said—"At your Lordship's desire, we have proceeded to inquire into this matter. It has been an excessively painful task, and we have been met by very conflicting evidence; in fact, the evidence is almost balanced on either side. Some of it was of a character which would not have been received in Westminster Hall, but we are not gentlemen accustomed to split hairs. Subject to these remarks, we find the hon. and gallant officer perfectly innocent of the whole charge." I do not know whether in this case the Board will exercise similar ingenuity, but I have not the least doubt that an attempt will be made to induce them to do so. Now, with that recent case in our recollection, what is to be thought of the secret court which, in the first instance, the noble Viscount informed us was to be constituted on this occasion? The warrant constituting this court states, I think, that the object of the Government is to elicit the truth; but if that is their desire, I think all the documents bearing upon the subject should be placed before the House, and that no portion of them should be withheld and concealed. There are, however, particular documents which we cannot extract from the Government. We do not ask for opinions; we ask for returns and facts, and these facts are of the most frightful description. The truth is, that the Government are fearful to disclose them. It appears—I think on page 37 of the Report—that papers detailing such facts have been laid before the Government, and in other parts of the Report it is stated that the average number of deaths in the army from sickness was 35 per cent. The House must not suppose, however, that that was the loss of all portions of the army from sickness, for it was probably in some cases 50 or 60 per cent. We find also from the Report that some regiments lost only 5 per cent; and we find that, while non-commissioned officers and soldiers were perishing, as it is stated, at the rate of 35 per cent, the mortality from sickness among the commissioned officers was only 3 or 4 per cent. What could be the cause of this difference? It was not attributable to the climate, but to neglect of the non-commissioned officers and soldiers. We find that in the cavalry and artillery and in some of the regiments encamped near Balaklava the loss was small, compared with that suffered by those portions of the army which were in more exposed positions; and yet the average loss was 35 per cent. To what conclusion are we led when we find that 35 per cent was the average mortality, and that in some branches of the army the loss was only 5, 6, or 7 per cent? It must be that in some portions of the army, therefore, the loss was 50 or 60 per cent. I will go even further than that. It has been reported in the public press—and, as we know, hitherto the public press has been pretty nearly accurate—that some of the regiments which went out with a strength of 900 or 1,000 men, were absolutely nearly annihilated. Now we want the documents which will show whether this loss was attributable to the misconduct of those who had charge of the regiments. It is stated that one regiment—the 46th, I believe—disembarked in the midst of very heavy rain, and on reaching the muddy shore nobody took the least notice of them. The men were unprepared for such hardships, and I believe the consequence was, that in thirty-six hours or so the regiment almost entirely disappeared. Now, if the Government refuse to give in the specific documents which will prove these facts, does it not show that their object is concealment? Is such conduct consistent with the statements in the warrant appointing the Board of Inquiry, that they are "desirous that the truth should be made manifest?"

I will take this opportunity of calling attention to another most important matter. In consequence of the great mortality which took place among the troops, the medical officers applied themselves to trace the progress of disease in each of the regiments, to ascertain the number of deaths from wounds and disease, and to compare the losses of regiments occupying different positions in the country. The information thus obtained is regarded as most important and valuable, not merely by military surgeons, but by medical men generally; and, from its bearing upon medical science, a strong desire exists among the profession that the returns sent in to the Government should be made public; but, notwithstanding the reiterated applications which have been made on all sides, the noble Viscount the First Minister of the Crown has persisted hitherto in withholding these returns. It has, however, been intimated that perhaps they may be produced hereafter. That certainly may be the most convenient course for the Government to pursue, and they may be influenced by very good reasons. It is alleged in the Report that while the troops were suffering from that dire disease, scurvy—and many hon. Gentlemen may, perhaps, not be aware that when scurvy affects large bodies of men it is accompanied by diarrhœa and a variety of internal complaints — there were 20,000 lbs. of lime-juice in store, and we ought to know who declined to issue some portion of that lime-juice. Scurvy may be checked to a greater or less degree by proper regimen. Well, there was rice in store, and why was not that issued? Diarrhœa was prevalent, and it is alleged that medicines suitable for that disease had been provided; but they were not forthcoming, and why were they not issued? Then, in many of the regiments the men were so much affected by scurvy that they were unable to eat biscuit, but no bread was to be had. At that very time the French troops were supplied with bread, and now and then, with great kindness and consideration, they made presents of bread to our men. I remember that on one occasion we received 20,000 rations of bread from the French. When our horses were perishing for want of straw, General Canrobert sent us three small ships laden with straw as a present. Now, if there are any documents in the possession of the Government which will throw light upon this subject, is it not proper that they should be placed upon the table? I say that these are most serious matters. The whole question has been raised and discussed. I quite agree with the right hon. Baronet (Sir J. Pakington) that it would have been much better if the discussion had been postponed, but the hon. Under Secretary for War would not allow it to be postponed. He has gone into the characters and qualifications of the officers of the staff, to show that they deserved to be appointed to high situations. During part of the calamitous period to which I have referred General Airey was ill, and Colonel Gordon acted as his factotum. When I saw that Colonel Gordon was appointed to the office of Deputy Quartermaster General of the army, I confess I felt some alarm. Why do I say so? Because I have seen that when this country is involved in war the chief situations on the staff and in the most important departments of the army are forthwith filled from the desks of the Horse Guards. The men who are to occupy almost every important executive office—at all events the principal offices—on the staff are brought from those desks. I believe that some of the officers engaged in the present war in these departments had not been in the field for forty years; some of them had not seen service for a period of twenty years; and the greater part of them had never met an enemy; nevertheless, they were supposed at once to possess a perfect knowledge of their duties. We may expect that Colonel Gordon will become Quartermaster General, and in the next war he may be Quartermaster General of the army in the field, and ultimately even Commander in Chief. Now, what is my knowledge of Colonel Gordon? I should not have thought of alluding to this subject unless I had been provoked into doing so; but I said I was alarmed at the appointment of Colonel Gordon, because an incident of a serious nature took place between that officer and myself, and I think the attacks which have been made by an hon. Member upon the generals of division justify me in mentioning it. On the 23rd of October Colonel Gordon informed me he had received an order from Lord Raglan to direct me to take my division down into the Valley of the Tchernaya, and to attack and capture a Russian convoy of 1,000 carriages. He also told me that the Duke of Cambridge was ordered to turn out his division for my support. I was astonished at this order. I had, with my staff officers, been observing the enemy; we had seen no trace of a convoy, and I do not believe there was any such convoy. If I had taken my division into the valley and had been followed by the Duke of Cambridge in support, we might have been placed in a most awful position, for the enemy were posted upon precipitous heights, and could have directed upon us the fire of some twenty guns, so that they might have crushed us without it being possible for us to return a single shot. I therefore said to Colonel Gordon, "I think there must be some mistake about this." "Oh, no, there is not," he replied. I then said, "I certainly think somebody must be mistaken, and so, before I move any of my troops, go back to Lord Raglan and tell him what I say." With some reluctance this gentleman went back and returned with the same order, but with the slight qualification that his Lordship was willing I should exercise my discretion in the matter, and that I should do nothing against my own judgment. "Well, Sir," was my reply, "you must find out that this convoy really is where you say it is before I sacrifice my opinion on the subject; and, therefore, you had better go with Colonel Herbert to the top of that hill, and if the convoy can be seen I shall take steps accordingly." Accordingly, he went up the hill with Colonel Herbert, but they could not discover any convoy. They came back. Poor Captain Nolan, who was also despatched on a subsequent occasion from the Quartermaster General's Department, and fell immediately afterwards, accompanied Colonel Gordon, and I told Captain Nolan to go with another staff officer, examine the position, and return and tell me whether he did not think the British troops would be completely compromised by any such movement as that indicated by Colonel Gordon. Many attacks, which I cannot answer, have been made upon Captain Nolan for his conduct in another affair, but I must say that his reply to me on that occasion showed anything but imprudence and want of sense. He assured me, as I had myself anticipated, that if I moved the troops into the valley they would have been utterly compromised; and that fact induces me to hope that some of the statements made to his disadvantage regarding the affair at Balaklava are not altogether well founded. Very different to the behaviour of Captain Nolan was that of Colonel Gordon, the favourite of the Palace. When Colonel Gordon came back I said to him, "Well, have you seen the convoy?" "No, Sir, I have not seen it." "Ah, I suspect there is none." "No, I think it is there notwithstanding." "Where is it, then?" And this was the answer—"Why, I think it has probably halted in some corner of the road." Many persons may perhaps think this rather a ridiculous anecdote, but, unfortunately, I might have lost 1,000 men if I had not hesitated to comply with this imprudent demand. Colonel Ainslie, who afterwards came up from another division, reported that they had seen no convoy in the position indicated, but that there had been a convoy on the other side of the valley, four or five miles off.

I wrote a very strong letter to Lord Raglan on that occasion, and I think it is my duty to state the fact here, when the officer of whom I am speaking is being placed nearly at the head of the English army. That letter will most likely be found by the friends of Lord Raglan among his papers. I did not detail to his Lordship the whole of these particulars, but I told him that Colonel Gordon had very good qualities, that he was extremely industrious and possessed many attainments, but that unfortunately those attainments were fearfully neutralised by a total unconsciousness of his own incompetence and by a most prodigious opinion of himself; and I requested his Lordship, whenever he had any further orders of importance, to send them to me by some other officer. This was a serious letter to write regarding an officer of that rank. I have in my hands the answer of Lord Raglan. If Colonel Gordon had reported to me accurately the order he was desired to communicate, I am sure a man of high honour like Lord Raglan would have told me that no fault was to be imputed to the officer he had so employed. But no such thing. Lord Raglan does not in the slightest degree exonerate Colonel Gordon. I will only read the passage in his letter referring to this particular case:—

> "My dear General,—Your letter has just been delivered to me, for which I am much obliged to you. I fear there has been some misconception in this matter. I had no idea of your undertaking any serious operation. My object was merely that you should cause some interruption to be given to the convoy if convoy there had been, which it is evident there was not."

Well, now, I ask the House if, after such an inculpation proceeding from me—and I challenge the friends of Colonel Gordon to search among Lord Raglan's papers for the letter I am speaking of—I ask the House whether it is possible to doubt that Colonel Gordon on this occasion made a serious mistake? There was, too, another small affair which led me to think that Colonel Gordon, in spite of his attainments, by no means possessed that judgment and discretion which the Government ought to have been assured he possessed before they placed him in so responsible a position. What I regret to perceive is, that this is taken up as a personal question. Such unfortunately, in too many similar cases, is the practice of this House,—as if the whole matter to be considered on this occasion is, whether the conduct of Colonel This, or Major General That, or Mr. Commissary the Other has or has not been judicious. Now, Sir, I, who know something of these matters, think there are greater interests at stake and weightier considerations involved in this question. It bears upon the death of many thousands of gallant soldiers; and I can assure the House that, though my physical health gave way, and perhaps would have given way in any case, from my not being sufficiently young to bear all the fatigues to which my position exposed me, yet my sorrow at seeing the blind and inconsiderate conduct which was being adopted frequently disturbed that repose which might otherwise have refreshed and restored me. In spite, however, of all this we are told that we must not inquire into this matter, and that we are to leave other armies under similar circumstances to be exposed to similar evils. I believe 10,000 or 11,000 men are said to have died out of our small number, and if you add to these the number invalided and sent into the hospital what a state of things it will disclose! Surely such facts ought to be inquired into most amply and publicly; yet it appears to me to be very evident, from the concealments attempted by the Government, that no such inquiry will take place unless the public continue to insist upon it.

Whenever a substantive Motion is brought forward upon this subject I shall think it my solemn duty to go into the case as far as my humble abilities will allow me. In the meantime I must say that the conduct of the hon. Gentleman the Under Secretary of State for War, as the representative of the Government, as well as the conduct of the noble Lord the War Minister towards these Commissioners, is the most ungrateful and unjust that I ever heard of. About a week ago I was listening in another place to a debate, in the course of which some very pertinent and important questions were put to the War Minister by Lord Derby. The War Minister made a very plausible reply, with all that pleasing self-complacency which prevades his countenance when he speaks; observing that he was the last man in the world to wish for additional patronage. Why, I could tell as much about the nepotism in the War Department as in any other department. I am told that one of the clothing officers, who have very handsome salaries on this account, is a nephew of the noble Lord, and not a few other appointments have fallen, I believe, to Maules and Ramsays. I have heard—the story was current at the time in the Crimea, and I have heard it a hundred times—a very good specimen, illustrative of the excessive delicacy of the noble Lord with regard to the exercise of patronage. When the noble Lord communicated to General Simpson that he was to have the command of the army, the telegraphic despatch ran to this effect:—"Lord Panmure to General Simpson. General Simpson is appointed to command the army. Take care of Dowb." Now, General Simpson is a modest, honourable, and gallant man, and I think nobody has a right to blame him. He has been one of the most unlucky warriors I have ever heard of, and I wish to Heaven that he had never been placed as he was, but I do not blame him, because he was forced into the position. Can anything, however, be more egregious on the part of a War Minister than to force upon an old General a situation of such vast importance, requiring the greatest possible energy and physical powers? This poor general officer did not wish to have the command, but Lord Panmure insisted upon it that he was a man of energy and resolution, and quite competent to discharge the duties devolving upon the Commander of the forces at the seat of war. Well, as I was saying, together with the first news of his appointment came the strange addendum, "Take care of Dowb." Such an incomprehensible message distracted poor General Simpson's mind, and made it more obtuse than it naturally was. What could "Taking care of Dowb" mean? "Perhaps," said the general, "it is some outpost or other," because I am afraid poor General Simpson was not as conversant with the exterior defences of an extended line as a younger man would have been. The consequence was, that in the usual way an answer was sent by the telegraph—an instrument to the operation of which I wish to God an end were at once put, for it has performed some of the most extraordinary antics that can be conceived,—and that answer was "General Simpson to Lord Panmure.—Repeat the message;" which is the usual way of saying. "I don't understand what you mean." Another message then arrived, and the word "Dowb" was extended to "Dowbiggin," the name of a relative of the noble Lord; and then the mystery was explained and the message made clear and manifest.

Now, the hon. Gentleman the Under Secretary for War, in the oracular statement with which he has this evening favoured us—and I must say that when he deals with military topics he does assume a degree of oracularity which I, notwithstanding my service in the army of nearly fifty years' duration, would not venture to affect—has endeavoured to make us understand that the present Government are unexampled judges of military affairs, and therefore I feel myself called upon to make a few observations on the subject. As regards the telegraph, I may say, in passing, that when the Estimates are introduced I sincerely trust that it will be found to be like the boots of last year, omitted altogether. [Mr. MONSELL: No; it will be included.] Well, then, I am very sorry for it; for it has caused a great many blunders. Let me just mention to the House a circumstance which I have been informed of upon what I believe to be very good authority. The House is, of course, aware that a Turkish Contingent was formed under the command of General Vivian. Now, I have watched the progress of that contingent with great interest, for I have a very high opinion of General Vivian, and I was very anxious to see formed in Turkey the nucleus of a regular army well officered, and all the accounts which I have heard of that contingent have confirmed the partiality with which I have always regarded it; but I must say that the favourable progress which it has made is not to be attributed to the Minister for War, but has taken place in spite of him. Now, the House has, I dare say, heard that that contingent has been ordered to a variety of places by our great War Minister. At first they were stationed on the Bosphorus, and near the Dardanelles was a body of irregular cavalry under General Beatson, with Bashi Bazouks, who were certain to get up quarrels and play all kinds of antics if nothing were given to them to do, and it was clear, therefore, that they ought to have been sent as quickly as possible to the scene of action. This, however, was not done, but it was determined at last to move them, and I have it upon very good authority that in the course of, I believe, six weeks, about nine different destinations were telegraphed by the War Department to that unfortunate contingent. One day an order arrived that it was instantly to proceed to Shumla, and Commissariat officers were sent to make the necessary preparations. In about two days, I think, another order arrived that they were not to go to Shumla, but to Eupatoria, and there also Commissariat officers were despatched. Then came an order that they were to go to Varna, then to Kertch, and all these varied destinations were assigned to the contingent by that great personage at the War Office, that second Carnot—my Lord Carnot, in fact. Is not such a state of things most pitiful and deplorable? Then, again, the Dragoons ordered to Kertch found that the country about Kertch was not adapted for cavalry at all, and, consequently, had to return to Balaklava, the horses, meanwhile, suffering most severely, and it being found necessary to throw many of them overboard; but when they arrived there they were not allowed to disembark, but were informed that they must go back to the Bosphorus, and so for twenty-nine days, for no purpose whatever, those horses were kept on board ship. That, Sir, is a specimen of the manner in which the War Department conduct their business.

There is another subject to which I wish for a moment to refer, although I wish that the initiative had been taken by hon. Gentlemen on the other side of the House. An hon. and learned Gentleman on that side of the House (Mr. Whiteside) has given notice of his intention to provoke a discussion upon the circumstances which led to the fall of Kars. But, as the Opposition display so much forbearance towards Her Majesty's Government, I do not know whether that discussion will be brought on or not, and will therefore make a passing allusion to that subject now. The noble Lord at the head of the Government did me the honour, about the 9th or 10th of last August, of desiring me to wait upon him in order to give him some expression of my opinion as regarded the army in the East, and of course it was my duty to fulfil the request of the noble Lord. I must now remind the noble Lord that three months and a half before the fall of Kars, on the occasion to which I am now referring, I pointed out to him the great anxiety which I felt for the danger in which that city was left. I will not relate what else took place upon that occasion, but I will only say that the noble Lord did not appear to me to be as firmly impressed with the importance of the subject as I was myself. Kars was blockaded for five or six months, and yet no assistance was sent to that garrison, and it fell. I do not hesitate to say that that disgraceful and disheartening circumstance is to be attributed to the management of the War Department. An attempt has been made to throw the blame upon Lord Stratford de Redcliffe—an old diplomatist, and the War Department appear to have thought that he ought to be perfectly conversant with the carrying on of great military operations; but I say that Lord Stratford de Redcliffe did not accept the office of Minister for War, and I also say that all military operations in which we have taken or could have taken part ought to be most carefully and vigilantly watched and directed by the War Department of Her Majesty's Government. Had any attempt been made to relieve Kars, the Turkish army would have afforded you most willingly all the assistance which it was in its power to afford. You were masters of the Black Sea, and had ample means for sending troops to any part; but yet not the slightest assistance was given to that garrison. This is a very incidental method of referring to the subject, but I have been led to make this remark by the laudation passed upon the War Department by the hon. Gentleman (Mr. Peel) who talked so jauntily about military matters. Let me remind the House of what happened a few nights back in another place. The noble Lord at the head of the War Department, in reply to a question put to him by Lord Derby, said, "See what a vast superiority there is in the material state of the army in the present year as compared with last year." Now, I think that in making that statement the noble Lord was treating his former friends rather harshly. The effect of it, in fact, was to say, "See what a nice man I am, and what a change I have effected;" for, while he mentioned the change which had been effected, he carefully omitted saying how it had been brought about. I shall not follow that example, and I now most distinctly say that it has been mainly brought about by those Commissioners whom the hon. Gentleman the Under Secretary for War has this night been instructed to depreciate and disgrace. I do not say that Mr. Filder should be made a scapegoat of. He was a very active and diligent man, but if none of the persons who were in communication with him knew what they were about, how could a commissary general be expected to understand everything? I still think, however, that the Commissioners conferred a benefit by explaining to the Government that there was an abler man in the Commissariat Department out there than Mr. Filder. Who was it, also, that caused fresh provisions to be sent for along the various coasts of the Black Sea and the Bosphorus? Why, the Commissioners. There were 1,500 miles of coast along the Black Sea, and upwards of 1,000 along the Bosphorus, covered with cattle and provisions; there never was an army in the world that had such vast means of transport at its command; we had unlimited command of the sea and an enormous amount of vessels at our disposal; and, although these things were known, it was the Commissioners, who have been disparaged to-night, who first convinced the Government of the facts. I speak, therefore, of the Commissioners with gratitude, because of the material benefits which they conferred upon the troops. I fear that they are in a very perilous position; at least, I will not say that, for, although they have incurred the displeasure of the Government, they are men of too much independence to care for it. The hon. Gentleman (Mr. Peel) has not been content to pass the Commissioners by this evening without notice, as was done a few nights since by the noble Lord the Secretary for War; but he has ventured to impugn the veracity even of those gentlemen. Sir, I do not regret the absurdity of which the Government have been guilty in publishing the Reports of those Commissioners. They first publish the Reports, thereby making known to the world that they approve of them; and they then come down and say, "We are not sure that those Reports are correct, and therefore we will have another Commission." They do not stop there even, but they do their best to disparage and impugn the veracity of the Commissioners. I rejoice that the Government have committed the gross blunder, injustice, and inconsistency, that they have upon this occasion by publishing these Reports; because, independently of the proceedings of the Commissioners having saved the lives of some thousands during the last six or eight months, and having immensely contributed to the efficiency of the troops, the Reports of the Commissioners and the evidence with which they are accompanied will remain on record as a menace to incompetence and to Governments who may be willing to place favourites instead of competent men in high stations, and will point out to the staff, Commissariat, and military of other armies, and perhaps of other ages, what ought to be done to protect the lives and health of an army in the field.

MR. GORDON: Sir, it was not my desire, nor was it my intention, to have addressed the House to-night, for I knew that the deep interest which I cannot but feel in this debate would render it a difficult task for me to take any part in it with satisfaction to myself; but I have now no choice. I have listened with some surprise, as well as with some pain, to several of the remarks that fell from the gallant General who has just sat down, because I know that a gallant relative of mine, of whose conduct he has felt it his duty to-night to speak in the language of unsparing censure, has always esteemed it a high privilege that he enjoyed, as he believed, the good opinion and esteem of that gallant officer. I have heard him speak with pride of the testimonials of that good opinion that he had received from him; and I have heard my gallant relative say that to him it was a proud moment when a veteran officer like the hon. and gallant Member for Westminster, who has seen so much and so distinguished service, selected him, after the battle of the Alma, from another division and another service, he being then in the Adjutant General's department, to fill the office of Quartermaster to the gallant General's division in place of Colonel Herbert, who had been temporarily disabled by a wound. It was true that that appointment did not take effect, because, the day before, my gallant relative had been appointed to the Quartermaster's staff at head-quarters. I know that when my gallant relative hears of the attack to-night to which the House has been listening, it will be with as much surprise as I now feel, because of the good opinion which he believes the gallant General to entertain of him; and he will hear with regret that the gallant General has seen reason to change that opinion. The gallant General's censure upon my gallant relative has taken the form of several charges. He has stated that in his evidence he has shown a disposition to shift the blame from his own shoulders to those of others, and to get rid of all responsibility by throwing it upon other persons. I am happy to inform the House that that is not the opinion of the Commissioners before whom that evidence was given. I have a letter which my gallant relative received from Sir John M'Neill only a few days ago, in which, referring to his evidence, he says—

> "Greater candour and greater care to avoid asserting anything too much, or greater readiness to furnish every information you could afford, it was impossible for any man to have shown. This has made so strong an impression upon me that I have frequently spoken of it, as well as of the excellent arrangement of your office, which enabled you at once to refer to what was wanted."

That is the opinion of Sir John M'Neill respecting the evidence of my gallant relative; and I hope the House will not think it is saying too much when I say I consider that opinion entitled to weigh equally with the opinion of the gallant General. But, Sir, the most serious charge which the gallant General has made is one of a very grave character indeed. He has informed the House at some length and with considerable detail, of a conversation which took place between my gallant relative and himself, on an occasion when my gallant relative was the bearer to him of certain orders from Lord Raglan. He has repeated that conversation, and he has alleged what I think would amount to a very serious charge—a misconception of orders and general misconduct. I think it deserves no less a name. I, Sir, am not a military man; my gallant relative, unfortunately, has not a seat in this House. I cannot pretend to enter into military details; of course I am ignorant of the particulars of the transaction alluded to, and it is impossible for me now to enter upon a detailed defence of my gallant relative. But I think, and many will also think, that such a charge as this—a most grave and serious charge—should not have been brought forward without some notice having been given to the object of it. I think I shall have the assent of the House also to this opinion—that if the conduct of Colonel Gordon was what it has been represented to have been, then it was the duty of the gallant General to have made the strongest representations at the time to Lord Raglan; if he behaved in a manner prejudicial to the service, the gallant General ought to have followed up the matter on the spot, or ought to have held his peace upon it afterwards; he ought not to have passed it over at the time, and then come into this House and tell the story when there are no means of refuting it, though I have no doubt that it can be explained in a satisfactory manner. Whilst I say some notice ought to have been sent of this intended attack, I am, of course, bound to believe what the gallant General says, that his speech was provoked by the speech of the Under Secretary of War. Yet I am afraid from one circumstance, that he expected that during the discussion to-night something of the kind was to be brought forward. What did the gallant General do? Why, he read a letter from Lord Raglan, and it was the only document he read. Did the gallant General anticipate bringing this subject, or something like this, before the House, or does the gallant General always carry that letter about with him in his pocket? If he does not, then I am justified in supposing that he must have had some idea of bringing the conduct of my gallant relative before the House. I have mentioned this point, and I have given the only answer of which I am capable at the moment to the charges made by the gallant General, which ought rather to be investigated by a military court. He has stated that Colonel Gordon has made inaccurate statements in his evidence before the Commissioners on the subject of the knapsacks. Into that question I will not enter, but I believe the gallant General will find that there is in existence evidence as to the expressed wishes of the generals of division. I will not enter on the general question. I only rose in consequence of what had fallen from the gallant General. Before I sit down I will only state this, the gallant General has more than once alluded to Colonel Gordon as a favourite of the Court, as a man of a courtier spirit, a Court favourite. I think I ought to state that my gallant relative is not one who in any manner owes his promotion to the favour of the Court. For many years he has been employed on active service. He was on duty in Canada during the troubles of 1838. Since that time he has been continuously engaged, not only in purely military duties, but in others of a scientific nature. He has received the highest certificates as to his military knowledge. I will not go further, but, before I sit down I will make an appeal, not only on behalf of Colonel Gordon, but on behalf, also, of the other officers who must be summoned before this Court of Inquiry. I would appeal in the strongest language againt the injustice of prejudging this question, by going further into matters of detail, and discussing particulars and evidence which are not before the House. Those gallant officers have enough to contend against already, in the natural desire to find some person responsible for the disasters which have happened. They have to contend against the general prejudice which exists against them. And they have also against them that great organ of public opinion whose power we all acknowledge, and whose attacks even the strongest and bravest among us are unwilling to face. They have to contend with many prejudices, and I appeal to the sense of justice not only of the House collectively, but of its individual Members, whether they ought further to prejudge a question, which must be discussed elsewhere.

Sir De LACY EVANS said, he wished to explain one point. The hon. Gentleman who had just spoken laid great stress on the fact that Colonel Gordon had been appointed to the office of quartermaster-general under him. Now, the following were the facts of the case—after the battle of the Alma, Major Vaux came to him and said, "My cousin, Colonel Gordon, wishes to occupy the vacancy which has occurred through your quartermaster being disabled: have you any objection?" He (Sir D. L. Evans) replied that he had not, but there had certainly been no offer on his part to Colonel Gordon. What he wished to say further was something to the credit of Colonel Gordon. He wished to express his conviction of Colonel Gordon's merits and his attainments; but he did not wish to see him in a responsible situation.

Mr. GLADSTONE: I cannot help expressing a sentiment which I am sure many will share with me, namely, that of deploring, and as far as I can, checking the latitude that has been given to this debate. It is but just, at the same time, that I should say I do not think that latitude has been in any degree owing to the speech of the right hon. Gentleman the Member for Droitwich (Sir J. Pakington), for he has done all in his power to prevent it. The right hon. Gentleman briefly stated reasons amply sufficient, as I think, to justify him in postponing and amply sufficient to condemn him if he had proceeded with, the Motion of which he had given notice. A proceeding has been initiated by the executive Government of the country, in which the honour and feelings of many brave and distinguished men are involved. Whether this proceeding is exactly such as we should wish, whether it has been taken at the right time, and whether objections may be rightly urged against the conduct of the Government on any point connected with it, is not now the question. I venture to say that we all feel—that even the gallant General below me feels—that it does not become us to interfere with the province of that court of inquiry. I deeply lament that we have heard in this debate so much of the names of the officers mentioned in the Report of the Commissioners; but when I listened to the speech of my hon. Friend the Under Secretary for War it was easy to anticipate what would follow. Undoubtedly, my hon. Friend was actuated by a generous regard for the character of the officers to whom he referred; but I think he must be by this time aware that he would have acted, if not with greater generosity, at least with greater prudence, if he had refrained from introducing names, and kept clear from personal topics. But if I lament the introduction of the names of General Airey, the Earl of Cardigan, the Earl of Lucan and Colonel Gordon, as well as those of some others who are more or less affected by the Report—affected, that is to say, not by the Report itself, but rather from the inferences which may possibly be drawn from it—I still more lament (I say it with all due respect to the hon. and gallant Member for Westminster) the introduction of the name of Sir James Simpson into this discussion. I will first point out, with respect to Colonel Gordon, the effect of this partial and random discussion. Colonel Gordon was not the head of the Quarter-master-General's Department. He was not the person in that department charged with the issue of army clothing. Now, the great question raised during the debate has been the supposed deficiencies with reference to that issue; and yet to have listened to the discussion, and to have listened, above all, to the speech of the Under-Secretary for War, one would have supposed that Colonel Gordon was either the head of the Quartermaster-General's Department, or the person primarily responsible: because it is necessary to maintain that principle if you wish to lay the responsibility upon him. But there is a question of great public importance involved in the papers before us. I much regret that this question has been brought under the notice of the House at the present time; I regret that we are now called upon to say anything with regard to the position of the Crimean Commissioners, either in their relations to the Government or in their relations to the country. But I am bound to say that when I saw the Amendment of the right hon. Baronet the Member for Droitwich, in which he states that the Government have appointed a Commission "to inquire, without equal or adequate means of information, into the conclusions at which another Commission had arrived," and when I saw the Motion of the hon. and learned Gentleman the Member for Sheffield, in which he states that there is to be a Commission of general officers, "to report upon the report of Sir John M'Neill, and Colonel Tulloch," I felt convinced that surely there could be no ground for such imputations and that the Government would feel the sacred obligation incumbent upon them to respect and uphold, wherever they are right, the Commissioners who, at their instance, had undertaken a laborious and important duty; one of the most painful, invidious, and thankless, and, let me add, one the performance of which has been attended with immeasurable benefits to the army, whose condition was the subject of their inquiry. I felt convinced that the Government, whatever steps might be taken for the vindication of the officers affected by the Report, would at least take care to give no colour to the assertion that a board of general officers was to be appointed—to use the words of the hon. and learned Member for Sheffield—"to report upon the report" of the Commissioners. But in that respect I have been considerably disappointed; and although I most heartily subscribe to all that has fallen from preceding speakers, with respect both to the prudence and the duty of the House not to prejudge any man in reference to these subjects, and though I regret that the name even of a single officer whose conduct has been impugned should have been introduced into the discussion; yet I think that the maintenance of the authority of the Commissioners is a matter of public importance, and one which having been once raised it is impossible for us to pass by altogether in silence.

A paper has been put into our hands which purports to be a copy of a Royal warrant—

> "Appointing a Board of General Officers to inquire into the statements contained in the Report of Sir John M'Neill and Colonel Tulloch, and the evidence upon which that Report was founded."

I am afraid that any one who reads that title would at once take it for the language of the right hon. Baronet the Member for Droitwich. Not only so; it might almost have been copied from the Motion of the hon. and learned Member for Sheffield, which says that this new commission is "to report upon the report" of the Crimean Commissioners. Now, this is a very serious matter for us all, but it is especially so for myself and for some other Members of this House with whom I have the happiness to stand in the relation of personal friendship, as I have had in that of official political connection. When my right hon. Friend the Member for Carlisle (Sir James Graham) and my right hon. Friend the Member for Wilts (Mr. S. Herbert), together with myself, chose rather to quit our offices than to be parties to an inquiry by a Committee of this House into the state of the army before Sebastopol, the main ground upon which we founded ourselves was this, that the result of the inquiry would necessarily be feeble and futile, as well as unjust; that the Committee would have no power to suggest improvements, and that their conclusions, whatever they might be, could not be acted upon by the House. Whether those predictions have been verified or not will be in the recollection of those gentlemen who remember the fate of the Motion made by the hon. and learned Member for Sheffield last summer, when he proposed the virtual adoption of the report of the Committee, and when by a majority, almost as triumphant as that by which the Committee was appointed, the House resolved to take no cognisance whatever of the result of the inquiry. But we were responsible for what afterwards occurred, because we had said that the inquiry to be effective must be conducted on the spot. It was only, we said, upon the spot that the evil could be tested, and it was only upon the spot that a remedy could be devised. The selection of Sir John M'Neill and Colonel Tulloch was an Act in which neither my right hon. Friends nor myself had any share. We were not consulted upon the constitution of the Commission, nor upon the nature or scope of its instructions. Upon that point I shall say nothing except this, that when the names were announced in this House by my noble Friend at the head of the Government it was felt by every man that it would have been impossible to choose two individuals better qualified by their character, their talents, their experience, their activity, and intelligence to constitute or at least to form part of such a Commission. It appears then from the heading of the warrant, as I have already read it to the House, that the Board of General officers is to inquire into the statements contained in the Report of Sir John M'Neill and Colonel Tulloch and the evidence on which that Report was founded. The form of expression used at the head of the Royal warrant might have been accidental—the title might have been framed with less care than the body of the document itself; but the hon. and learned Member for Sheffield in his speech gave utterance to a challenge to the Under Secretary for War upon this subject. He said, "Are you going to re-try the report of the Commissioners?" I am sorry to say that challenge remained entirely unanswered. I listened with anxiety and eagerness to the speech of my hon. Friend the Under-Secretary for War, but I did not hear so much as one word throughout the whole course of that speech even in acknowledgment of the labours of the Commissioners. I did not hear one word of any benefit that has resulted from those labours. I did not hear one word of the intention of the Government to uphold them. What I did hear was, that there were discrepancies between the report and the evidence, and that those discrepancies were about to be referred to another tribunal. Now, I do think that if there are discrepancies between the report and the evidence which impair to any material extent the value and effect of the conclusions arrived at by the Commissioners, it was the absolute duty of the Government, enjoined alike by prudence and by good feeling, to bring those discrepancies to some settlement before they threw the report upon the table of the House, before they made us judges of all those passages containing, or supposed to contain, vague imputations upon one person or another, and leading, I must say, of necessity to discussions of the character of that into which we have plunged to-night. The warrant itself, I am sorry to say, does not appear to be more definite as to the principle upon which it proceeds than the title prefixed to it. It states that "the conduct of certain officers on our general staff, and others in our army, has been animadverted upon in the said reports and evidence; and the said officers have demanded a full inquiry into their conduct." It is not stated who those officers are. We have no idea who are the persons whose conduct is to be referred to this tribunal. Now, I take the case as it is before the House. It appears that, in the opinion of the hon. and gallant Member for Westminster (Sir De L. Evans), a certain portion of the evidence reflects upon the conduct of the generals of division. Is this new tribunal authorised to try the conduct of the generals of division? Is it entitled to try anybody excepting those against whom there are animadversions contained in the report? One of its most difficult duties will be to ascertain what comes within the scope of its commission. The warrant states that it will have to inquire into the cases of those "officers whose conduct has been animadverted upon in the Report and evidence." But is it true that the Report contains great multitudes of animadversions upon officers? On the contrary, it appears to me that there are but one or two passages in the whole Report which can possibly be construed into animadversions upon any of the officers employed in the Crimea. There is certainly a censure passed upon a few individuals; for example, the Commissioners censure the conduct of Dr. Hall, but it is not true that Dr. Hall has demanded an inquiry, for he is not in this country, and I apprehend there has been no time to communicate with him since the Report was received and the warrant published. Again, with respect to the Earl of Cardigan, it may be doubted whether his conduct is animadverted upon in the Report. At any rate, what is the evidence as to his having demanded an inquiry? Lord Cardigan has, with hig honour and spirit, written a letter, which has been printed for us, in explanation of those parts of the Report which are unfavourable to him; but, so far from demanding a full inquiry, he says that, after the statement he has submitted, he will leave his case in the hands of the Government and of the country. Thus, we neither know who are the persons to be tried nor who have demanded an inquiry. Then, with respect to General Airey, a question was put some nights ago to ascertain whether any communication had taken place between him and the Under-Secretary for the War Department; the hon. Gentleman stated that he was ignorant whether General Airey had demanded a full inquiry, but he knew that he was preparing a written statement in answer to the Report. But the most important question in the case is, as to the position in which the original Commissioners will stand before the new Commission. Those Commissioners were not appointed to try the conduct of officers engaged in the Crimea, and I therefore think that the words of the hon. and learned Gentleman's Motion involve a manifest error. Their instructions gave them no authority to inquire into the conduct of officers, and I am bound to say they have adhered with singular fidelity to those instructions. They were ordered to collect the facts of the case, and were also authorised, under submission to the authorities on the spot, to suggest remedies for the evils they might discover. With the remedies they suggested we have nothing to do, but they were ordered to collect facts, and their report, on the whole, is a collection of facts. No impartial man can read it, setting aside the inferences that arise from it, without seeing that the Commissioners have done no more than obey the orders they received. But it may be said that out of this collection of facts arise inferences prejudicial to the character of certain officers. Is that a reason why the Report should be re-tried? Whether I look to precedent or to reason, I think there is but one form of proceeding that the Government could justifiably adopt. These are cases necessarily of the utmost difficulty and delicacy, and the creation of a bad precedent in relation to them is a great public mischief; it is therefore important when they arise that we should look back to the precedents which the care and consideration of our forefathers have left to us. Now there is a precedent laid down in the inquiry which immediately followed the Convention of Cintra. That was a case of much less difficulty than the present. There was in that case no authoritative document to deal with, there was no body of Commissioners to which the Government had given its confidence; there was merely a feeling of dissatisfaction entertained by the public at home and by the Government. But what was done? A Commission was appointed, not for the purpose of hunting here and there for facts, or of determining responsibilities, but simply for the purpose of considering whether the facts, when they were collected, gave a ground for any "further military proceedings." Those were the words used in the warrant by which the commission of inquiry was appointed. I greatly regret that this precedent has not been followed in the present instance. I think my hon. and gallant Friend (Sir De L. Evans) will agree with me, that if it had, the path of the Commissioners would have been clearer than it now is. I am not thinking of having them relieved from any portion of their duty, for, no doubt, they will undertake it in a spirit of strict fidelity to their instructions; but I am thinking of the gross disparagement—for such I must call it if I am to form my judgment from the statements contained in the speech of my hon. Friend the Under Secretary for War—the great disparagement of the authority of the Commissioners who have brought home a great mass of facts who are, it seems, to be re-investigated by a tribunal of which they are not to be members and at whose inquiries they will only have the privilege of access in common with the rest of the public. This is a matter of a very serious character. One may conceive the case of a commission having collected facts and performed its duties in so slovenly and careless a manner that nothing could be founded upon its proceedings; but is that the case here? Are the facts stated by the Commissioners in the main unproved? My hon. Friend (Mr. F. Peel) referred to two cases, of course the strongest he was able to select—in which he thought the Report of the Commissioners required rectification. But they were simply cases in which the evidence of a witness did not appear to have been reported with perfect precision. Now, as to that point, I am exceedingly grieved to hear that a Commission, with so important a task to perform, was sent out to the Crimea without the ordinary and cheap assistance of a shorthand writer; and really, when we consider that these gentlemen, in addition to their other duties, were compelled, with their own pens as I understood was the case, to take down evidence which now fills a large blue-book, I am only astonished that a greater number of inaccuracies have not been discovered. At any rate, a court of inquiry is not required to set right discrepancies in the Report of such a character as these. It was the business of the department to which the Report was made if it did contain errors of fact, to give the parties interested a power of correcting those errors, and to append to the document whatever explanations might be necessary for the purpose of correction. The scope and purpose of the new Commission, if this had been done, would have been made clear, and those doubts would not have arisen which at present exist as to the position of the members of the old commission, and as to whether they are to be rewarded for their labours by being compelled to stand almost as criminals at the bar of the tribunal about to be constituted. I was anxious to rise before my noble Friend at the head of the Government, because, in the main part of my remarks upon the speech of the Under Secretary for the War Department, I have found fault rather with what he did not than what he did say. I greatly regret his omission of any reference to the Commission, to the authority due to its Report, and to the intention of the Government to support it. And I trust my noble Friend will tell us in what position Sir John M'Neill and Colonel Tulloch now stand before the Government in regard to that Report, a Report which, whatever may be said as to its slight and insignificant inaccuracies, has earned for its authors the gratitude of the country. I also hope that my noble Friend will assure us that, whatever else the words of the warrant before us may appear to imply, with regard to the nature of the inquiry which the new commission is to undertake, the intention with which it has been appointed is substantially the same as that with which the commission of inquiry after the Convention of Cintra was appointed, and that it is not intended to re-try questions, as to the facts collected for us on the spot, before a tribunal sitting in England, but simply to investigate the military responsibility of such officers as may appear indirectly to be impugned by the statements of the old commissioners, and to determine whether there is room for any, and if any, for what military proceedings. I rose to make these remarks with reluctance, but as the warrant has been laid upon the table, and we are deliberately waiving discussion upon all the points about to be inquired into, I thought it might be more convenient that those who entertain a strong feeling as to the necessity of carefully defining the limits and the objects of the inquiry should express their views now rather than wait until their remarks were too late for any practical object, and they had laid themselves open to the observation that their objections to the warrant ought to have been stated when it was first laid upon the table.

MR. WILKINSON thought that the dates mentioned by the Under Secretary for the War Department had removed many of the doubts which existed with regard to the conduct of the Government in giving appointments to the officers who had been impugned in the Report, but that those officers ought to have had an opportunity of defending themselves.

VISCOUNT PALMERSTON: Sir, I think the course which this debate has taken sufficiently proves that the hon. and learned Gentleman who made the Motion has not exercised a sound discretion in choosing the present moment for introducing the subject. My hon. Friend the Under Secretary of State for the War Department has been much blamed by many hon. Members who have spoken for having entered into details connected with matters to which the hon. and learned Gentleman's Motion referred. But if anybody will take the trouble to read the words of the Motion which we are now discussing, he will perceive that those words compelled my hon. Friend to enter into the details which he felt it his duty to introduce into his speech. The Motion of the hon. and learned Gentleman is a censure on the Government for having appointed to military situations persons whose conduct, as he contends, is impugned by the Report of the Commissioners; and my hon. Friend the Under Secretary for the War Department but performed his duty by endeavouring to show that the Government was not to blame for the appointments to which the hon. and learned Gentleman alluded. He showed that one of those appointments took place even before the Commission was appointed. He showed that others were made before the Report was presented to the Government; and, consequently, that even if the Report had animadverted in stronger terms than it does on the conduct of the parties concerned, still the appointments, having taken place at those periods, it was impossible for the Government to act on a Report which they had not got, and that the censure of the hon. and learned Gentleman is, therefore, undeserved, and falls to the ground. Now, Sir, I think it is very unfortunate that a debate should have been brought about which has led to animadversions upon officers who are about to have an opportunity of stating their case before a competent tribunal. The hon. and gallant Officer who spoke from below the gangway (Sir De L. Evans) began by lamenting that this debate had taken a personal turn, and yet almost the whole of his speech was nothing but a tissue of personal allusions, of attacks upon individuals and attacks upon officers, high and low, which I think were really not consistent with the generous character which my hon. and gallant Friend—if he will allow me to call him so—possesses. I think that upon calm reflection he will feel that it would have been more becoming the high position which he holds, both in this House and in the army, if he had spared those attacks upon officers below him, which were, I think, as undeserved by those against whom they were directed, as they were unbefitting the person by whom they were made. Sir, it has been asserted that the course of proceeding which the Government has taken is a reflection on the Commissioners who were sent out to the Crimea. I utterly deny that conclusion. In the beginning of last year two Commissions were sent out to the Crimea, one composed of Sir John M'Neill and Colonel Tulloch for the purpose of inquiring into the supplies of the army, the other consisting of three eminent men, two medical men and an engineer, for the purpose of inquiring into the medical department of the army. Sir John M'Neill and Colonel Tulloch performed their duties to the entire satisfaction of the Government, and with very great advantage to the service; and the result has been that, whereas at the time they went out there was great confusion and irregularity in all the local arrangements connected with the supplies for the army, from the time when they put those matters to rights the army has been exceedingly well provided for, and regularity and abundance have succeeded to irregularity and deficiency of supply. I must beg, therefore, that it may be clearly understood that Her Majesty's Government feel much obliged to those gentlemen for having undertaken so arduous a duty, and for the able and satisfactory manner in which that duty was performed; and certainly there is nothing in the appointment of a Board of General Officers that implies the slightest reflection on the conduct and proceedings of those two Commissioners. But, Sir, what is the state of the case? It is this. The Report of those Commissioners contains statements which several officers regard as conveying reflections on their conduct, and those officers have a right to expect that some proper authority should be appointed before which they may have an opportunity of affording those explanations which they think due to their own character to make. Sir, what better opportunity could be given to them for this purpose than is afforded by the appointment of a Board of General Officers? Is it through debates in this House that such explanations would be best offered? Why, I appeal to the example of this debate to show how utterly unsatisfactory such a tribunal must be, to the parties themselves, or to this House, or to the public at large. Would the appointment of a Select Committee of this House have been any better? Would a Select Committee of this House be as competent to judge on matters of military detail as a Board of General Officers, conversant as the members of such a Board must be with the subjects referred to their consideration? Sir, hon. Gentlemen have chosen to take their view of the functions of the Board from the title put at the back of the warrant by which it is appointed. If, instead of taking detached words from the back of the warrant, they will only have the goodness to read the warrant itself, they will see that the Board of General Officers are not instructed to "report on the Report" of the Commissioners, but to inquire into certain matters mentioned in the Report of the Commissioners which certain officers regard as casting reflections on their conduct and character, to receive explanations, and to report their opinion thereupon. I cannot conceive anything less objectionable. It seems to me the best and the only proper mode of affording the officers in question that opportunity for explanation to which they are fairly entitled. I cannot, therefore, agree with my right hon. Friend (Mr. Gladstone) when he says that we ought to have followed the precedent of the Convention of Cintra; because on that occasion the Board of General Officers were directed to report whether any military proceedings should take place in consequence of their investigation. In the first place, let me say the case referred to was very different in its nature from the present one. On that occasion the matter to be inquired into was a very simple one, and one on which it was easy to form an opinion. On this occasion the matters to be inquired into are much more complicated in their character. The Board of General Officers are called upon to report their opinion, and that opinion may be either that military proceedings are required, or that there is no occasion for any further proceedings in this or that or the other case which may be submitted to their judgment. Now, Sir, we are told that we ought not to have laid the Report of these Commissioners before the House until Her Majesty's Government had fully inquired into all the matters to which it related, and formed their opinion with regard to every person whose conduct was in any degree animadverted upon. Sir, what would have been the demand for this Report, what imputations would not have been cast upon the Government, if this course had been taken? Would it not have been asserted that we wished to conceal in mystery some great dereliction of duty, that we wished to shelter delinquency, that we wished to prevent the exposure of abuses, and that we wished to keep back information from this House and the country? All this would have been said if we had refused to produce the Report until we had taken all these preliminary proceedings. Sir, there would have been a strong prejudice created in the public mind. There would have been imputations, supported by *primâ facie* evidence, which would have had a most injurious effect, even though there had been no foundation for them; in fact I think the only course that was consistent with the duty of the Government was to lay the Report, which contains a great deal of valuable information, as soon as possible before Parliament, and then to give those officers who felt that their conduct was impugned by certain parts of the evidence which had been collected, a fitting and proper opportunity of offering those explanations which they thought due to their character. Sir, had any one listened to the speech of the hon. and gallant Officer (Sir De L. Evans) without knowing exactly what year we are in, and what is the present state of things, one might have imagined that we are discussing at this time the state of the army in the Crimea last year. The hon. and gallant Officer went back to all the unfortunate circumstances connected with the distressing situation of the army at the early period of its service in the Crimea. What bearing has all that on the present state of things? Unfortunately, when that army landed there was a complication of circumstances which exposed it to great and almost unprecedented hardships. The service was one of the most difficult character: difficult on account of the nature of the duties to be performed; difficult because there was a siege to be carried on while the army was dependent for its supplies, obtained from places situated at a distance, upon a small port where there were little or no conveniences for landing stores, and where there was not room for transports to lay; and difficult because the arrangements had to be conducted by persons who were new to the position in which they found themselves. Owing to these various causes, that army was exposed to difficulties and privations which perhaps in the history of the country no British army had ever before had to support. They did support those difficulties and privations nobly and gallantly—they endured those privations and hardships with the same courage and intrepidity with which they faced the enemy upon those occasions on which they were called to confront him in the field of battle; and the patience with which they bore their trials and hardships did as much honour to the army as the valour and intrepidity which they displayed upon the fields of the Alma, at Inkerman, or Balaklava. But, Sir, fortunately, that state of things has ceased to exist. We well know that during the last eight or ten months that army has been in a totally different condition; we well know that the health of the army is better than that of almost any body of troops in any other part of the world. All the statements of the hon. and learned Gentleman (Mr. Roebuck) with regard to that period of distress, which at one time alarmed the country, refer to a state of things gone by; and so far from the mortality of the army being now what he represents it to have been at one time, it is, I believe, less than that of any equal number of troops in the healthiest part of the United Kingdom. Then, with regard to other arrangements, whether of the medical department or the Quartermaster General's department—an hon. Gentleman opposite (Mr. Stafford), who, highly to his honour, has devoted those periods of the year when he is not attending this House to inquiring into the condition of the army in the Crimea, has most generously borne testimony to the admirable condition of all the hospital arrangements in the Crimea and at Constantinople; and that all the arrangements connected with the supplies of the army are now as complete and perfect as the nature of things will permit them to be. Then we are told that the Government are to be blamed because Sir Richard Airey has been appointed Quartermaster General at home. Sir Richard Airey was, indeed, Quartermaster General at the period which I have mentioned, when the arrangements and supplies of the army were not satisfactory; but he was also Quartermaster General at a subsequent period, when all the arrangements were improved, and when all the supplies were regulated in the most satisfactory manner. Sir Richard Airey having returned home in ill health, and the office of Quartermaster General having become vacant, I should like to know who was the person whom the Government and the Commander in Chief could more naturally have selected for that situation than the officer who had had the largest experience of the duties of the office, and by whom those duties had at a later period been performed in the most complete and efficient manner. Therefore, Sir, the censure which the hon. and learned Gentleman wishes to cast upon the Government in his Motion—and I am now addressing myself to that Motion—the censure, I say, which he wishes to cast upon us for having appointed Sir Richard Airey to the situation of Quartermaster General, is a censure which is wholly undeserved. I am ready to take my full share of the responsibility resting upon Her Majesty's Government in connection with that appointment. In my opinion it was a good appointment. I think it was one which was for the good of the service, and which was fully justified. Then, with regard to Lord Cardigan. Lord Cardigan's appointment took place, as my hon. Friend the Under Secretary for War has mentioned, even before the Commission went out; and every man who knows anything about the merits of officers in the army will do Lord Cardigan the justice to acknowledge that he is a most distinguished cavalry officer. Sir, I remember talking two or three years ago to a general officer of great distinction who had served in India, repecting the merits of different officers who had served with him. He said to me, "The two best cavalry officers I ever met with were General Cureton," who, unfortunately, fell in action, "and Lord Cardigan." The Government did not, therefore, I think, do wrong in having chosen Lord Cardigan as Inspector General of Cavalry. It seems to me, then, Sir, that the Motion of the hon. and learned Gentleman is neither well-timed nor just. I think that if, as the hon. and learned Member affirmed, his motive for introducing the Motion was to afford this House an opportunity of canvassing the conduct of officers whose proceedings are about to come under the review of the Board of General Officers which has just been appointed—if, I say, that be his motive, it is, in my opinion, a mistake on the part of the hon. and learned Gentleman—a mistake which I hope the House will not sanction by adopting it. I think it is a mistake to call upon this House to discuss by anticipation, and without an opportunity of explanation being afforded to the officers concerned, matters which a Board of General Officers are about to investigate. On the other hand, if the hon. and learned Gentleman means—as the words of his Motion appear to indicate—to censure Her Majesty's Government on account of the appointments of the officers to whom this Motion refers, I think that censure is not deserved, and I trust the House will not be disposed to concur with the hon. Gentleman in that respect. Sir, I repeat that it is most unjust both to Her Majesty's Government, and to Sir John M'Neill and Colonel Tulloch, to represent that by constituting a Board of General Officers to consider this subject, we are establishing a Commission to report upon the Report of a previous Commission. We are doing no such thing. We are appointing a Board of General Officers to receive explanations from those officers who feel themselves aggrieved by some things which are contained in the Report which has been laid before the House; and so far from implying by anything we have done the slightest disrespect to Sir John M'Neill and Colonel Tulloch, I state in the most unqualified manner that Her Majesty's Government attach the highest value to the labours of those gentlemen. They were chosen as Commissioners because we knew them to be men of high character and of great ability and discernment; and I am sure the public service has derived the greatest benefit from the inquiries which they carried on, from the suggestions which they made, and from the improvements which they were instrumental in effecting in that department to which their inquiries and efforts were directed. Sir, I really hope that the House will not assume the task of inquiring into or discussing the conduct of individual officers, but be content to leave the matter to that board of general officers to whom the inquiry has been entrusted. I hope that the names of those general officers, their high character, and their standing in the service will be sufficient to satisfy every one that the approaching inquiry will be conducted with a view to the establishment of truth—that it will afford to the officers concerned a full opportunity of vindicating their characters, and that the result will be satisfactory at once to them, to the House, and to the public.

LORD LOVAINE: I wish to ask the noble Lord whether, in the investigation that is about to take place into the conduct of the officers in the Crimea, there will be a provision made for the relatives and the representatives of the gallant men who have held commands in the army in the Crimea, not only to attend, which they will of course, the inquiry being open, but to tender such evidence, written or otherwise, as will rescue the memory of those persons from any imputations which may be thrown upon them in the course of this inquiry? I am the more impelled to ask this question, because, from the course which this debate has taken, I have seen with great sorrow that the rules and the *esprit de corps* which ordinarily prevail between officers in the army have upon this occasion been entirely forgotten; for we have heard—when there has been no possibility of contradicting them—conversations which have passed between one officer and another, and between superior and inferior officers, of the most confidential character, detailed here to-night. I very much fear that what has not been respected in the House will not be respected before the court of inquiry. At a moment of extreme distress, when the late Lord Raglan commanded, and was placed in a position from which no man could scarcely have escaped with honour, and few with life, I deeply grieve that there has been but one man, either in the present ministry or that of Lord Aberdeen—with the single honourable exception of the noble Lord the Member for the City of London—who was generous enough to say one word in defence of that lamented general. I shall be extremely gratified, therefore, to receive the assurance to which I have alluded from the noble Lord at the head of the Government.

VISCOUNT PALMERSTON: Of course, the court being an open one, those interested in the character of the distinguished man to whom allusion has been made, will, I presume, be in attendance during the whole of the proceedings, and I am quite sure that the Board of General Officers will give every opportunity to the relatives of the late Lord Raglan to explain away any reflections which may be made, though I cannot suppose any such will be made against the character of that distinguished officer.

LORD CLAUD HAMILTON said: I rise to vindicate my gallant relative from the uncalled for, and I had almost said, cowardly attack which has been made on him by the hon. and gallant Member for Westminster. The hon. and learned Member whose Motion is now under discussion, with that spirit of fair play which always distinguishes the English gentleman, refused to go into the details of the evidence taken before the Commission, because he said the officers inculpated were about to be put on their trial, and I am sorry to see that a gentleman bearing the commission of a general in the British army has not followed that manly example. The hon. and gallant General has chosen to detail an anecdote for the sole purpose, as it seems to me, of prejudicing my gallant relative; and I ask the House whether such a statement ought to have been made after so long a silence, and when such a tribunal has been appointed? That it was premeditated was proved by the hon. and gallant General producing from his pocket-book a letter upon the subject, and he told the House that he was instigated to do it by the speech of the hon. Gentleman the Under Secretary of State for War. By what magic that hon. Gentleman could convey a letter to the pocket of the hon. and gallant General I leave him to explain; but I crave the attention of the House while I make a short statement relative to this anecdote. The hon. and gallant General endeavoured to prove that my gallant relative evinced both inexperience and petulance in the discharge of his military duty. The hon. and gallant General told the House that an order was given to attack a convoy, which order was to be conveyed by my gallant relative;

but that there was no convoy in the position described. He, however, said that the orders were imperative, and at the request of the General he returned with a similar order. Now, in what capacity did Colonel Gordon act in that case? Why, Sir, as one of the staff, and as merely obeying the orders issued by Lord Raglan to the gallant General (Sir De Lacy Evans). But here are the circumstances around which the gallant General seeks to cast such ridicule. It would appear that a very gallant and experienced Colonel of artillery—whose name it is not necessary to produce—saw a large and lengthy convoy coming in towards the direction of the gallant General's division, and he was led to believe that it would wind along the road and be in a short time under the position which he occupied. Lord Raglan received the communication as conveying important information. At the moment Colonel Gordon was busy in his office, and had no cognisance of the message that had been received relative to this convoy. However, he was suddenly summoned into Lord Raglan's presence, who told him to get instantly upon his horse and gallop as fast as he could with an order to the gallant General to take the convoy. Now, mark! Colonel Gordon never professed to have seen the convoy, or to have any cognisance of its existence. He had simply the imperative orders of Lord Raglan that the convoy should be seized. And why was Lord Raglan so anxious for the capture of the convoy? Because he knew that if he could secure those arabas, he would be able to overcome the great difficulty of the army, the insufficiency of the transport service. That was why his orders were so imperative. What, then, did my gallant relative do? Why, as upon all occasions, he obeyed his orders with alacrity, and, instantly galloping to the gallant General, delivered his commands. The gallant General said, "There is no such convoy." "I think," said Colonel Gordon on the other hand, "there must be, for I have here imperative orders in reference to it." Certainly Colonel Gordon had never surveyed the ground; he never professed to have seen the convoy; all he professed was, to have received imperative orders for its seizure. However, the gallant General demurred, saying he could not see the convoy. Upon that Colonel Gordon went back as fast as he could to Lord Raglan, and informed him that there was no convoy in sight, and that General Evans did not believe in its existence. Well, so important did Lord Raglan hold it to be to get possession of these Russian arabas, that he suggested the convoy might be concealed from the gallant General's view by a bend in the hill, and he ordered Colonel Gordon to suggest the consideration to the gallant General. Now that was the suggestion upon which the gallant General had endeavoured to heap ridicule—the suggestion of the gallant and departed Lord Raglan given as the possible solution of the non-evidence of the existence of the convoy. Colonel Gordon therefore returned with a reiteration of the order that the gallant General was, by every possible exertion, to try and secure the convoy which a most experienced officer of artillery had informed him was winding along the road. Sir, having said this much, I will now appeal to men who, I trust, are anxious to uphold, not merely the British name, but British honour. Is it fit—is it fair—is it, I will say, consonant with the dignity of the House of Commons, to make such charges against absent men? Charges which, if he had only warned any of the relatives of Colonel Gordon he was about to produce, or had brought them forward publicly, would have been met and answered in the most complete form. Nevertheless, on the part of my gallant relative, I now publicly—not doing so behind the back of his accuser, as seems to be the practice of the gallant General—I invite him to enter into any explanatory statement he may think fit relative to this transaction, which he may consider to impugn the character and capacity of Colonel Gordon—to produce it publicly, and in such a way that it can be met as an Englishman would like. I hope, Sir, the House will feel that I am justified in the challenge, and that it is one the gallant General cannot shrink from. But he has charged my gallant relative with inexperience. Now I hardly know whether I can trust myself to ask the gallant General whether he wishes, before the public, to contrast the inexperience of the gallant General with his own experience after the battle of Inkerman? Does the gallant General who so sneers at the experience of Colonel Gordon remember the results of his own experience then and there? Does he remember that upon that occasion he exercised all the influence he could with Lord Raglan—bringing to bear all his experience as a military man, and invited him to do—what the House will scarcely believe—to take refuge on board the fleet, with the English army, leaving behind their cannon, and the French at the mercy of the enemy? [*Sensation.*] Yes, that was the advice given by the gallant General to Lord Raglan after the battle of Inkerman. But what was the answer of Lord Raglan? "What!" said the noble Lord, "abandon my cannon, and leave the French army unsupported?" The hon. and gallant General's answer was, "I am not a diplomatist, but a military man, and that is my advice as an experienced military man." This is a digression, I admit. But let the House decide which is better—the "inexperience" that led Colonel Gordon to obey an order, or the experience which suggested counsels that would have covered the British name with ignominy and shame.

Sir DE LACY EVANS: I trust, Sir, I may be allowed to say a few words in explanation. The noble Lord who has last addressed us seems to think that I have been totally unprovoked. Now, as I have already mentioned, I was necessarily drawn into a rebutting statement by what fell from the hon. Under Secretary for the War Department, which amounted to an imputation upon the generals of division in the army of the Crimea. And I think I am justified, when statements have been made reflecting seriously upon us, in endeavouring to retaliate. It certainly was my duty to say, that though Colonel Gordon was an officer of great zeal and attainments, I did not consider him to possess the discretion adequate for the highly responsible situation which he held; but the noble Lord went on to allude to a conversation which I am supposed to have had with Lord Raglan after the close of the battle of Inkerman. Now, at that precise time, I was in great distress both in body and mind, and I used but one sentence to Lord Raglan, to which he made not the smallest reply. However, the noble Lord has informed the House of a series of observations on the part of Lord Raglan, in reply to my suggestion. Now, here is what occurred. I said to Lord Raglan, "My Lord, will you pardon me if I say that I think, from the great losses we have sustained to-day, a re-arrangement ought to be made to enable the British army to take up its position on some other point, rather than incur the risk of great reinforcements being brought to bear upon us in our present position." Now, if any one will reflect upon the frightful situation which the army then occupied, they will see there was some reason for the suggestion. It is very true that I ought not to have said a word, but Lord Raglan did not make the slightest remark either about the artillery or anything else. Lord Raglan did not invite any discussion, and the House will readily understand that we were all very much subdued by the losses we had experienced. Fortunately, perhaps, my advice has not been followed, and, after incurring enormous loss, we have succeeded. But if the siege of last winter had been raised, the lives of many hundreds would have been saved, and perhaps a greater success might have been obtained if we had taken up some other position.

Mr. FREDERICK PEEL wished to observe that the gallant General had been totally mistaken in imagining that his observations were meant to throw any aspersions upon him. He had stated that in the Report there were charges made which in some degree reflected upon the general officers, and he cited that circumstance to show how difficult it was for the Government to know how to interpret the Report.

Mr. ROEBUCK: Sir, seeing, as, indeed, I usually find myself, that I am palpably in a minority, I decline to divide the House.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY.

House in Committee.

On the Motion that £7,000,000 be granted to Her Majesty to defray charges connected with the army,

Mr. MILES appealed to the Government not to go into such an important discussion at such a late hour of the night; the more especially as hon. Members had not had sufficient opportunity of examining the Estimates, which were presented this year in quite a novel form.

Mr. BASS wished the noble Lord to state whether he intended to proceed with the Police Bill on Monday evening.

Viscount PALMERSTON hoped that the House would agree to this Vote, because it was necessary as the foundation of a Ways and Means Bill, which ought not to be further delayed. The sum asked for was only a portion of the pay of the men for the year (£10,950,358), and, if it were granted, there would still remain a large sum upon the Vote on which any discussion might be raised. He should propose that the Committee should agree to this Vote, then report progress, and sit again on Monday, and devote the whole of that evening to the consideration of the Estimates. This was an answer to the question which had been put to him by the hon. Member for Derby (Mr. Bass).

MR. W. WILLIAMS protested against the Committee proceeding to vote so large a sum without having an opportunity of considering the details. He should take the sense of the Committee, and move that the Chairman do now report progress.

Mr. JOHN MACGREGOR perfectly concurred with the hon. Gentleman the Member for Lambeth. He thought it would be decorous on the part of the noble Lord at the head of the Government to allow this Vote to be postponed. There had never been any division on any Vote relating to the war, and it was not his intention to oppose this Vote. But he thought that time should be given for its consideration.

MR. WILSON said, that if this evening were allowed to pass without this Vote being agreed to, the Ways and Means Bill could not be passed before Easter, and the money would not be available for the payment of the army in due time. If the Vote were granted, there would be still a balance of £3,000,000 to be asked for, and upon that a discussion might take place.

MR. DISRAELI bore testimony to the accuracy of the statements of the Secretary of the Treasury; and added, that if this Vote were not at once agreed to the public service might be seriously affected.

MR. W. WILLIAMS did not wish to stop anything that might be necessary for carrying on the war, but there were many items in the Vote which had nothing to do with the war, and upon which he wished to take the sense of the Committee. He should persevere in pressing it to a division if he stood alone.

MR. DISRAELI hoped that, after the statement of the Secretary of the Treasury, the suggestion of the noble Lord would be acquiesced in.

COLONEL DUNNE asked whether, if the Vote were agreed to, hon. Members might afterwards discuss the items?

VISCOUNT PALMERSTON replied, that such discussion might take place when the Government asked for the balance of the Vote.

MR. STAFFORD: On Monday next?

VISCOUNT PALMERSTON: No.

MR. STAFFORD: Then the discussion may be put off until any day.

MR. W. WILLIAMS complained that the statement now made by the Secretary for the Treasury was inconsistent with that which he had made on a previous evening that the sums voted to make up the deficiency which had arisen would defray all expenses up to the 31st of March.

MR. WILSON said, that his statements were perfectly consistent. It was true that the sums voted on the Supplemental Estimates would meet the expenditure to the end of the present financial year. If he did not carry the Ways and Means Bill before the Easter recess, he should be unable to proceed with it until the House met again, which would not be much before the 31st of March. Ten or twelve days would then elapse before the Bill could be passed, and during that time this money would not be available for the public service. The Government would take the Vote now for £6,500,000, and the £500,000 would be the first Vote on Monday night, when the whole Vote might be discussed.

MR. WILLIAMS withdrew his Amendment.

The Vote for £6,500,000 *agreed to;* House resumed.

MUTINY BILL.

Order for Second Reading read.

MR. W. EWART complained that the billeting system was different in Scotland to what it was in England. In England, soldiers were only billeted on the inkeepers, whilst in Scotland they were billeted on other persons besides innkeepers. He also complained of the system of billeting generally, and hoped the Government would consider the subject with a view to amend the existing law.

MR. FREDERICK PEEL said, the difference between the law of Scotland and that of England in respect to billeting had existed from the time of the Union. It was obviously necessary that the Government should have the means of providing accommodation for soldiers in all parts of the country. The objections to the billeting system arose from the large number of embodied militia; but by the encampment at Aldershot, and by encampments in other parts of the United Kingdom, the number of militiamen on billets was considerably reduced. If the representatives of Scotland generally desired an assimilation of the law to that of England, he apprehended there would be no objection to introduce a measure to that effect; but he could not hold out any hope of the system of billeting in towns being given up.

MR. A. PELLATT said, the licensed victuallers of London complained of the very system which hon. Members seemed to wish to introduce into Scotland. They complained that there were exemptions, and that the billets were not given upon all classes of the community.

Bill read 2°.

FACTORIES BILL.

COLONEL WILSON PATTEN moved for leave to bring in a Bill for the further amendment of the law relating to labour in factories. The object of the Bill was to make a change in the law with regard to the fencing of mill gearing and shafting. At present, if any dispute arose between the mill owner and the inspector as to fencing of the machinery they were empowered to leave the question to the decision of an arbitrator. There was no such power with regard to the fencing of mill gearing and shafting, and his object was to subject that to the same provision as the rest of the machinery.

LORD STANLEY said, the Bill did not propose to take away from the operatives any protection they now enjoyed, but merely to do away with some restrictions that went beyond the object of the law.

SIR GEORGE GREY would not express any opinion on the details of the Bill. At a later stage they would be able to see how far they might relax the restrictions formerly imposed.

MR. COBBETT would not oppose the introduction. If hon. Members referred to the late Reports of the Factory Inspectors, they would see how the whole matter stood.

MR. KIRK contended that the precautions at present used in the mills were quite sufficient to protect the hands from danger.

COLONEL DUNNE thought that the Legislature should see that the very best security was obtained for the hands employed in factories.

Leave given.

Bill ordered to be brought in by Colonel WILSON PATTEN and Lord STANLEY.

Bill read 2°.

The House adjourned at a quarter after Twelve o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 3, 1856.

MINUTE.] PUBLIC BILL.—1ª Consolidated Fun (£1,631,005 1*s.* 5*d.*)

JUDICIAL STATISTICS.

LORD BROUGHAM: * I rise, in pursuance of my notice a fortnight ago, to bring before your Lordships the great subject of Judicial Statistics. When that notice was given, my noble and learned Friend (the Lord Chancellor) desired an explanation of the term. It signifies the regular and constant record of the whole particulars connected with the administration of the law in all its branches: its administration by all courts, civil and criminal, general and local; the state of those courts, as to judges and other office-bearers; their whole proceedings through every stage; together with every matter concerning the working of the law, though not having come within the cognisance of any tribunal—in a word, the record, in minute detail, and for the most part in a tabular form, of all the facts connected with the execution of our laws. Need there more be said to show, I will not say the great value, but the paramount importance, nay, the absolute necessity, of this knowledge to the makers of those laws? Can we, I will not say conveniently, but rationally, nay, can we safely, can we honestly, exercise our legislative functions without having this information upon the action of the laws which we make, or of those made by our predecessors, and which we are constantly required to abrogate, or alter, or continue? We make some change in the system. We are bound to examine how that new law works: unless we know all the facts connected with its execution, how can we tell whether or not it was wisely, that is, usefully adopted?—whether we should persist in our course, or retrace our steps, or proceed in another direction? Jurisprudence is eminently a practical science, and the work of a safe because a prudent lawgiver is for the most part of a tentative kind. It behoves him to carry it on with a constant reference to the effects which his measures have produced. He can but dimly see even to the shortest distance before him; therefore is he bound carefully to look behind, and on each side, that he may be well assured he has made no mistake, and be full sure of his ground. When we are sailing upon an unknown coast or a coast little known, where we cannot have the benefit of a chart, how shall we hope to be safe, if we possess neither compass to guide our course nor lead to give us soundings and keep us secure from shoals and sunken rocks? Full and minute statistical details are to the lawgiver, as the chart, the compass, and the lead to the navigator.

When I referred my noble Friend (the Lord Chancellor) to the French reports and tables as the specimen of such information which approached nearest to perfection, the Lord Chief Justice said, I was not aware that we possessed a body of statistical facts in the yearly returns of criminals, to which the learned Judges often referred in their charges to grand juries. I was fully aware of their existence and their uses, as I then told my noble and learned Friend; and it was because I was well acquainted with them that I pronounced our judicial statistics to be at the opposite point from the French, and to be the very worst which any country affecting to have such returns possesses. It will presently appear why I rated the French so high, and ourselves so low in this great department—a department which alone can make legislation a branch of inductive science and bring it, so to speak, within the scope of Lord Bacon's rules.

In 1853, an important congress to discuss the various statistical questions with a view to the intercourse of different nations, was assembled at Brussels, summoned by the King of the Belgians, who with his sons attended on one of its three days. The Minister of the Interior presided, and nearly a hundred delegates, mostly persons in official stations, attended from all parts of Europe save Russia, and from the United States also. Some years after, in last autumn, a similar congress, but much more numerously attended, was assembled at Paris under the patronage of the Emperor, and presided over by the Minister of Public Works, Agriculture, and Commerce. The representatives of England were Dr. Farr, appointed by my hon. Friend Major Graham (the Registrar General; Mr. A. Fonblanque, of the Statistical Department of the Board of Trade, accompanied, I believe, by his assistant, Mr. Valpy; and Professor Levi of King's College, representing different chambers of commerce. My noble Friend Lord Ebrington represented the Statistical Society of London. These gentlemen had also attended the Brussels congress; and there, as well as at Paris, the important department of Judicial Statistics largely engaged the attention of the body; it formed, indeed, the subject of one of the four sections into which the whole of their inquiries were distributed. The desire was universal at both the meetings for the promotion of this branch of economics; and the wish was strongly expressed that a third congress should be held in London this year. How imperfect our system is—how little it ever could bear a comparison with that of France at any time—how much it has become even less to be commended of late years—how entirely we are left by it in the dark as to all the facts which it is the most essential that we should know regarding the administration of our laws and the condition of the people their subjects, will speedily appear if your Lordships will bear with me while I enter into some necessary details upon the whole subject. It is needless to beguile you with the notion that this explanation can be accomplished without some trespass upon your time; but I engage not needlessly to encroach upon it.

I begin with our criminal returns, the only portion that has any the very least pretence to be called a regular branch of statistics—all the others being irregular, occasional, accidental. Now, I pray you to observe how exceedingly defective are these returns, tabular as they are, made by the care and ability of an excellent officer, very ill supported, Mr. Redgrave of the Home Department; and I will first of all show you how a paltry saving has of late years made them more imperfect than they were before. In 1839, the age and instruction of the prisoners were omitted—their age and education in connection with their offences. In 1851 a further step was taken in the course of petty savings, and the sex of the persons was left out; so that the spirit of false economy, of expensive parsimony, had to boast of saving three columns out of four-and-thirty. But its triumph is confined to England; for the Scotch returns still continue as formerly to give these most important particulars. Some, I am aware, set little store by the details of education, as if they were little to be relied on, or, if accurate, of no great value. Of their importance I can have no doubt; and how far they can be made trustworthy I think we have some indication from the experience of our neighbours in France. We find that the proportion given for the average of five years ending 1820 of prisoners wholly illiterate—that is, quite unable either to read or write at all—was 612 in 1000. In thirty years this proportion had been considerably reduced, for the average of five years ending 1850 was only 509 in 1000. Of persons not wholly illiterate, but very imperfectly taught to read, above 300 were to be added, making the uneducated class fourteen-fifteenths of the whole. When the proportion of education in criminals, as well as its progress, is compared with the same matters in other classes, as the conscripts, we find such a diversity as might be expected. In the fifteen years ending 1850, half the period formerly taken, the number of the illiterate conscripts had come down from 480 to 362, or as four to three instead of six to eight; so that the returns, being according to what the diversity of the classes would lead us to expect, confirm each other. I have said that the returns from Scotland continue to give education, together with age and sex, as before the rule, the tyrannical rule of wasteful parsimony. But neither there nor in England, at any time, was there ever given the very essential particular of the number of offences, without which no estimate can be made of the amount of crime at any period, or in any district. The number of persons alone is given, and has ever been. Yet, see how this is calculated to mislead. I observe, by to-day's account of the assizes in Northumberland, six persons tried for one murder; in our tables this would be recorded as six murders. The gravest offences—murder, manslaughter, burglary, arson—are often committed by more than one; but so too are some misdemeanors; for instance, riot and conspiracy must needs involve several parties. Why all these defects in our statistics—defects which render them not merely useless, but deceptive rather than instructive? Above all, why this retrograde movement, so that the defects have become greater, the usefulness less? All arises from a wretched, a false, an expensive economy. In no country is it more the habit to overpay insignificant, and underpay important service. We positively appear to take as serious the sarcastic description of "penny wise and pound foolish"—to make of the sneer a maxim—not taking it as a warning against folly, but as the guide of our conduct. Nor, I greatly fear me, is this confined to such paltry savings on our criminal statistics as I am now speaking of. An alarming report has reached me, utterly impossible to have any foundation, I would fain hope; and from such apprehensions I trust my noble and learned Friend will at once relieve me. The story, the incredible story is told, that the Government intend to cut down the salaries of the County Court Judges from the sum voted by Parliament—I will not say in its generosity, but in its wise providence—for securing efficient services in those most important stations; and this while my noble Friends have, I rejoice to say, listened to my often repeated demand of repealing the taxes upon proceedings in those courts. But to lower at the same time for a miserable saving of a few hundreds the remuneration awarded by Parliament, and thus to narrow and fetter the choice of fit judges—and this by those who profess themselves the friends of Local Judicature—it is not to be believed! Well may those courts pray to be saved from their friends, and ask what their enemies could do worse! They may, perhaps, remind us how near friend and foe can come together; and though they may not say that friend and fiend differ but by a letter, they may think it likely enough that the monstrous attacks upon the system will be, I do not say universally hateful, but let us say only disrelished in the greatest degree by the people with whom local judicature is in great and justly great favour, and who desire nothing more strongly than to see it exercised by the ablest, the most learned, and the most honourable men.

But I revert to the glaring defects in our statistics, especially as compared with those of France. Our tables, whether for England, Scotland, or Ireland, give no proportion of the criminal to the whole population, either of the country at large or of the particular districts. In the French you can tell this at a glance, both generally and in detail. On the average of five years, ending 1850, the proportion for the whole country was 1 in 4568; but this varied exceedingly in the different departments. In the L'Ain it was as low as 1 in 10,523. The highest was that of the Seine, 1 in 1,385; and nearly on the same level with the most refined portion of the community, the inhabitants of the capital, was the least civilised, the Island of Corsica, where the proportion was 1 in 1,672. As might be expected, the offences against the person formed a large proportion in the latter, and a small proportion in the former Department. In Paris, 14 per cent, or one-sixth, were offences against the person, 86 against property; in Corsica it was reversed, 83 against the person, or five-sixths, and 17 only against property. Now, I have no manner of doubt that this extraordinary amount of crimes of violence being brought before the Minister of Justice, himself a Corsican, as, indeed, are some in more exalted stations, he will direct his attention and theirs to the means of so improving the administration of the law in that island, as to bring the inhabitants to a greater uniformity with the rest of the people, so far as the diversity of temperament, character, and social habits will permit. Such is the practical tendency of the information which these Statistical Returns afford, such the useful lessons which they inculcate, and the needful remedies which they compel the Government to apply.

Another defect, and a very great one, in our returns is, that they give no account whatever of the length of time during which criminal proceedings are pending, no means of ascertaining how long persons have been in confinement, or what interval has elapsed between arrest and final sentence, between final sentence and execution, between the commencement and termination of the case. In this particular the French tables are admirable; they approach as near perfection as possible. The result is satisfactory as regards the administration of the criminal law in respect of despatch. Of the cases tried at the Cours d'Assize, nine-tenths take no more than six months in the whole. Of those tried by the Tribunaux Correctionels, nineteen-twentieths are finished in three months. As to despatch, therefore, the return is satisfactory. As to the merits of the trial itself, I cannot by any means pronounce the same opinion; for their criminal procedure is extremely defective, being by far the worst part of the Code. It was, indeed, left imperfect; and I have learnt with the highest satisfaction that the Emperor's Government is disposed to remove this great blot from the most important of his celebrated kinsman's works, that which he himself foretold would form his title to renown with after ages.

Such, then, is the inferiority of our statistics in whatever regards proceedings in courts; and such the great superiority of the French. But, suppose all the defects of which I have been complaining were removed, all the omissions supplied, there is this grand objection to these returns—to the Statistics which my noble and learned Friend, now gone the circuit (Lord Campbell), described as so important; they are confined to persons tried at Assizes and Sessions, and are silent as to all other trials and all other proceedings. Not one word of police courts—not one word of summary convictions of any kind: forming, really, the greater part in number, though not in magnitude, of the whole criminal proceedings of the realm. All the arrests, and discharges, and penalties at police courts—all the proceedings at petty sessions—all the penalties inflicted summarily out of sessions—are entirely left out; and your Lordships will observe, that the jurisdiction of magistrates has lately received a very large extension, both voluntary and contentious, both where persons plead guilty, and where they elect to be tried at once and without jury, by the Act of last session, which I have often taken the liberty of calling the Carlisle Act, because it originated in the petition presented by me from my friends the Cumberland justices, last session and the session before, though a right hon. Friend elsewhere (Sir John Pakington) had proposed a like measure somewhat earlier. This new Act has been found to work so admirably, that a most able and learned Judge now on circuit (Mr. Justice Coleridge), lately pronounced a high panegyric upon it, the more valuable because his Lordship had formerly, as he states, entertained a somewhat different opinion, before the experiment was tried. The whole results of summary jurisdiction are thus left out of our criminal statistics. But I will now suppose this omission also to be supplied, and that we have these results, as well as the proceedings at assizes and sessions, still our accounts are confined to crimes which actually appear before different courts.

Hitherto I have spoken of offences and offenders as recorded in the proceedings of courts, whether of trial or of police; but it is of the greatest importance to ascertain as far as possible the number of crimes which never reach any court: nothing can be more essential to the formation of an estimate touching the state of crimes in the community, and the action of the law in detecting and in preventing them. I can give no better illustration of this than is afforded by the inquiries of the Commission on the Constabulary Force, whose report was made in 1839; at the head of it was my right hon. Friend the Speaker (Mr. Lefevre), Colonel Rowan and Mr. Chadwick were the other commissioners; and it would not be easy to name any persons whose authority stands higher in all respects, but more especially on the subject-matter of their inquiry. I may say that they soon found their progress stayed, if not altogether stopped, by the want of statistical information. They were obliged to issue above two hundred questions for obtaining necessary details from various departments, all which details, had their inquiry been conducted in France, would at once have been furnished by the inspection of the yearly tabular returns. On one subject they had access to accurate information regarding untried, indeed, unprosecuted offences, that of forgery. From the Bank they obtained the number of forgeries for a series of years, and the result of the comparison is very instructive. The average number of forgeries for the years 1816 and 1817 was 28,000; the convictions, 110. The average of forgeries for 1820 and 1821 was 24,000; the convictions, 240. So that, while the convictions show an increase of the offence of more than double (24 to 11), the offence had actually decreased in the proportion of 7 to 6. So, in the twenty years ending 1826, the convictions had doubled, while the offence had fallen to one-half. Well may the Commissioners observe, that if our view is confined only to the transactions in the courts of criminal justice, we may be seriously misled in our inferences, as may likewise the community in its feelings; and the legislature and even the dispensers of mercy may be misled, if the calculations founded on judicial proceedings are not corrected by a reference to the actual state of offences in the country. That there exist the means of obtaining such information cannot be doubted. We have it in some of our own great towns by means of the police; we have it generally in Ireland; and the Tables of crime and outrage record such information —the result, however, as almost all our returns are, of occasional exertions, arising from the accident of motions in Parliament. I will take the returns from the Dublin Metropolitan Police; I have here those for 1852. It appears that there were 60,886 offences of all kinds, and only 54,261 persons apprehended; so that above 6,000, or a tenth part of the offences, are reported without any proceedings having been had. Of the whole there were 40,256 sentenced, 13,050 discharged, and 955 committed for trial. I must add, in justice to my worthy countrymen of the sister kingdom, that by far the greater number of the sentences, or 43,000, were for smaller offences; for instance, 16,000 were for vagrancy. But this return shows that we may obtain accounts of crime independent of judicial proceedings. The French tables go further: they give a minute account of the causes which are supposed to have operated in producing the offences—as passion, poverty, sordid propensities, irregular habits; and no doubt this may be regarded as somewhat a speculative statement. Compared with the other heads of the returns it certainly is so; but it is very far from therefore meriting no attention. If, for a small number of instances, or for a single year, we were to rely upon such an account, manifestly we should be led into error. But as the same causes of inaccuracy, the same want of complete information in individual cases, the same sources, in short, of error, most probably exist in each district, and in each year, we may more safely rely upon the comparison of district with district, of year with year. As to time, if we cannot with perfect safety compare the returns of two single years, we can with greater certainty institute a comparison between any two years and any other two; and if we take the average of six or seven years at one period with the like average at a subsequent period, according to all the doctrine of chances, we shall be probably safe in the conclusions we draw from the result of the comparison.

Let me now lay before your Lordships in one view the result of the whole French Annual Statistics; and that not as a mere matter of curiosity, but as fruitful of proofs how far they are superior to our own, and as leading to some remarkable illustrations of the consequences that spring from our great deficiencies. We shall find that light is thus thrown, for example, on three subjects which must and justly occupy the attention of Parliament at the present day: the establishment of a rural police, prison discipline, and the secondary punishment consequent upon the disuse of transportation, connected with recommitment and ticket-of-leave. In 1853, the last year for which I have the tables, the offences of the whole country were 5,440, and 7,317 persons were tried at assize courts, 208,699 and 261,147 persons of lesser offences tried correctionally—in all 213,139 offences and 268,466 persons. Of the assize cases 4,194 were persons in the rural districts, 2,821 in the towns; and of the rural, 2,458 were charged with offences against property, 1,646 against the person; while of the towns 2,115 were against property, 715 against the person. I need not stop to observe that these are general results; but the tables give everything in the most minute detail, specifying the offences and offenders in each district, the proportion to the population, with all the other particulars on which I have already commented. Then, we have similar returns in the like detail as to police proceedings; and the total is 543,407 persons apprehended or summoned, of whom 474,359 were punished by fine, 24,748 by imprisonment, and 42,433 were discharged. The offences, of course, were, for the most part, of a trivial description; thus 25,203 were cases of keeping shops open at undue hours. But one very important head is given, especially in the graver cases, that of *recidives*, relapse, or recommitment: we find that of the 7,317 tried at assize courts, 2,401 had been punished before. It is true that fifteen-sixteenths of the number had only been sentenced by the Correctional Tribunals; but 983, or nearly one-seventh, had been condemned to a year's imprisonment, 278 to more severe punishments, and no less than 169 to *travaux forcès*, indicating very grave offences. It is from the view of these facts, and facts such as these, that the Government had been led to consider very anxiously the necessity of making some alteration in the system of secondary punishments, as well of the law itself as of its execution; and one most important use of these details, indeed the great value of such statistics, arises from their holding up to the Government the state of the criminal law and its administration. Here we are continually desiderating such lights; and we are fain to obtain the mere glimmering afforded by occasional returns, required by mere accident and by accident furnished, instead of having them regularly supplied at all times, and systematically as well as symmetrically arranged, like those of our French neighbours. When I presided over your Lordships' Committee on Transportation some years ago, we had to circulate our questions in various quarters, and to examine for many days, I might say weeks, a vast number of witnesses, the greater part of whose testimony would have been rendered unnecessary had our criminal statistics been like those of France, because the inspection of the tables would have given very much of the information required, and given it without the partial, one-sided view inevitable in the statements brought forward for a particular purpose. The information afforded by the French tables is further of the very kind most wanted to shed light upon the question, the all-important question, of a police establishment. A noble Friend of mine who attended the Brussels and Paris congress, and has given his valuable opinion in the letter I am to move for (Viscount Ebrington), could well speak to the want of such statistics in this country. He was, with one or two others, lately engaged in the plan of establishing a rural police for the county with which he is connected, that of Devon. They had recourse to the experience of places where it had been tried. All was diversity and variation. In some counties, as Oxfordshire, they found the experiment had been made with superintendents and no assistants—with officers, as it were, and no privates; in other places, privates and no officers; in some, as Lancashire and Hampshire, both officers and privates. But there were no returns of the practical working; no steady light was shed on the effects of the plans severally pursued. The inquirers were not helped, but hindered: sometimes in the dark from the total want of details; sometimes misled and not enlightened, but bewildered by false lights and cross lights; so that in despair they gave up the attempt to guide themselves by the experience of others, and Devonshire has not had even the trial of a rural police.

I have now shown your Lordships how defective the criminal Returns are in almost every material particular; how entirely they are made without system; and, excepting that most imperfect account of the assizes and sessions, how much their existence in any form depends upon the chance of some Motion, or other proceeding, occurring; so that in the result, for the most part, there are no Returns at all. But bad as this is, the want of information respecting civil proceedings of all kinds is incomparably more disgraceful to us. There is absolutely not a return of the kind made regularly either to the Government or to Parliament—not the least record left of the state of any of the courts of Law or Equity, Admiralty or Consistory, except that once a Motion of mine to your Lordships, was made with a particular view, and by this chance we had a list of the Judges and their salaries—nothing like an account of the business transacted by these courts, except that the Commons also for a particular purpose directed a return of the County Court causes, which account happens to have been repeated; but there exists no return whatever of the causes in any of the other courts, either general or in detail; and any one looking at our Parliamentary Returns connected with the administration of justice, returns which it would be a cruel mockery, a very sarcasm, to call statistics, must conclude, if he had no other means of information, that there was no business at all carried on in this country of a civil nature—no causes tried, no judgments pronounced, no costs incurred, no delays to wear out the suitor's life, no expense to consume his substance. Only see, my Lords, the consequence of this most lamentable defect in the information promulgated by authentic documents — this total want of such information from official sources as to all that passes in our courts of civil jurisdiction! See the sad effects of our having been left ignorant of all these particulars, that is, left without their being brought together and in one view, so as to produce the impression which can only be made by the light of such a concentration! Does any one dream, for instance, that the defects in the Court of Chancery could have continued so long to vex the suitor and discredit the law, had the whole of the suits been chronicled regularly here as they are in France, with their results, and the periods of their endurance? What possibility would there have been of the Legislature, but still more of the country, bearing for years, ay, and for generations, I might say for ages, those defects—we may now call them grievous abuses, for they have been at length, after a more than Chancery length of time, condemned and partially removed—those abuses which ended in making the name of the court a term of reproach? My belief is, that a regular yearly table, exhibiting the causes, the delays, the costs, would, even without a Department of Minister of Justice, have sufficed to produce, years and years ago, this great improvement. From that subject I willingly abstain on the present occasion. I have often urged it strenuously on your attention; but it is now, I trust, safe in the abler hands of a right hon. Friend elsewhere (Mr. Napier), and he, I know, will persevere after the success which attended his appeal, as learned as eloquent, to the Commons upon a late occasion. I may, however, remind your Lordships of the slow progress which has been made in the great cause of law amendment from want both of a Minister of Justice and of regular records of judicial statistics. The mere dates of measures propounded and adopted, distinguishing the times of the proposal and enactment, will show how truly the great sage's (Lord Bacon) maxim that proposal has wings, execution leaden feet, applies to all plans of amendment brought forward by men not clothed with official authority. I may well instance the greater part of my own plans for reforming our laws. Of the nine Bills which in 1845, with the concurrence and support of my learned colleagues of the Law Amendment Society, I presented to your Lordships, and of which the greater part have since become law, I will venture to say all, certainly eight of the nine, would have passed easily if patronised by a person having the influence of Government to support him; and of those which did pass, by far the most important, that which has really altered the whole face of procedure in courts of civil judicature—the making the parties competent witnesses in civil causes, was postponed from 1845 to 1851; and though the Judges now admit that it has had the most blessed effects upon the administration of justice, the suitors and the courts were kept from its benefits, the discovery of truth obstructed, the triumph of falsehood secured, for six years and a half of utterly needless delay. Again, of the four courts, the establishment of which I urged upon your Lordships—and all of which, by many years' experience, are found to have been changed in our judicial system at once safe and beneficial—mark the dates of the proposal and adoption. The Bankruptcy Court Bill, presented in 1831, passed the same year. The Central Criminal Court Bill passed in less than six months after it was brought forward. The Judicial Committee was formed and in action within a few months after the Court of Delegates had been abolished. In all these cases of sure and speedy legislation I sat upon that woolsack, now so much more worthily occupied (I speak most sincerely and unaffectedly) by my noble and learned Friend; but the Evidence Bill, which lingered six years in its passage, was presented after I had long ceased to hold office. To one, the greatest of all these changes and the most important, the establishment of Local Judicature, no doubt, my present argument does not apply; for though originally propounded in the other House (1830), and before my accession to power, it was afterwards submitted once and again to this House with the advantage of official weight; and I bear your Lordships no malice for rejecting it by the narrowest majority in a moment of party controversy (1833). This blessed measure was some years after introduced and carried by my noble and learned successor, and though too long deferred, has produced the happiest effects (1845). Such postponements of beneficial changes are, however, to be deeply lamented; and I cannot avoid recollecting, perhaps, the most remarkable instance of this delay, and which never could by possibility have taken place if all that passes in the Courts of Chancery had been, as in France, regularly recorded, and promulgated, and held up, as it were, in the face of the Parliament and the Government by periodical display of the facts. It affords a striking instance of our great loss in the want both of a Department of Justice, and of a Department of Judicial Statistics. The most important change, and the greatest improvement of that court and its proceedings, is on all hands confessed to be the abolition of the Master's office. When was this first propounded? In 1842, by my hon. and learned relative (Master Brougham), then a Master, whose experience of ten years had led him to consider (and one or two of his brethren, I believe, agreed in the opinion) that there was no other remedy for the evils so loudly and so long complained of. In answer to the demand for his opinion by the Chancellor (Lord Lyndhurst), he reported to the Master of the Rolls (Lord Langdale) the very measure, with its details and the reasons for it. He and his colleagues could see no other means of effacing the blots on the system, than the root and branch reform of entire erasure. They said of their court, as the old Roman (or rather Spaniard) did of his own epigrams:—

> "Non possunt nostros multæ, Faustine, lituræ
> Emendare jocos."

If sport to them, their proceedings were death to the poor suitor; so they mercifully concluded—*una litura potest,* and urged the total abolition. But when did my hon. relative make this proposal to Lord Langdale? In 1852; and, for want of the departments I have named,—above all, for want of the concentrated light which must have been cast upon the evil and its causes by the constant promulgation of the whole particulars connected with the Master's office,—ten long years were suffered to elapse of unspeakable suffering to the parties, utter disgrace to the tribunal, and general discredit to the administration of justice.

I have stated the contrast which France presents in this respect, and I pray your Lordships to mark how the facts bear out my assertion. We have a perfectly full account regularly given to the Minister of Justice yearly of all the proceedings of every court within the Realm in the most minute detail. That functionary makes his report to His Imperial Majesty, and presents the reflections also which the facts are calculated to suggest with a view to the improvement of the law and its execution. I am now dealing with the subject of delay. See how that is chronicled in these reports. We find that of the causes in the Court of Primary Jurisdiction (*Première Instance*) one-fourth on an average last above a year, one-third three months; but in the next superior court (*Cour d'Appel*) only one-fifth are disposed of in three months, while one-third take a year. I have already shown that the despatch is much greater in the criminal courts, nine-tenths of the proceedings for greater offences occupying six months, nineteen-twentieths of the proceedings for lesser offences three months only. The Minister of Justice is immediately struck with this difference of expedition in courts composed of the same judges, and he reports upon it. He is of opinion that it arises partly from the criminal proceedings being under the superintendence of the Public Prosecutor, somewhat from the greater complicacy of the civil procedure — but chiefly from the operation of professional interest — professional men, and, it should seem, some official persons also, being benefited by the protraction of suits. He calls the attention of the Emperor to this important subject, and promises his assistance in devising and effecting such measures as may (I cite his own words) "give to the administration of civil justice that promptitude which is an element of its efficacy." One may venture to conjecture that a report upon the Master's office would not have required the *decies repetita* in France as with us; that the denouncement of the Minister would have called forth that vigorous arm which brooks not the delay of a ten years' siege; and that the stronghold of abuse would have fallen in far less than the classical period of time during which it was suffered to mock the prayers of the suitor and defy the assaults of the amenders of the law.

My statements have already extended to a considerable length, and I feel thankful to your Lordships for having so patiently borne a discussion upon matters somewhat dull in themselves, interesting as are the great subjects with which I hope their intimate connection has been demonstrated. I must, however, still claim your attention to another subject of very great importance upon which the judicial statistics of our neighbours throw some light; I mean the Process of Reconcilement, the proceedings in the *Bureaux de Conciliation.* I have, unhappily, never been able to obtain your concurrence in the measures often propounded by me, chiefly in the County Court Bills, for establishing this most beneficial tribunal in England; but I hope that either I shall be spared to see such a consummation of all the great reforms in our law, or that in other and more powerful hands it will be accomplished. It needs no proof surely from experience to show how unspeakably great would be this blessing—the extinction of all, or nearly all, the unjustifiable litigation, that which, being groundless, is the mere torment of society. Facts we have in abundance to prove the success of the plan, wherever it has been tried and had fair play. In some countries it has at once cut off four-fifths, in others even more, of all the suits previously brought and carried through the courts. But can any one doubt that this must be the result, or require the proof from experience of what the least reflection must show to be infallibly certain before any experience is had? Needs more be done to secure its favourable reception than simply to tell what the plan is? If the parties who can by no possibility have an interest in continuing a hopeless litigation, shall go before a judge without the presence of a professional man who may have such an interest, and shall hear the opinion of a person whose station commands respect, whose judgment they trust, and who stands perfectly impartial and indifferent between them—if the one be told that he has no chance of succeeding should he prosecute his suit, or the other that his defence must prove unavailing, can there be any reasonable doubt that in a great majority of instances this advice will be taken, say rather, this warning will prove effectual; and so the hopeless demand or desperate refusal will be at an end, and the greater part of the causes stopped, such only going on as involve matters of fact properly in dispute, or points of law really requiring to be settled by trial? The French process of this kind is by no means so well devised as that of Denmark and some other countries where the effect of its introduction has been to clear the tribunals of a very large number of that class of causes to which I have referred. But, comparatively inefficient as the *Bureau de Conciliation* is, in consequence of the less satisfactory provisions of the law, it nevertheless produces very important results. We find, for example, by the tables for 1853, that of 211,000 proceedings in Conciliation, no less than 154,000, or three-fourths, were successful in wholly and finally adjusting the conflicting pretensions, or settling the cases without further litigation.

I must now add, that whatever doubts may be entertained, or, if I may respectfully to your Lordships so speak, whatever prejudices may prevail against Courts of Reconcilement, surely there can be no hesitation in approving of the *Conseils de Prud-hommes,* and envying our French neighbours for the possession of so useful an institution, one so much wanted amongst ourselves. These, as your Lordships may be aware, are councils composed of respectable individuals not professional, for arbitration upon matters connected with the work and the differences of artisans, and especially for settling by voluntary submission disputes between masters and workmen. The successful working of this excellent plan is universally admitted. Thus I find that of 28,429 disputes in 1850 all were settled save 1041, and of this small proportion, only $\frac{1}{27}$, the greater part were subsequently accommodated by parties who at first had refused to yield. The proportion in Paris was much less satisfactory, less so indeed than in any other Department, probably from the turbulent habits of the working classes in that capital—not above two-thirds of the disputes were settled. In the great manufacturing districts it was very different. Thus, at St. Etienne, of 2818 disputes, all but seventy, that is, all but one-fortieth, were accommodated. Only conceive how beneficial it would be if for our Birmingham (the St. Etienne of this country) you had a Domestic Forum which cut off thirty-nine in forty of the disputes between masters and men by an amicable, and comfortable, and immediate settlement!

I have described the evil consequences of our only having occasional and chance returns upon the most important heads of both civil and criminal statistics—that one accidental Motion in either House obtains our only information on the numbers and salaries of Judges, another on the business transacted in courts of a single description only, the County Courts. But I should except two others, Admiralty and Bankruptcy, from the statement that there never have been any returns; for by mere accident there have been in both these cases, but once only; and the information never has been continued, so that it became entirely useless for any practical purpose. The unhappy accident of the war occasioned a return to be called for from the Prize Courts, and it was of considerable use in showing the effects of the blockade; but nothing could be more interesting than an account of all the Admiralty cases, as well as the Prize causes. Thus, in cases of collision and seamen's wages there is a concurrent jurisdiction with the Courts of Common Law. It would be important to compare the proceedings in these concurrent courts, were it only to show what preference is given by suitors to the one or the other jurisdiction; and these returns should manifestly not be limited by the duration of the present lamentable hostilities. On the Courts of Bankruptcy we happen to have returns dated some years back, not from any systematic course of furnishing this important information, but because there chanced to be a Commission appointed for inquiring into the state of the Bankruptcy judicature, and also a Committee moved for by my noble and learned Friend (Lord St. Leonards), who had doubts, or more than doubts, on the new system of class certificates. Much evidence was examined for many days by both Commissioners and Committee; and I will venture to affirm that a great part of it might have been obtained by an inspection of tables, if we had possessed anything like those of France, on the same subject. The Commission obtained very full returns; they are the only ones ever made, although the new judicature has been in existence and in full operation for a quarter of a century. They have never been continued since the Commission acted three years ago: they are liable to all the objections of being occasional, imperfect, one-sided, as compared with the full and regular tables of the French Government; though they are of use as far as they go, and for the period, now gone by, to which they relate. Than the French nothing certainly can be more admirable; they are full to minuteness of detail, and except that they omit the expenses of parties (the defect, and the only one, in the other tables of civil proceedings), they may be truly said to exhaust the subject. Thus, to give a summary, and no more: taking the year 1853—there were 2,126 bankruptcies; of these 319 for less than £200 (I translate into our money); 468 between £200 and £400; 348 between £400 and £2,000; 200 between £2,000 and £,4000. The assets amounted to £1,320,000, of which £480,000 real estate: debts £4,480,000, of which £520,000 secured by mortgage. Then the dividends are given in minute detail, so that at a glance you can tell how many, and in respect of what debts, received so many shillings in the pound (or sous in the franc) under the heads of various sums. I can imagine nothing more worthy of praise than this class of their statistics; but, indeed, the whole of the great work is an object of admiration and of envy—a work renewed regularly year by year ever since the department was finally formed in 1829, Napoleon having begun it in the consulship, and afterwards more fully arranged it in 1811; but the execution of this important design was not consummated before his fall. The precious volumes which are its yearly result, and which, considering the infinite number and minuteness of the details, are of no startling size, two moderate quartos only, are accompanied with the Minister's full and somewhat special report, on the great value of which, for purposes of practical legislation as well as for administrative uses, I have already more than once commented.

Let me set before your Lordships, in conclusion, the remarkable picture which they present of the general state of litigation for the last thirty years, before the war broke out. Notwithstanding the great increase in the numbers of the people, the number of causes had apparently somewhat fallen off, a real diminution of no inconsiderable amount, if we keep in mind the progress of the population. But in one class of causes there was no decrease; commercial causes had doubled. Heaven be praised! Humbly, devoutly, but most heartily, let us pour forth our gratitude to the Great Disposer, for this happy consummation—happy for England, for Europe, for the civilised world, for France herself, above all—indicating, as it full surely does, the vast increase of trade, the application by that great people of their indomitable energies, their varied ingenuity, their untiring industry, their matchless perseverance—to the blessed pursuits of peace; for of commerce, we may say, as a great orator of ancient times did of his own art: "*Pacis comes, otiique socia, et jam bene constitutæ reipublicæ alumna*"—"the offspring and the pledge of peace abroad, order at home."

My Lords, I will not further weary you by reading these Resolutions which I now move; they embody the recommendations I have made, and show how these may best be carried into effect. I have had, in framing them, not only the example of the French Statistical Department and its labours, and the co-operation of my colleagues in the Statistical Committee of the Law Amendment Society—more especially, I have had the invaluable assistance of Professor Levi, whom I have long known, and than whom I have never met with a person of greater ability and more extensive information on all subjects connected with the science and statistics of commercial law, whereof he is the distinguished teacher, or one of industry more indefatigable. In framing the Resolutions which relate to the Admiralty and Consistorial Courts, we have had the aid of my friend, Mr. Rothery; and what concerns the Bankruptcy Court has been settled by communication with persons of that department. From the Statistical Department of the Board of Trade, under Mr. Fonblanque's able superintendence, I have derived liberal and valuable assistance, and his correspondence with Professor Levi on Judicial Statistics, is one of the two papers for which I have now to move you: the other is, Lord Ebrington's letter to Lord Palmerston, on the same subject. The Resolutions I only desire may be laid on your table and printed, and I shall move that the debate on them may be adjourned.

The noble and learned Lord then moved a series of Resolutions, defining the Returns which were required; but these were withdrawn on the resumed debate on the 13th March, and the following extended Resolutions substituted:—

I. "That a Judicial Survey should be made, to be continued quinquennially; showing—

"(1) The Number of Courts in the United Kingdom; (2) The Geographical Limits of their respective Jurisdictions; (3) The Nature of the Subjects they have to deal with; (4) The Number of the Judges and Officers attached to them, whether salaried or not; (5) The amount of Salaries and Fees received by such Judges and Officers; (6) The Funds out of which they are paid; (7) The amount of Business brought before them; and—(8) The Proportion of such Courts to the Population, and Character of each County or District."

II. "That as respects Criminal Statistics accurate Tables should be annually prepared; showing—

"(1) All Offences brought within the Cognisance of the Police, classified under different Heads; (2) The Number of Persons apprehended and charged with Crimes and Misdemeanors; (3) The Number of those summarily proceeded with, distinguishing those discharged and punished; (4) The Number of Persons committed and bailed for Trial to Sessions and Assizes; (5) The Number of Recognisances estreated for Nonappearance; and—(6) The Courts to which they stand so committed and bailed."

III. "That such Tables should show all such Particulars as may be obtained relative to the Individuals so committed, as to their—

"(*a*) Sex; (*b*) Age; (*c*) Degree of Instruction; (*d*) Condition, whether single or married, and, if married, having Children or not; (*e*) Place of Birth; (*f*) Place of Domicile; (*g*) Trade and Occupation; and (*h*) Antecedents of the Criminals, showing in case of Recommittals how many Times they have been committed, the Crimes they had committed, and the Punishments they had undergone."

IV. "That the above Information and Particulars should be given in relation to the different Classes of Crimes, and to the Counties where they have been committed."

V. "That the Causes of Crime, as far as they may be traced or ascertained, should also be given in connection with such Classification of Crimes and Criminals."

VI. "That the Number of Offences detected and undetected, and Number of Persons committed for Trial, should be shown in proportion to the Population of each County; distinguishing Crimes committed by the Rural and by the Town Population."

VII. "That the Results of the Trials should be given; showing—

"1. The Number of Persons acquitted; distinguishing—

"(*a*) Number found not guilty on Trial; (*b*) Number with regard to whom no Bill was found; and—(*c*) Number against whom there was no Prosecution.

"2. Number of Persons convicted; and—

"3. The Kind of Punishments or Fines awarded in relation to the different Crimes;

the same classified by Counties, and distinguishing the Courts by which the Punishments or Fines are awarded."

VIII. "That Accounts should be given of the Execution or Commutation of Punishments or Fines, whether by Death, Transportation, Penal Servitude, or otherwise; and, in the Case of Transportation, to what Penal Colony the Criminals have been sent."

IX. "That the Number of Tickets of Leave granted to Criminals in the Prisons of the United Kingdom or condemned to Penal Colonies should be given; showing—

"1. The Crimes such Criminals had committed;

"2. The Punishments to which they had been condemned; and—

"3. The Length of Time they had already been punished."

X. "That Accounts should be given of the Number of Coroners' Inquests or Inquiries for Murders, Homicides, and Accidental Deaths, stating the Causes of Death, and also of the Number of Suicides in each County, and in each Month of the Year."

XI. "That Prison Returns should be prepared; showing—

"1. The Number of Prisoners entered and disposed of, according to their—

"(*a*) Sex; (*b*) Age; (*c*) Place of Birth; (*d*) Trade or Occupation; (*e*) Crime; and—(*f*) Punishment.

"2. The Number of Recommittals in the respective Prisons;

"3. The Duration of Punishment the Prisoners have already suffered, and that which they have yet to undergo;

"4. The System pursued as to separate Imprisonment, or otherwise;

"5. The Nature of Employment of Prisoners, and the Amount of their Earnings, distinguishing the Mode in which such Earnings are disposed of;

"6. The Degree of Instruction, religious and industrial, possessed by the Prisoners on their entering and on their leaving the Prisons;

"7. The State of Health; showing—

"(*a*) The rate of Mortality; (*b*) Cases of Insanity; (*c*) Diet; (*d*) Ventilation and Warming; and—

"8. The Cost of Prisons."

XII. "That special Returns should be given respecting Juvenile Delinquents; showing—

"(*a*) The Sex; (*b*) Age; (*c*) Degree of Instruction; (*d*) Trade or Occupation; (*e*) Having Parents living or not, and which Parents; distinguishing, in Cases of Recommittals—(*f*) The Crimes they had before committed; (*g*) The Punishment they had suffered; and—(*h*) How many Times they have been committed."

XIII. "That Returns should be given of the Number and Capacity of Reformatory Schools established in proportion to the Population of each County and District."

XIV. "That the same Returns should show the Number of Youths admitted and disposed of, distinguishing Vagrant Children and Juvenile Offenders; and the same classified according to their—

"(*a*) Sex; (*b*) Age; (*c*) Degree of Instruction, religious and industrial, possessed by the Youths on their entering and on their leaving the Schools; and also the Number of Youths compulsorily detained, and the Number whose Entrance was voluntary, and the Nature of the Discipline used in the Schools; (*d*) Trade or Occupation."

XV. "That the same Returns should be given with respect to similar Establishments for adult Criminals, distinguishing those for Females from those for Males."

XVI. "That as regards Civil and Commercial Judicial Statistics, all Courts of Justice, of whatever Nature, should be required to give annually Returns of their working; showing—

"1. The Number of Plaints entered;

"2. The Number of Appearances;

"3. The Number of Causes tried;

"4. The Number left in arrear;

"5. The Nature of the Causes tried, classified under distinct Heads, such as Causes—

"(*a*) of Property; (*b*) of Wills; (*c*) of Divorce; (*d*) of Bills of Exchange; (*e*) of Insurance, &c., &c.;

"6. The Amount of Property in Dispute;

"7. The Number of Motions for new Trial;

"8. The Number of new Trials;

"9. The Courts to which the Appeals were carried;

"10. The Courts from which they were brought;

"11. The Number of Judgments affirmed or reversed;

"12. The Causes of the Reversals;

"13. The Duration of the Suit, and Appeal (if any);

"14. The Costs allowed upon Taxation;

"15. The Number of Juries summoned;

"16. The Number of Causes tried without Juries; and—

"17. The Number of Interlocutory Orders."

XVII. "That the Admiralty Courts should give Returns of—

"1. The Number of Causes instituted, distinguishing Proceedings in *rem* and in *personam;*

"2. The Nature of the Causes;

"3. The Number of Causes settled before Hearing;

"4. The Number of Causes brought to Judgment;

"5. The Duration of the Suits where Judgments have been given;

"6. The Amount at which the Actions were entered;

"7. The Number of Causes decided in favour of Plaintiffs;

"8. The Number of Causes decided in favour of Defendants;

"9. The Number of Causes where Appeals have been made;

"10. The Courts to which such Appeals have been asserted;

"11. The Number of Judgments affirmed and reversed;

"12. The Number of Causes referred to the Registrar and Merchants;

"13. The Amount reported by them to be due;

"14. The Number of Cases in which the Reports were or were not confirmed by the Judge; and—

"15. The Amount of Costs allowed upon Taxation."

XVIII. "That the Ecclesiastical Courts should give Returns;

"1. As regards Testamentary Matters;

"(*a*) Of the Number of Grants of Probate and of Administration; (*b*) The Number of Cases in which Probate or Administration has passed unopposed; (*c*) The Number of Cases in which they were opposed; (*d*) The Duration of the Causes; (*e*) The Number of Causes appealed; (*f*) The Courts to which such Appeals were brought; (*g*) The Results of such Appeals; (*h*) The Cost of Suits.

"2. As regards Matrimonial Causes;

"(*a*) The Number of Cases, distinguishing those instituted by Husband and by Wife; (*b*) The Number of Judgments for Husband and for Wife; (*c*) The Number of Causes appealed; (*d*) The Courts to which such Appeals were brought; (*e*) The Results of such Appeals; (*f*) The Duration of Suits; and—(*g*) The Cost of Suits.

"3. As regards Ecclesiastical Offences;

"(*a*) Number of Cases; (*b*) The Nature of the Causes; (*c*) The Number of Judgments for Plaintiffs and Defendants; (*d*) The Number of Appeals; (*e*) The Courts to which such Appeals were brought; (*f*) The Results of such Appeals; (*g*) The Duration of the Suit; (*h*) The Cost of the Suit.

XIX. "That the Courts of Bankruptcy should give Returns of—

"1. The Number of Bankruptcies in each County or District;
"2. The Amount of Bankruptcies under different Heads;
"3. The Amount of the Debts, distinguishing those secured from those upon personal Obligation;
"4. The Amount of Assets, distinguishing real from personal;
"5. The Amount of Dividends paid, under proportional Heads;
"6. The Trades of the Bankrupts;
"7. The immediate or proximate Causes of Bankruptcies;
"8. The Amount of the Expenses to the Bankrupt Estate of working the Fiats."

XX. "That the Privy Council should give Returns of—

"1. The Number of Cases entered;
"2. The Number of Cases disposed of;
"3. The Number of Cases left in arrear;
"4. The Nature of the Causes;
"5. The Colonies or Dependencies from which Appeals are sent;
"6. The Courts from which Appeals were brought;
"7. The Number of Cases decided in favour of the Appellants;
"8. The Number of Cases decided in favour of the Respondents;
"9. The Amount of the Cause;
"10. The Duration of the Suit;
"11. The Cost allowed upon Taxation."

XXI. "That the House of Lords should give Returns of—

"1. The Number of Causes entered;
"2. The Number of Causes disposed of;
"3. The Number of Causes left in arrear;
"4. The Nature of the Causes;
"5. The Number of Divorce Bills introduced, distinguishing those introduced on behalf of Husbands and on behalf of Wives;
"6. The Number of Divorces granted;
"7. The Number of Divorces refused;
"8. The Number of Cases decided in favour of Appellants;
"9. The Number of Cases decided in favour of Respondents;
"10. The Amount of the Causes;
"11. The Duration of the Suits;
"12. The Costs allowed upon Taxation."

XXII. "That the Prize Courts should give Returns of—

"1. The Number of Vessels captured, distinguishing, under different Heads, the Tonnage, Flag, and Nature of the Cargoes;
"2. The Names of the capturing Ships;
"3. The Duration of Suits, from the Day of Capture and of Commencement of the Suit to the Day of Adjudication;
"4. The Grounds of Capture;
"5. The Number of Vessels condemned;
"6. The Number of Cargoes condemned;
"7. The Number of Vessels restored;
"8. The Number of Cargoes restored, distinguishing the Countries to which Vessels and Cargoes respectively belong;
"9. The gross Proceeds and Payments thereout;
"10. The Costs allowed upon Taxation;
"11. The Number of Causes appealed;
"12. The Court to which such Appeals were carried;
"13. The Results of such Appeals."

XXIII. "That the British Consuls and Ambassadors in all foreign Countries should send Returns of—

"1. The Number of judicial Acts performed by them;
"2. The Number of Marriages celebrated before them;
"3. The Number of Protests of Masters of Ships, and other Acts regarding Salvage, Insurance, &c.;
"4. The Number of Cases brought before them in a judicial capacity."

XXIV. "That all such Returns should be Tabulated in some uniform Manner, so as to admit of Comparison with each other."

XXV. "That the same Returns should be given for England, Scotland, and Ireland, and published simultaneously."

XXVI. "That a Department for the Collection of Judicial Statistics should be formed in connection with the Home Office, or other Statistical Department already in existence, to which all such Returns should be annually transmitted, except the quinquennial Account respecting the Judicial Organisation; and that the same Department should make an annual Report to Parliament at a stated Time, presenting such Returns in a collected Form, illustrative of the State and Progress of the Administration of the Law throughout the United Kingdom."

THE LORD CHANCELLOR said, that his noble and learned Friend had taken a very fair course in not asking their Lordships at present to pronounce any judgment on his Resolution. He was not aware that there was any alteration in the mode of giving the Criminal returns since 1840, and he could not believe that for a paltry saving of some £80 or £90 a year any useful information would be omitted. As to the Returns from the civil courts he did not see any difficulty or objection to giving them regularly, instead of moving for them every Session. Those Resolutions referred to matters of the greatest importance, and were worthy of the cordial attention of their Lordships, and he could assure his noble and learned Friend that they should receive his most earnest attention.

Further debate adjourned *sine die.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 3, 1856.

MINUTES.] PUBLIC BILLS.—2° Trial of Offences; Out Pensioners (Greenwich and Chelsea).
3° Annuities; Exchequer Bills Funding; Secretary to the Poor Law Commissioners (Ireland).

IMPERIAL HOTEL COMPANY'S BILL.

Order for second reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. BENTINCK said, he should move as an Amendment that it be read a second time that day six months. He objected to the measure, because it proposed to give to a private trading company powers to interfere with property which, in his opinion, were perfectly monstrous.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. FITZROY said, he was glad that the attention of the House was drawn to the Bill, as it was one of such a nature as required their special consideration. Such a trading speculation had never been brought before Parliament. To the provision enabling the company to take Crown property, with the consent of the Commissioners of Woods and Forests, there could of course be no objection; but the Bill went further, and proposed to give powers to the company to take adjoining property without the consent of the owners. It was said that this project would tend to a great public improvement, but such a supposition was not a sufficient reason for giving those compulsory powers to a trading company. There was no precedent for such a course. The question of a railway, or of a canal company, was different, for in both those cases the importance was not only public, but national. He trusted that the House would agree to the Amendment of his hon. Friend.

SIR JOHN SHELLEY said, he was in no way concerned with the Bill, but as it proposed a great metropolitan improvement, he as a metropolitan member had examined it, and he thought it one which ought to be referred to a Select Committee. His right hon. Friend (Mr. Fitzroy) said that there was no precedent for the House agreeing to such a Bill, forgetting that there must be a beginning to everything. The complaint against the Bill was that it proposed to give the company compulsory power to purchase certain private property adjoining the Crown property, on which it was intended to build the hotel. They all knew that that property was at present occupied by a very low class of houses indeed. The company, in asking for that power, proposed to give up a large portion of that property for the formation of a new street, which would be the commencement of very great improvements. If, then, therefore, the hon. Member (Mr. Bentinck) should persevere in his Amendment, he (Sir J. Shelley) would take the sense of the House upon it, as he thought it should be a very strong case, indeed, which should induce the House to prevent the Bill of a great public company going before a Select Committee.

MR. BOUVERIE said, he was opposed to the second reading of the Bill, because he objected to the company getting from the House any compulsory powers. In Railway and Canal Bills the object sought was not only of national importance, but could not be carried out without compulsory powers, whereas in the present instance there was nothing to preclude the company from building their hotel elsewhere. The question was one of principle, not for a Committee but for the House to decide, and it was whether the House would establish a new precedent by agreeing to a Bill conferring such extraordinary powers on a trading company. The passing of the Bill would be the beginning of a system of legislation under which nobody's property would be safe.

MR. T. DUNCOMBE said, he could not conceive a greater nuisance than an hotel or public-house on the proposed site. He thought that a great part of the property, particularly where the barracks were situated, might be improved; but at the same time they might have a better building there than that proposed in the Bill.

MR. WILSON said, he must explain that the Government gave their assent to the Bill only so far as the Government property was concerned; and it would be for the House to decide on the other part of the Bill as it thought fit.

COLONEL WILSON PATTEN said, he should oppose the measure, and he cautioned the House against taking a dangerous step, by agreeing to the second reading. In the case of Railway Bills, when the House granted compulsory powers, they obtained a guarantee of the public being convenienced—that they should, for instance, be carried at certain fares; while the House could not, in the present instance, fix a scale of prices for the public accommodation.

MR. OTWAY said, as his name was on the back of the Bill, he would state the grounds upon which he was induced to support it. It was proposed to enable a company to obtain public property, by which great advantage would be derived to the public generally in the improvements they proposed to make in this metropolis. They would not only have a magnificent hotel erected, but great sanitary improvements effected in extending the area in the neighbourhood of Trafalgar Square, and in also throwing open the streets in that neighbourhood. As to precedents, he would remind the House that there was no precedent for the first railway that was established. They might have to wait for ever for great improvements if they were to wait for the establishment of a precedent.

MR. JAMES MACGREGOR said, he hoped that the Bill would be read a second time, as there was nothing so much desired in this great metropolis as a large hotel to come into competition with the hotels already established.

MR. W. EWART said, he thought that the objections raised against the Bill could be easily removed if the measure were referred to a Select Committee.

MR. MONCKTON MILNES said, he was a Member of the Committee that had reported unanimously in favour of the removal of the National Gallery from its present site. He thought that the present Bill would be a most advantageous measure towards effecting that object. It would give a stimulus to the whole question, and would enable them to appropriate to some good purpose the property purchased by the Government for an enormous sum some years ago. The magnificent pictures of Mr. Turner were all heaped together in what he might call the cellars of the building, as there was no site in which they could be placed so as to be exposed to public view. The Crown had acted most liberally in not opposing this great improvement.

MR. WILSON said, he simply meant to say, that the Government, so far as Crown property was concerned, had no objection to the Bill being read a second time, but with regard to the second point involved in the question they left that to be decided by the House.

MR. DRUMMOND said, at the time the National Gallery was about being built, the architect that was employed went to Greece in search of a *facsimile* in a Grecian building. This had given much satisfaction, as it was then said that Greece could produce the most perfect model for such a building. No sooner, however, was it erected than there was a universal cry raised against it. Well, the same thing happened every day. No sooner did they buy a great picture than it was discovered that it was not worth a farthing. No sooner did they erect a great building than they found out that it was a complete disgrace to the country. At the bottom of all this he had always detected a job. He did not know who the gentlemen were that were promoting this work, but at the bottom of such plans he had always found some jobbing architect and a lawyer.

Question put "That the word 'now' stand part of the question."

The House *divided:*—Ayes 72; Noes 64; Majority 8.

Main Question put, and *agreed to.*

Bill read 2°.

THE CRIMEAN COMMISSION—PERSONAL EXPLANATIONS.

On the Motion for going into a Committee of Supply,

SIR DE LACY EVANS said: I beg leave, Sir, to ask the indulgence of the House for a few moments, while I refer to some observations which were made on Friday evening by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), who reproved me and others, and, I am sorry to say, not altogether without foundation, for characterising the discussion on that evening as a random discussion, and I am afraid I had a full share in the random part of it myself. There were two names not introduced by the hon. Under Secretary for War, but adverted to incidentally by me.

I regret, Sir, that I did so advert to them, because what I said might prove prejudicial to those officers whom I had not the most remote intention of injuring. The first was the name of a junior officer, Major Dowbiggin, who was placed in high command. Since then an old friend of mine, and a relative of his, has sent me a letter with regard to that young officer, which it is most gratifying to me to read. I find that upon the 22nd June, while at the head of 200 men, he distinguished himself by his gallant and efficient conduct in repelling an attack of the Russian troops. On that account I, for my part, am extremely glad he obtained promotion, which, I am convinced by what I read in this letter—which, in my opinion, is more genuine even than a public dispatch—he amply merited. So far, then, from wishing, in the slightest degree, to injure his professional prospects, and so convinced am I of his merit on that occasion, that if I should see his name in the *Gazette* again, it would afford me very great pleasure. The right hon. Gentleman also referred to the introduction of General Simpson's name. In his private capacity, Sir, there is no man more highly spoken of than General Simpson. I have not the honour of his acquaintance, but I never heard one syllable to his disadvantage. On reading the paper on the following morning, I observed an expression in my speech which I regret exceedingly. I entirely admit the justice of the reproof of the right hon. Gentleman (Mr. Gladstone), and I now retract every word of which he complains. But with regard to his conduct as a general officer, there is no man in the British army who has a better claim or right to comment than I have, because no officer has been more freely commented upon, and I think rather severely, too, than myself. There is another name, and a much higher one, which I touched upon. I can assure the House that I had not the remotest idea of saying anything disrespectful of that officer; but still, in the heat of argument, in endeavouring to defend myself against the statement of the hon. Gentleman the Under Secretary for War, I am afraid I spoke of him without that profound deference and respect which I undoubtedly felt towards him. I allude to His Royal Highness the Duke of Cambridge. It was my lot throughout the campaign in the East to be constantly near him, sometimes supported by, and sometimes co-operating with, His Royal Highness; and it would have been impossible to receive more condescension and kindness than I received from His Royal Highness. It was my good fortune also to have concurred with His Royal Highness in his general views. I could give very striking instances of his excellent perception and good judgment in military matters; I have, therefore, Sir, such a sincere regard, if I may be allowed to say so, for His Royal Highness, that it would afflict me very much if anything I have said, or even the manner I said it, could in the remotest degree be thought wanting in that profound respect to which undoubtedly His Royal Highness is both personally and professionally entitled. I hope I have thus far exonerated myself from censure in regard to those two points. Sir, the name of Colonel Gordon was introduced by the hon. Under Secretary for War. The hon. Member for Beverley (Mr. Gordon) spoke first in reply upon the subject, and he addressed himself, in reference to his relative, in so generous and courteous a manner, that I must say I have a feeling of compunction in consequence of having spoken of him in the manner I did; and I can only say I sincerely hope he will forgive me for what I said, which fell from me in the heat of debate, and which, if I had had more presence of mind, I would not have uttered. I can only say I sincerely hope that he will attribute anything to me but the intention of inflicting pain upon him. The noble Lord the Member for Tyrone (Lord C. Hamilton) spoke on the subject with more energy, and he used an expression of which I was under the necessity of complaining to him. His reply was most handsome, kind, and complimentary, and I am bound to express my acknowledgments to him for doing so. He certainly used some strong expressions, but I am so conscious myself of very often being in the necessity of asking for toleration and consideration, for the loss of temper and the use of too strong expressions, particularly when personal feelings are engaged—as was the case on this occasion—that I cannot for a moment complain of those other expressions to which I allude. The principal complaint on that occasion against me was, that I was prejudicing Colonel Gordon in reference to the examination before the Board of general officers. Now, it certainly did not occur to me at the time that I should be doing so, and it is to me a matter of the deepest regret and sorrow that I might have said anything which would have such an effect.

I am, however, quite satisfied that that Board will not allow themselves to be affected by any unguarded expressions which, in the heat of discussion, may fall from hon. Members in this House. I also stated to the noble Lord that I had my own grievance still, and that I should bring it forward at a future period, not now; for I wish to observe the rule laid down by the right hon. Member for Droitwich (Sir J. Pakington) not to revive the controversy which has arisen. At a future time, however, I think I shall be able to show a little grievance of my own on this subject. Not having had the slightest notice that any evidence had been taken affecting these poor old generals from any party whatsoever, and only having learnt the fact by accident, I venture to hope if I have offended against the distinguished house to which the noble Lord and his relative (Mr. Gordon) belongs, I shall be able, whenever an opportunity occurs, to show that I also have some grounds of complaint in regard to that distinguished house. Having expressed my regret as strongly as I can do, I will now allude to an observation made at the conclusion of the noble Lord's speech, to the effect that I had made a proposition to Lord Raglan, after the battle of Inkerman, and that his Lordship replied to me—"What, do you propose to abandon the cannon and the trenches?" My reply to that was that no such expression was ever used towards me by Lord Raglan. But I did make a proposition to him, and I stated at the moment, from memory, what took place. The following morning, a friend of mine called upon me, and said, "I read what you said last night on that subject, and, perhaps you may have forgotten it, but I have a letter of yours, written immediately after the battle, which had been handed to me by your wife, and which contains the same words which you used in the House last night." I confess I had totally forgotten it; but I have now the letter in my pocket. It is quite at the disposal of any one who chooses to read it, but there are some observations in it, particularly with regard to our allies, to which it would be impossible at the present time to give publicity. The friends and relatives of Lord Raglan, or the friends and relatives of any noble or hon. Gentlemen are quite at liberty to peruse it, but there is not a syllable in it to affect me were I to publish it at Charing Cross. All these things will, in time, be made public, every opinion expressed by general officers will also be made public, and if we are all equally explicit, I confess that, whatever we may be as soldiers, many of us, at any rate, will turn out to be no great prophets. The letter is dated the 8th of November, and the expressions are these:—

> "General Canrobert and Lord Raglan were present directing the troops—the former was slightly wounded in the arm, but nothing to speak of. Shortly after the battle, Lord Raglan, hearing that I was present, sent for me, and expressed himself glad to see me, but desired me to go back to my ship, and not to come in front again until I was perfectly recovered. I then asked him if he would pardon me offering an opinion relative to the state of the army. He said he would. I offered my candid opinion in deep earnestness, and, at any rate, with sincerity. He is not a man to discuss much—at least, with those in my situation, but he appeared by no means displeased, and, I think, possibly he was not altogether uninfluenced by what I said. In this, however, I may be entirely mistaken. There are two chiefs—French and English—and, though they are most true, faithful, and cordial, yet different policies have to be considered, and, I believe, the French have momentous reasons for their course of proceeding, and that course, apparently, must not be deviated from by the British."

To enter into a strategical discussion at the present time, and whilst matters are undecided, would, however, be entirely objectionable. I only hope I have not been wanting in my acknowledgments.

Lord CLAUD HAMILTON: I hope, Sir, that, under the peculiar circumstances, the House will favour me with its attention for a few minutes while I refer to what took place on Friday night. I can with unaffected sincerity assure the hon. and gallant Member for Westminster that I never intended by any expression of mine to reflect in the slightest degree on his known and well-tried gallantry, or in any way to call in question his brilliant courage. On the contrary, the very words which I addressed to the hon. and gallant Member when I spoke to him with reference to the matters now under consideration are so fresh in my memory that I can repeat them to the House. I told him that his courage had been so well established on many a hard-fought field that any man who could cast an aspersion on it would but cover himself with confusion and shame. It is clear, therefore, that I could not have myself intended to take any such course. All that I desired to impute to the hon. and gallant Gentleman was a certain want of fair play in the attack he made the other evening on a gallant relative of mine. But now that the House has heard the remarks which the hon. and gallant officer has thought fit to offer with reference to a somewhat remarkable statement made by me on Friday evening, I trust that I also may be allowed to say a few words in explanation. I am sensible that in so doing I shall be trespassing on the rules that govern our proceedings, but I venture to hope that under the peculiar circumstances of the case the House will extend to me its indulgence; and the more particularly when I assure them that I will not trespass at any length on their attention, nor deviate from what I believe to be necessary for establishing the simple fact that the statement which I made on Friday evening I did not make without believing that I had good grounds for it. I do not ask the House to declare that I was justified in my opinion; all I ask is that they will permit me to lay before them and the country certain facts; and, having done so, I will leave to them and the country to decide whether or not I was so justified. I am apprehensive of being thought to occupy the position of one who lightly and without sufficient foundation has made a very remarkable statement affecting in some degree the military character of the hon. and gallant Member. ["No, no!"] I will not refer in detail to the language I used the other evening; but I will show that my assertion, that on the 5th of November, the night after the battle of Inkerman, the hon. and gallant Member counselled and strongly and repeatedly urged the immediate embarcation of the British army and the leaving of our guns and our French allies to the mercy of the enemy, was not wholly without foundation. I will read to the House the evidence on which that statement was founded. I hold in my hand—["Order, order!"] If the House will not bear with me—if they think it right that I should remain in the position of having made a statement for which I cannot give grounds or assign reasons, I, of course, must acquiesce in their decision, and resume my seat.

Sir DE LACY EVANS: I beg the noble Lord to understand that I never charged him with having made a statement which he did not believe to be correct. I am ready to enter into any explanation why I said this or thought that; but I put it to the noble Lord and to the House whether it is desirable that I should be compelled to take such a course? I put it to the House whether it is possible that a question such as this should be disposed of by a single statement? I do not think that the noble Lord should continue his observations unless it is understood that I shall be permitted to reply, to discuss the question in all its bearings.

Mr. SPEAKER: I hope that the noble Lord will not attempt anything so irregular as the revival of a former debate. It is competent for any hon. Member to offer a personal explanation of anything that may have fallen from him on a previous occasion, should he think fit to do so; but it is against the rules of the House that he should revive a former debate.

Mr. GORDON: Sir, I have no intention to prolong this discussion; but I hope I may be permitted to state, on my own behalf and on that of my gallant relative, the great satisfaction with which I have listened to the speech of the hon. and gallant Member for Westminster, to whom I beg to offer my best thanks for the manner in which he has this evening expressed himself with regard to certain words used by him on a former occasion. For his complimentary allusions to myself I know not how to thank him; but I beg that he will do me the justice to believe that I am not ungrateful. Having said so much, I venture to think that the hon. and gallant Gentleman will thank me for taking this opportunity to bring under his notice another expression used by him in the course of the same debate. ["No, no!"] I would appeal to the indulgence of the House while trespassing for a single moment on its attention. [*Loud cries of* "Order!"] I will not further intrude on the patience of the House.

Viscount PALMERSTON: Undoubtedly, Sir, you have laid down correctly the rule which ought to guide the proceedings of this House, except on some very extraordinary and exceptional occasion, namely, that it is contrary to our rules, and at variance with all the good order of our proceedings, to refer in one debate to that which has passed in a previous debate. The circumstances, Sir, which did, however, occur in the last debate were such as to justify an exception to our rules; and I think my hon. and gallant Friend the Member for Westminster was perfectly justified in addressing to the House the remarks which he has on this occasion made. But I hope the House will agree with me in thinking that the explanation which my hon. and gallant Friend has given ought to be satisfactory to the feelings of all those who might have considered themselves in any degree aggrieved by those observations which in a former debate he, as is often the case with Members of this House under similar circumstances, made use of in the eagerness of debate. I am sure, Sir, that this House will best consult the feeling and the character of all concerned, and be acting in a manner most consonant with our usual practice, if the matter be now allowed to drop after the explanation which my hon. and gallant Friend has made.

MR. DISRAELI: Sir, I was exceedingly anxious to hear the noble Lord rise to address the House in the tone in which he has just addressed it. It appears to me, Sir, that the speech of the hon. and gallant Gentleman the Member for Westminster this evening has very much removed the painful feeling which, I believe, prevailed in this House. Sir, I think the careful, yet frank, manner in which he addressed himself to the various topics that formed the subject of his speech is appreciated by both sides of the House. At the same time, Sir, I think that as regards the conduct and position of my noble Friend behind me (Lord C. Hamilton), there is no mistake in the minds of the Members of this House. I think I state the feelings of the House when I say that no imputation rests upon my noble Friend of having made a statement which he did not believe to be authorised by facts, and which he was afraid to stand by. Sir, I believe no one doubts that when my noble Friend made that statement he considered he had sufficient evidence of its truth; and there may be sufficient evidence to sustain the statement which my noble Friend made the other night, and which he is prepared to repeat to-night and to prove. But, Sir, the view which I wish to throw out to the House is, that statements of that kind cannot be satisfactorily met according to our rules in this House. Some analogous, perhaps, almost identical, expressions may have been used by a gallant officer in the position in which the hon. and gallant General found himself; but, Sir, to arrive at a correct and safe conclusion on the subject, we must have details such as it is not in our power to have brought before us in general and popular discussions such as those that take place in this House. Of course, Sir, the character of the suggestion made by a gallant General in a particular emergency would depend upon the manner in which that advice was given, on the circumstances under which it was tendered, and upon a thousand details, which it would be impossible to put this House in possession of in the careful manner that would be required in considering a matter of the kind. It is very satisfactory that the hon. and gallant General should have come down here, and in a manner so agreeable to the feelings of all parties removed any unpleasant impression that his speech of a former evening might have left on the mind of the House; but at the same time I believe I but bear testimony to the general feeling of both sides of the House when I say, that my noble Friend the Member for Tyrone lies under no imputation of having made a rash statement which he is not prepared to justify. As I interpret it, the general opinion of hon. Members is, that we could not investigate such a matter by a general debate in this House. And, Sir, I believe that the hope of the House is, that this debate has only been raised on the present occasion to terminate, and terminate for ever.

TAX ON UNDER-GARDENERS.

On the Motion for going into Committee of Supply being put,

COLONEL HARCOURT said, he wished to call the attention of the right hon. Baronet the Chancellor of the Exchequer to the mode in which the tax of 10*s.* 6*d.* per annum on under-gardeners was assessed and levied. The following was the opinion of Professor Lindley, as given in the columns of *The Gardeners' Chronicle*, as to the meaning of the term "under-gardener." That eminent authority regarded an under-gardener as being a person possessed of more skill in horticulture than an ordinary day labourer, and as receiving a higher rate of wages; but he said that the existing Act did not explain what was meant by the term "under-gardeners." In September last, he (Colonel Harcourt) had determined to appeal against the assessment for under-gardeners, and a solicitor from Somerset House was sent down to advise the local Commissioners. He put to him (the solicitor) the question whether, if he employed men in his garden for a few days at Christmas, as a matter of charity, he was assessable for them as under-gardeners, and the solicitor answered that he was. The solicitor also told him that, if he employed men to carry gravel from one part of his park to another for the purpose of making walks, or for weeding, he was assessable for them as under-gardeners; now, he considered such a rigorous mode of applying the Act was most impolitic and unwise, and one that certainly could not have been contemplated by the

Legislature. It was true that the view of the Commissioners was upheld by the decisions of the courts of law; but then a most eminent lawyer (Lord St. Leonards) was among the number of those who had appealed against their interpretation, and, even if the exaction were legal, the case was one of such grievous hardship as to justify an appeal for redress to that House, the source of all power of taxation. The operation of the tax must tend to check the occasional employment given by many persons to agricultural labourers in the winter from considerations of charity.

THE CHANCELLOR OF THE EXCHEQUER said, that the question raised by the hon. and gallant Member turned upon the construction of a clause in an Act relating to the assessed taxes which was passed in 1853. That Act imposed a tax of a guinea a year upon gardeners, and of half a guinea upon under-gardeners; but, although it defined what class of persons should be considered as gardeners, it did not give any definition of under-gardeners. He (the Chancellor of the Exchequer) fully admitted the right of that House to consider and to decide upon all questions relating to taxation when the subject was brought before them in a legislative form, but he could not agree that it was the province of that House, after a measure relative to texation had received the Royal Assent and had become law, to interpret the language of that Act. He imagined that the interpretation of Acts of Parliament, whether relating to taxation or to other matters, was vested in the legal tribunals of the country, and all that the House could do was to watch the operation of such Acts, to comment, if necessary, upon the construction that might be put upon them, but to leave their enforcement to the ordinary tribunals. He understood that the construction which had been adopted by the Revenue Department was this—that persons who were regularly employed for a whole year, and who were under the direction of a head-gardener, should be regarded as under-gardeners, but that persons who were only casually employed, and who were engaged in such duties as might be performed by common labourers — as, for instance, in mowing grass, or in keeping gravel walks in order, were not to be deemed under-gardeners. It appeared to him that that was a fair construction of the words of the Act, so far as their meaning could be collected. He certainly could not agree with the hon. and gallant Member in thinking that any hardship was inflicted upon the labouring class by this tax, which did not lead to any deduction from wages, but fell entirely upon masters. He thought, therefore, that no ground had been shown for the interference of Parliament.

THE DEBATE ON MONETARY SYSTEM—EXPLANATION.

THE CHANCELLOR OF THE EXCHEQUER then said, while he was addressing the House he might, perhaps, be forgiven if he adverted to a subject foreign to the matter under discussion, in order that he might repair an injustice which he had unintentionally committed in a late debate with respect to a very distinguished gentleman from whose writings he had quoted—he meant Mr. Tooke, the author of a pamphlet upon the Bank Act of 1844. He had received a letter from Mr. Tooke explaining the meaning of a passage to which he (the Chancellor of the Exchequer) had occasion to refer, and the meaning of which he had quite unintentionally misrepresented. He had before quoted the pamphlet from memory, but, with the permission of the House, he would now read the passages to which he had referred. Mr. Tooke said in the pamphlet—

> "It is now upwards of eighteen years ago that I called attention to the inadequateness of the stock of bullion which had, in the few years immediately preceding, been held by the Bank of England; and recommended that it should be the endeavour of the directors to maintain an average amount of treasure of not less than £10,000,000."

He then went on to say—

> "In the evidence which I gave before the Committee on Banks of Issue in 1840, I stated it as my opinion that, considering the great extension of trade and of the general transactions of the country, and of the consequent greatly-extended circulation of paper credit, it was desirable that the metallic basis should be wider than that which I had before suggested of £10,000,000, and that it ought not to be less than £12,000,000."

In citing those passages from memory he had stated that Mr. Tooke proposed a *minimum* fixed limit of £12,000,000 as the reserved bullion of the Bank of England. He understood from Mr. Tooke's explanation that he did not mean an absolute fixed limit, but a fluctuating limit extending over a certain period of time, so that, if at one time the bullion were to exceed that limit by £9,000,000, at another time it might fall short of it by £9,000,000. He (the Chancellor of the Exchequer) was not inclined to examine into the question whether or no such a limit would be effectual for the purpose, but he could only repeat his regret that he had unintentionally misrepresented Mr. Tooke's opinions.

RELATIONS BETWEEN ENGLAND AND PERSIA.

MR. LAYARD: Sir, before you leave the Chair, and the House goes into Committee of Supply, I wish, as briefly as I am able, to call the attention of the House to the state of our relations with Persia. My apology to the House and to the Government for delaying the important business to which we shall next proceed is my conviction that we are about to enter, if we have not actually entered, into a quarrel with the right against us—a quarrel from which it may not be very easy to withdraw, and one which may lead to most disastrous results, and may be attended with serious damage to our interests in Central Asia; I therefore entreat the attention of the House to this subject for a few moments. I know that Eastern questions are unpalatable to the House, and considering the connection that exists, in many respects, between England and the Eastern Powers, I do consider it most extraordinary that Eastern affairs excite so little interest here. I should have brought this question under the notice of the House some weeks ago, if I had not hoped that the matter would have been arranged and that a rupture would have been avoided; but I now find, from authority upon which I can depend, that we are about to take, if we have not actually taken, hostile steps against Persia. This statement is confirmed by an announcement in the public prints this morning that—according to one account, five ships, and according to another, two ships—have sailed from India for Bushire. I claim the indulgence of the House upon another ground. During the last three years I have continually called attention to the state of our relations with Central Asia, and I think my anticipations have to a certain extent proved to be correct. The House will remember that I repeatedly warned the Government of the importance of defending Kars, and about a year ago I seriously directed their attention to our relations with Persia. At that time, in January last year, our mission in Persia was in what I considered very weak and inefficient hands. I think the hon. Member for Poole (Mr. D. Seymour), if he did not give notice, intended to give notice that he would call the attention of the House to the subject, but, unfortunately, he had been swallowed up in that Government Maelstrom in which so many independent Members are shipwrecked in this House. I regret this circumstance, because the hon. Gentleman would have been able to afford us very valuable information on the subject. On a former occasion I stated that, while bearing testimony to the high character, qualities, and abilities of Mr. Murray, our Minister at the Court of Teheran, and while I considered him well fitted for diplomatic service in Europe, I did think it unfortunate that, at a moment when great interests were at stake, a gentleman who was not acquainted with Persia, who knew nothing of the manners of the people or of their language, should have been sent as the representative of this country to the Court of the Shah, and I ventured to point out a gallant gentleman who eminently united all those qualifications which it was necessary for a British representative in Persia to possess. The danger I then anticipated has unhappily come to pass. I think the House will agree with me, when I have stated the facts of the case, that we have got into a serious and not very creditable quarrel, owing to the want of those very qualifications which I pointed out as essentially necessary to the British representative in Persia. I know it is difficult to obtain accurate information on such a subject; but I will endeavour to describe the state of affairs as correctly as possible. The Government may tell me that I ought to have asked for papers. That is the answer which an Independent Member always gets in this House; but if I had asked for papers, they would have been refused on the usual ground of "inconvenience to the public service," while, if my request had been complied with, before the papers could have been produced we should probably have embarked in a war without Parliament having expressed any opinion on the subject. I will, however, state the case, as I have heard it both from the partisans of our mission and from those of the Persian Government. We treat an Eastern nation as the sculptor in the fable portrayed the man and the lion. We have blue-books, official gazettes, newspapers, and ingenious friends of the Government, who can state the case in the most advantageous manner for ourselves. But Persia has no blue-books, no gazettes, no Houses of Parliament, no ingenious friends of the Government to represent her case in the most favourable light. It is possible, therefore, that I may err in the facts, but if I do so, I hope the noble Lord at the head of the Government will put me right. It appears, then, that there was a certain Mirza Hashim, who held in Persia some such office as that filled by the Clerk of the Ordnance in England. He had some dispute with the Persian Government, connected, I believe, with pecuniary matters. Whether he was indebted or not to the Government I will not venture to say, but he apprehended that he might be subjected to unfair usage, and therefore took refuge in the British Mission. It is an old custom in Persia, that persons who have committed crimes or have quarrelled with the Government can take refuge in certain places, where they are free from arrest. They may go into a mosque or sit under a gun in a park of artillery, or take refuge in a foreign mission. Mirza Hashim thought that he could not get rid of his difficulties in a better way than by taking refuge in the British Mission. The only point on which I have any doubt is, whether Mr. Murray was at that time in Persia, or whether the mission was in the hands of the Chargé d'Affaires, Mr. Thompson. But, if Mr. Murray was not in Teheran when Mirza Hashim took refuge in the British Mission, he found him there when he arrived. It was, of course, not convenient that the Mirza should reside for ever in the British Mission, but the difficulty was, how to get rid of him. He could not be turned into the street, because that would have exposed him to the risk of being seized by the Persian Government, and would not have been creditable to our mission, where he had claimed sanctuary. At length Mr. Murray hit upon the plan of making him British agent at Shiraz. When the Persian Government heard this they said, "It is all very well that as long as Mirza Hashim is under your roof you should give him refuge; we will respect the mission house and not touch him; but the moment he leaves that asylum we shall take him prisoner and not allow him to go to Shiraz." Unfortunately Hashim had married a near relative of the Shah, a Princess of the Royal Blood. The lady, however, did not enjoy a very good reputation in Teheran. Whether there were any grounds for the insinuations against her character I do not know; but she was seized by her brother, a Prince of the Royal Blood, who said, "Whether Mirza Hashim goes to Shiraz or not, this lady shall not accompany him; I shall detain her here." According to the law of the country, he had a perfect right to secure her person and shut her up in his harem. But the seizure of the lady and the threat against Mirza Hashim led to a bitter correspondence between the British Mission and the Persian Government. I believe that not only the Persian Prime Minister, but the Shah himself, indulged in unjustifiable language. The Shah, I understand, wrote a letter to Mr. Murray, reflecting on his personal character. Mr. Murray then sent in an *ultimatum*. He demanded, among other things, these three concessions—That the lady should be given up to the British Mission; that Mirza Hashim should be recognised as the British agent at Shiraz; and that both the Shah and his Prime Minister should make an apology to the British Mission. The Persian Government refused to accept the *ultimatum*. Mr. Murray extended the time in hopes that his demands would be granted; but, the Persian Government still declining to satisfy him, he hauled down his flag and left Teheran. Such, I think, is a fair statment of the case. Now, I have no doubt the House will agree with me that, if the facts are as I have stated them, we have neither right nor justice on our side in the present quarrel. Those Gentlemen in this country whose authority upon Persian affairs is of the greatest weight are, I believe, of my opinion. Let us consider the demands of Mr. Murray. By the first he asked that the wife of Mirza Hashim should be delivered up to the British Mission. Now, if there is one subject upon which Easterns are more jealous and sensitive than another it is with regard to their women. It will be in the recollection of hon. Gentlemen that some years ago the Russian Ambassador in Persia and many of his attachés were murdered. I believe that one great cause of the crime was a statement that some Persian women had been inveigled into the Russian Mission. And I have been told by an officer, in whose veracity I have the greatest confidence, that one of the causes of that lamentable event in Affghanistan, which led to the destruction of a British army, was a suspicion on the part of the inhabitants that we had been interfering with their women. It was, therefore, the duty of our representative to avoid any discussion with the Persian Government relative to women. But I maintain that the Shah had an undoubted right to cause his relative to be seized and to shut her up in his harem. The second demand was, that Mirza Hashim should be recognised as our agent at Shiraz. Now, next to their women, Easterns are most sensitive upon that system of protection which has been adopted by foreign nations in that part of the world. It has grown into a perfect nuisance. In Turkey, until a few years ago, every ruffian who had committed a crime, every man who had quarrelled with the Government or with his master, took refuge in the English, French, Russian, or even Greek Mission. For a few piastres he obtained a passport from the consul, or some other functionary, and became a protected subject. I am happy to say that, as far as Turkey is concerned, the system has been done away with, or, at all events, very much modified —a result which is in a great measure due to the noble Lord at the head of the Government. But in Persia the system still flourishes. As far as I can understand, Mirza Hashim had no right whatever to British protection; but unfortunately Mr. Murray was not content with giving him refuge in our mission—he would send him as our agent to Shiraz. By the second article of a treaty concluded between England and Persia in 1841, it was expressly provided that we should have no commercial agent in any part of Persia except at Teheran and Tabreez and a resident at Bushire, who is the agent of the East India Company. That article was, no doubt, inserted by the Persian Government in order to avoid the nuisance of having consuls in all parts of the country, interfering with their internal affairs and protecting their subjects. But in the teeth of that article, Mr. Murray insisted upon sending Mirza Hashim as our agent to Shiraz. It may be said he was not a commercial agent. Well, he was to be a diplomatic agent. Now, I ask the House whether it was not the duty of Mr. Murray to select a more fit man to carry on our diplomatic relations with a governor, who, in all probability, was a member of the Royal Family, than one who had been the cause of a quarrel between ourselves and Persia, and through whom we had defied the Persian Government? But I contend that we are not entitled to have a diplomatic agent at Shiraz, and that the Persian Government had a right to complain of the appointment made by the British Mission. By his third demand, Mr. Murray asked an apology from the Shah and his Prime Minister. Now, I do not say that he was not entitled to demand an ample apology from the Minister; I believe that unjustifiable expressions were used by that official with regard to Mr. Murray. But you cannot ask an apology from a King; it is lowering his dignity; and, in fact, you must assume the technical understanding that the Minister is responsible for the acts of the King, and be content with his explanation and apology. Moreover, if we fairly consider the question, we shall see that the King was not so much to blame after all. I do not say —far from it—that his insinuations against Mr. Murray were justifiable; but when he heard that this lady was demanded by the British Mission, at the very moment that her husband was being sent away to Shiraz, it was natural, and in accordance with what we know of Eastern feeling, that he should arrive at conclusions prejudicial to the character of Mr. Murray, and that he should express those conclusions in offensive insinuations. But the most important part of the affair is this, that in order to support the *ultimatum* of our representative, we have already entered upon the first steps of a war against Persia. If that be true—and I fear it is so—then I hope the House and the country will protest against such a perversion of justice. I have heard men in authority say that, although the demands of Mr. Murray were hardly justifiable, yet we are dealing with an Eastern nation, and having commenced the quarrel we must carry it out; for if we were to withdraw, it would be fatal to our influence. Now, as an Englishman—as a Member of this House—as one who has had some experience in Eastern affairs—I solemnly protest against that doctrine. I believe it to be false; I believe it to be one which has led us into innumerable difficulties in the East; I believe it to be one which has ruined our national character among Eastern nations, and led to the infliction of acts of intolerable injustice in India. I have had as much experience as most men in these matters, and that experience has been acquired not by holding official positions, but by travelling alone, without friend or servant, in Eastern countries. I claim no merit for that, because anybody in my position might have done the same; but I believe I have succeeded in most of my undertakings, by always doing that which I thought just and right, and by acting up to it at all risks. The moment an Eastern finds you to be a man of honour he respects your character, but the moment he proves you to be unjust he loses all confidence in you. I believe that the great influence which is attached to the British name in the East is entirely owing to the character which we acquired some years ago for honesty and uprightness. Let us take care how we trifle with that character. But there is another question to which I wish to call the attention of the House. If we enter into a war with Persia, upon whom will the weight fall? Why, upon those miserable men, our fellow-subjects in India, who are already bowed down to the dust by taxation. But is this a moment to make an enemy of Persia? Suppose that by sending a fleet to Bushire you compel Persia to yield in a quarrel which is without justice or right on our side, do you think that the Persians will ever forgive you for it? No! You will lay the foundation for a feeling of enmity which will never be removed. Let me call the attention of the House to our position in Asia. If, by the present conferences, peace can be obtained consistently with the honour and dignity of this House, I trust we shall have peace, but in that case what is to be expected? We are told that Russia has given up all schemes of aggrandisement, and that she will now turn her attention to internal improvements; but no man who knows the character of the Russian nation would believe that Russia would in one day give up the policy which for more than a century has been the great aim of the Russian race. It is true that Russia may for a time abstain from aggrandisement; when she has fully developed her resources, and has railways all over the empire she may then again defy the whole of Europe, though not till then. On the European side of Russia, therefore, we may expect that for some time there will be tranquillity; but is that likely to be the case on the Asiatic side? Russia owes us a grudge, and she will revenge herself in Asia. So far as Russia and this country are concerned, the result of the last campaign is rather favourable than otherwise for Russia in Asia. It may seem a paradox, but nevertheless it is strictly true, that the fall of Sebastopol is of less importance to Russia than the fall of Kars is to us. I do not believe that in the centre of Asia the people ever heard of Sebastopol; the name is almost unpronounceable by them. It is not in their way, and they know nothing about it; but the name of Kars is known all over Asia. And what has happened there? The place has fallen, and an English general has been made a prisoner, and paraded through Georgia and the Asiatic provinces of Russia. The news of these circumstances has, as a matter of course, spread all over Asia, and we may be sure that Russian agents will take care to magnify the importance of their victory. Within the last few days an account has been published, taken from the Russian papers, of the events which have occurred at Herat; and the Russians are now endeavouring to make the Persians believe that that is a quarrel between us and them. I received a private letter a few minutes ago from a person well acquainted with Central Asia, showing how dangerous is our position in that part of the world, and that many weeks may not elapse before, aided by the Russians, the Persians might extend their invasion beyond Herat. I am not an alarmist, I am not one of those who dread an invasion of India by Russia; but Russia, by moving the Powers in Central Asia, might create such a state of things as would oblige us to maintain there an amount of troops which would injuriously increase the weight of taxation and keep up a continual excitement in India. Thus all projects for the good of India in the shape of railways, roads, canals, and other works, would either be abandoned altogether or indefinitely postponed. And you are now going, by this foolish quarrel, to throw Persia into the arms of Russia, making her possibly a participator in the quarrel, and having both Persia and Russia for ever after our enemies in the East. That Russia, who at this moment I have heard is making a movement amongst the Christian population of Kurdistan, would be but too happy to avail herself of the opportunity, there can be but little doubt, whenever she can do so with advantage. If we have a war with Russia in Central Asia we cannot go to France or Austria (supposing the present negotiations result in peace), and say, "Help us." "No," they would very naturally say, "that is your affair; that is a matter referring entirely to your Indian empire; we have nothing to do with it, you must fight it out yourselves." If two years ago Ministers had taken steps by sending a force to Persia, to enable her to act with us against Russia, the case would have been very different. That might have been a fair matter of debate; but now to send a force against Persia upon such a quarrel as this, will be to destroy British influence in Central Asia altogether. I believe the present Government have really the interests of England at heart, and I entreat them not to give way to any pressure, come from whatever quarter it may, to precipitate this country into a needless and an unjust war. There are still means of getting out of the difficulty—not by arbitration, for I think it will be as fatal to refer this dispute to the arbitration of France as it will be to send an expedition to Bushire. I shall not explain what my plan is, because I know it would not then be adopted. I shall leave it to the sagacity of the noble Lord (Viscount Palmerston) to discover it, but I entreat the noble Lord to consider well before he plunges this country into a war which may be followed by the most prejudicial consequences. It is not too late to countermand the expedition, and I urge upon the noble Lord to do so, and to consider whether some means may not be found for bringing the quarrel to a peaceful issue.

VISCOUNT PALMERSTON: Sir, the course which has been adopted by the hon. Gentleman who has just resumed his seat, is not, I must say, the best adapted to promote the interests of this country. When questions of a difficult nature have arisen between the Government of this country and a foreign Government, I think that nothing can be less conducive to the interests of this country than for any Gentleman—whatever may be his talents, or his means of acquiring information with regard to the quarter of the world in which the difference has arisen, but which information must necessarily be, as the hon. Gentleman has himself shown, imperfect as to the facts of the case—to get up, as he has done, and pronounce unhesitatingly that the Government of this country is wrong and that the other Government is right, and thus create additional obstacles to the amicable adjustment of the question at issue. Of course when the foreign Government with whom the difference has arisen finds that persons in this House, who from their general character and knowledge are entitled to respect, broadly pronounce an opinion in favour of the other Government, and against the Government of their own country, it is manifest that any accommodation of such differences must be rendered infinitely more difficult than if a discreet silence had been observed. I shall not so far follow the example of the hon. Gentleman as to go into an argumentative discussion upon this question; but I must set right some of the statements which he has made with regard to the transactions to which he has alluded. This Mirza Hashim, then, was undoubtedly in the civil service of the Persian Government. He was, as he considered, dismissed from that service; that is to say, he applied for an increase of salary, and the Persian Minister for Foreign Affairs refused to give him any increase, and said, "If you are not satisfied with what you have from the Government, go wherever you can, and get employment elsewhere, if you can do so on satisfactory terms." This man conceiving—and I think he was justified in so thinking—that that was a dismissal from the Persian service, went (as is customary in cases where a person is in fear of persecution from the Persian Government), and took sanctuary in the British Mission. That was before Mr. Murray arrived, and during the time Mr. Thompson acted as Chargé d'Affaires. The hon. Gentleman says, and with truth, that it is a very objectionable practice, that in any State the subjects of that State should be entitled to withdraw themselves from the jurisdiction of their own Government by taking refuge within the precincts of a foreign mission. Why, nothing in point of principle and practice can be more objectionable; but that happens to be the custom in Persia; not that the custom was introduced by the French or British Mission, but it has been of long standing, is recognised by all foreign missions, and is fully acknowledged by the Persian Government as being, I will not say a legitimate or legal right, but a right to which the Persian Government are not entitled to object, and which has been acquiesced in by them time out of mind with regard to all foreign nations. Well, this Mirza Hashim being under the protection of the British Mission, Mr. Murray arrives at Teheran, and decides that in consequence of the ill-will which the Persian Government felt towards the individual, it would, as he thought, be better that he should be removed from Teheran and employed elsewhere. He, therefore, proposed to send him to Shiraz. The hon. Gentleman, (Mr. Layard) says the British Government, had no right to employ a consul at Shiraz; but they have for a long course of time been in the habit of having an agent at Shiraz, who was employed for commercial and other purposes, who was not connected with the Commission as consul, but was nevertheless acknowledged as the resident agent of the British Government. Well, Mr. Murray proposed, really with the view of conciliating, to employ this Mirza Hashim at Shiraz; but the Persian Government declared, that if he quitted the precincts of the mission, he should be arrested. Against this Mr. Murray remonstrated, contending that protection did not cease with the limits of the mission, but would equally apply to the man at Shiraz as well as at Teheran. But whilst the question was being discussed, the Persian Government seized the wife of this Mirza Hashim. But this lady was not, as the hon. Gentleman states, a relation of the Royal Family of Persia. If I understand the matter rightly, she is simply a relation of one of the many wives of the Shah: she is, therefore, only a connection, not a relation, of the Royal Family. Now, the principle of protection has always been considered, and properly and necessarily considered, as extending, not merely to the person of the protected individual, but to everything that belongs to him. [MR. LAYARD: No, no.] I beg the hon. Gentleman's pardon, it has always been taken to extend to his property and his family. Mr. Murray, therefore, demanded that the lady should be, not given up to the British Mission, as the hon. Gentleman has stated, but restored to her husband, and remain with him, whether he continued at Teheran or went to Shiraz. Well, this demand gave rise to a correspondence, in the course of which, as the hon. Member has acknowledged, very improper letters were written by the Persian Minister—utterly unbecoming and very insulting letters—and, I am sorry to say, that the Shah also joined unnecessarily in the correspondence, and did not appear to have studied his phrases in the pages of the Persian *Polite Letter Writer*, if such book there be. In short, his letter was not couched in the dignified style that might have been expected from the occupant of a throne. Mr. Murray made certain demands, and the hon. Gentleman (Mr. Layard) says he demanded an apology from the Shah. The hon. Gentleman is quite mistaken. He certainly did require that the impolite letter which the Shah had written should be withdrawn, and be considered as *non-avenu*. But this was refused, and the refusal induced Mr. Murray to strike his flag, the usual proceeding when a difference arises; and next to withdraw from Teheran and go to Bagdad.

As I said previously, I am not going to enter into the argument as between the two Governments, because it would be improper so to do, whilst the questions are still pending. But the hon. Gentleman says we are now at war with Persia. Now that happens not to be the case. What has taken place is, that Mr. Murray foreseeing that the violence of the Persian Government might lead them to molest the British residents at Bushire, has written to the Government of Bombay to request that two small vessels might be sent to the Persian Gulf, not for the purpose of commencing hostilities against Persia, but to give protection, if necessary, to the British residents there. That is the real state of the case. The matter is still pending between the two Governments; and I really think that no good will arise from prematurely bringing it under discussion in this House. The hon. Gentleman has stated that which is perfectly true, that in a war between this country and Russia, Persia might under certain circumstances have been an important element either in our scale or in the scale of Russia; but I cannot say that he has shown any great political sagacity in stating that the wise course for us to have followed two or three years ago would have been to send out an expedition to India for the purpose of compelling Persia to take part with us against Russia.

MR. LAYARD: I merely said that it was a debatable question whether or not it would have been the wisest course.

VISCOUNT PALMERSTON: And very debatable too. The policy of making war upon a friend in order to compel him to make war upon a third party is a course that would be very debatable indeed on one side, but not so on the other. Sir, it was not the course which Her Majesty's Government thought would be expedient. On the contrary, considering the position of Persia—considering her close proximity to Russia, her distance from this country, her relative weakness, and that she could not embark in a war with Russia without great assistance from us, both in troops and money, it appeared to us that it would be wiser to encourage Persia to maintain a neutral position, and not to commit herself to hostilities with Russia at a moment when it would not have been easy or convenient for us to afford her the assistance and protection which she would be entitled to expect in such a case. Under these circumstances, I really do hope that the

House will not pursue a discussion on the unfortunate difference that has arisen between this country and Persia. I quite agree with the hon. Gentleman that in dealing with these Asiatic countries it is of great importance to see that you are right, and not endeavour to put upon them any wrong; but, on the other hand, nobody knows better than the hon. Gentleman that nothing answers less, in dealing with those Asiatic countries, than to allow them to treat you with insult and indignity.

THE PRELIMINARIES OF PEACE.

MR. DISRAELI: Sir, a public statement has been made to-day of the utmost importance, and perhaps the noble Lord at the head of the Government will allow me to ask him a question relative to it, without having given him previous notice, which, however, under the circumstances would, perhaps, scarcely be necessary. It has been stated publicly that the preliminaries of peace have been signed at Paris, and it would be satisfactory, I am sure, to the House, if the noble Lord would assure us of that fact; and, if he cannot, it would still be of advantage if we could have some information from the noble Lord as to what is the real state of affairs in that respect.

VISCOUNT PALMERSTON: Sir, the House and the public are aware that certain conditions or articles were proposed some time ago by Austria to Russia, with the previous consent of England and France, as conditions which were to serve as the foundation of a treaty of peace between the belligerents. Those terms were at first accepted by Russia, with a reservation. Afterwards, that reservation not being agreed to by Austria, they were accepted unconditionally by Russia—they were accepted, in what is called in diplomatic language, *pur et simple*. Those articles were afterwards recorded in a protocol, at Vienna, signed by the plenipotentiaries of England, France, Austria, and Russia. I rather think that the Turkish Plenipotentiary did not receive his instructions in time. When the Conference met at Paris, it was agreed that, in a protocol at the first meeting, this previous preliminary protocol of Vienna, simply recording those articles, should be inserted in the proceedings of that day's Conference, and that it should be declared that that protocol of Vienna and the articles accepted by Russia should have the force and virtue of a preliminary treaty of peace, and that, without going through the ordinary form of a separate preliminary treaty, the plenipotentiaries should at once proceed to discuss the other questions on which the definitive treaty would turn. That is the precise state of the matter. In one sense the preliminaries of a treaty have been signed; that is, those articles have been recorded as having the force, value, and virtue of a preliminary treaty. No treaty in the ordinary form, signed by the plenipotentiaries, and ratified by the Sovereigns, has been signed; but substantially the preliminaries of peace have been signed.

MR. DISRAELI: When?

VISCOUNT PALMERSTON: Some day last week. I forget the exact day; but very recently.

Motion *agreed to.*

SUPPLY—ARMY ESTIMATES.

House in Committee.

(1.) £500,000, Land Forces, on account.

COLONEL BOLDERO said, he would now beg to bring under the notice of the Committee the expediency of changing the present system of submitting to our consideration the military expenditure of the year in one Estimate. He considered that the Estimates should be made out in so clear a manner that they could be easily comprehended; but he was obliged to say that such was not the case in those before the House. It was impossible to master in a week the contents of a volume relating to a number of items which had no connection one with another, spread over 142 pages. The difficulty of understanding the Estimates in their present form was proved by the fact that the right hon. Gentleman opposite (Mr. Monsell) took two or three hours to explain them, and when he ended those who had listened to him knew as little about them as when he began. He had no intention to offer any opposition to any of the Votes; but he would suggest that in future the Estimates should be divided into sections, each section embracing all the items of one subject. In the Commissariat, for instance, no just conclusion could be come to as to the expense of that service, because it ran through twenty or thirty items spread through the entire of the Estimates. An advantage of the classification he suggested would be to enable those Members of the Government who had charge of each particular Vote to state to the House all that was requisite to be known in respect to such Vote. That would also be an immense advantage to the House in enabling them to understand the particular subject as well as the entire Vote. He would refer, as a pattern, to the Army Estimates laid before the House in 1827; they were signed by the noble Lord opposite (Viscount Palmerston), and the Ordnance Estimates by Lord Hardinge. In the Estimates of that year the Army Estimates contained twenty, the Ordnance fifteen, the militia three, and the Commissariat ten Votes; altogether forty-eight Votes in the whole Estimates, and yet the amount of the cost was not more than half of the cost for the same service in the present year—namely, £35,000,000 and upwards, and yet the present Estimate was divided into only twenty-one Votes. It was therefore of the greatest importance that there should be separate Votes for each subject. Curtailing this number was certainly curtailing the information of the House. He suggested that, taking the present year as a model, there should be a section for the effective and non-effective of the army, a section for the commissariat, a section for barracks, including encampments, and one for stores, which was an item of vast magnitude. It would be seen that there was matter enough in these four sections to classify. There should then be a section for the scientific branch, and he was of opinion that the survey of Ireland, depending for the last ten years, should be closed; that section to embrace also the military college and other departments of a scientific character, of which the importance was admitted, but of which the expense was not known. He had no objection to binding them all up together; but it would, he was satisfied, be found the most convenient course that could be adopted. As regarded the Estimates of the effective force of the army, he did not think them correct; a person looking at them would deem the effective force of the army stronger than it really was. The non-effective Estimate he believed was correct. Then there were the civil establishments (which had nothing to do with the army), and several other items, equally incorrect. With regard to the cost of the army, it amounted to £45 per man per annum for 246,672 officers, non-commissioned officers, and privates. For 126,950 officers, non-commissioned officers, and privates of the militia the cost was £25 per man per annum. For the Land Transport Corps some mistake would seem to have been made; 9,002 officers, non-commissioned officers, and men only were added to the numerical strength of the army; while pay was set down as for 14,729, 5,720 were foreigners, who were not added to the strength of the army. [Mr. F. Peel said they were natives.] They were natives, but nevertheless they belonged to the force; and they cost £18 per man per annum. The Land Transport Corps was the "old Waggon Train Corps" under a new name; and he did not think the change or the centralisation to which it had been subjected at all for the better. Then there was the Army Works Corps, 3,470 in number. These should belong to the Sappers and Miners, with whom he (Colonel Boldero) had served for twenty years, and of whom he would say with perfect confidence there was nothing which the new corps did that they could not do. He thought, therefore, instead of creating a new corps, the Sappers and Miners should be increased. Well, the Army Works Corps had at its head a chief superintendent, a civil engineer at £1,500 a year, a sum for which three field officers of the Royal Engineers could be obtained, who would be equally useful as regarded the construction of railways, and far more intelligent in the field than a civilian could pretend to be. Then there was a superintendent of works, with a salary of £800, and two assistant superintendents, with salaries of £500 each. In fact, with higher pay than a general in command of a division of the army. He particularly wished to call the attention of the Government to this discrepancy, which would be the cause of great and just dissatisfaction in the army. The 3,470 officers and men of this corps cost on the average £117 per annum per man, and he maintained that the work could be done equally well by the Royal Engineers for far less money—as the excellent reports of Engineer officers employed by the Government to inspect railways, Colonel Wynne for instance, clearly proved. If Engineer officers were competent to inspect such lines as the Eastern Counties Railway, and had the confidence of the Government, he thought there could be no doubt of their capacity to construct a seven-miles line of railway such as that from Balaklava to the lines. He wished to know why the Estimates did not give the number of men in the Turkish Contingent, the Vote for which was £300,000? Then there was the camp at Aldershot, which was a heavy expense that should be kept under control. Money was absolutely flung away in building huts one day which had to be taken down the next, and in laying foundations which would not answer the purpose for which they were laid. He believed as large a sum as £250,000 had been expended in the erection of barracks at Aldershot. Why, then, was not the whole cost made evident, as in the other items? He should like to know what Aldershot had really cost up to this time, and also who had selected it for an encampment. He would be told, he supposed, that it was the duty of the Engineer's department; but that he denied; it was the duty of the Quartermaster General's department. But there could be no doubt that whoever had selected it had committed a gross mistake. Frederick the Great had given an excellent piece of advice to his staff, and it was an axiom that had been always acted upon by the Duke of Wellington—it was, to take care never to select a site for an encampment unless there were a stream of water or a river running through it. It must be admitted that that was a most essential thing; but here there was only a canal, the water of which could not be made available, as it was private property. It was the same with the camp at Colchester, with the addition that there was not sufficient room there for artillery or cavalry manœuvres. Then there was Woolwich, where the system of centralisation was proposed to be carried on upon a most enormous scale; large sums being to be expended upon making it a grand depot for stores worth millions. Ten years since the stores at Woolwich were valued at £1,200,000, without the buildings, and the Government of the day got frightened at such a mass of property being concentrated under one roof. In the case of fire, either accidental or the act of an incendiary, with a strong breeze, England might have been disarmed in one night. In the fire at the Tower 400,000 to 500,000 muskets were destroyed. Luckily their destruction proved advantageous to the country, by facilitating the introduction of percussion locks into the army. When the Tower was rebuilt, and it was again proposed to make it an armoury, Sir George Murray, then Master General of the Ordnance, with that good sense which always characterised him, protested strongly against it. If Woolwich were to be made the armoury of England, and a similar fate were to befall it, he (Colonel Boldero) shuddered for the consequences. He should also add that muskets now cost £3 5*s.* each; Government should therefore distribute the arms in various armouries. There was another mischief in connection with Woolwich as a sole armoury for the kingdom: it was totally undefended. No nation in the world but England would trust such a mass of military stores in a place so completely open to attack from every quarter. Suppose, for instance, in the course of the war that only three heavily-armed steamers of the enemy should escape our cruisers, and find their way up the Thames. The only obstacles in their way would be Tilbury Fort, and another on the other side, which they might knock to pieces in half an hour; and though it might be that not one of the three would ever return to their own country, they would probably be enabled to destroy Woolwich before they were captured or destroyed themselves. He congratulated the Committee on its rejection of the Vote of £200,000 for a small arms factory at Woolwich, proposed two years since, as it would have had the effect of paralysing the armament of the country, the gun manufacturers of Birmingham and Manchester having declined not to erect costly machinery in the face of such competition on the part of the Government. He was opposed to the concentration and centralisation into one focus of all the military stores of the country, and he hoped the House of Commons would put a check upon the propensity of Government to that effect. With respect to the item for forage in the Estimates, he thought it most extravagant, when three tons of hay might be bought and the freight out paid on it for £14; while oats and barley could be had in the countries contiguous to the seat of the war at as low a price, at least, as they would cost in this country. He would conclude by hoping that the Government would give its attention to the subject, and adopt his suggestion.

MR. FREDERICK PEEL said, he must remind the Committee that they were considering the Vote for the charge for the Land Forces; and he thought that the hon. and gallant Gentleman himself had afforded a practical refutation of the objection he had made to the form of the Estimates; for he found no difficulty in embracing a great variety of the items and the total of the Vote in his remarks. He (Mr. Peel) could not lay claim to any merit in the preparation of the Estimates. They were the work of gentlemen in the War Office who had devoted themselves to their preparation with much assiduity, and who had, in his opinion, presented them in a very lucid and intelligible form. He did not think that any of the recommendations made by the hon. and gallant Gentleman (Colonel Boldero) were worthy of adoption. The hon. and gallant Gentleman wished the Votes for the Army services to be divided into sections, and to be given in greater detail; but it should be remembered the different branches, such as the commissariat and medical departments, were divisible into two branches—namely, the men attached to them, and the supplies granted for them. It was better, he considered, to give, in one consolidated Estimate, the total expenditure for the military service of the country, instead of giving, as was done by the old practice, the expenditure for one portion of the force in one Estimate, and that for another portion in another Estimate; and the present method naturally followed upon the consolidation of all the branches of the War Department under the Secretary of State for War. The first five Votes showed the whole military force of the country, and its cost; one Vote including the regular Army, another the embodied Militia, another the Volunteer forces, and another the Army Works Corps. In this way the first five Votes were disposed of. Votes from 6 to 9 provided for all the civil and executive establishments connected with the administration of the military force, such as the office of the Horse Guards, the office of the War Department, and the other civil establishments, including the pay of all the labourers and artificers employed in them. Then followed the Votes for the expense of the supplies and stores of the army, No. 10 was for the clothing and commissariat, and, in Vote No. 11, the Ordnance stores. Next came the Votes for the educational and scientific departments of the army, which concluded the effective Votes. After those remained the non-effective Votes; and nothing could be more simple and intelligible than that arrangement. As for the remarks which the hon. and gallant Gentleman had made upon some Votes which were not then before the Committee, when he said that the pay of the Superintendent of the Army Works Corps was equal to the pay of three field officers of Engineers, and equal to that of a general officer, he ought to remember that the three field officers would not have altogether under their command as many men as were under the command of the Superintendent of the Army Works Corps, who had as many under his command as a general of division in the army. It should be remembered also that a general officer got something, in addition to his pay, in the shape of field allowances and other allowances, which altogether nearly doubled his pay, whilst the salary of the Superintendent of the Army Works Corps included all that he received. In answer to the hon. and gallant Gentleman's inquiry about the number of the Turkish Contingent, it was agreed by the convention with Turkey that 20,000 men should be placed by Turkey in the service and under the pay of Great Britain; and by that time, within about 2,000, that amount of force had been handed over to the British Government by Turkey. The force was at present stationed at Kertch.

Mr. W. WILLIAMS said, he quite agreed with the hon. and gallant Gentleman opposite (Colonel Boldero), that it was impossible for a Committee of the whole House to make anything of the variety of items which the forty-two closely-printed pages of the Vote now under consideration contained. He wished for some explanation of several items; these were, £34,500 extra allowances to 360 officers of Engineers; £10,000 allowances to the same for servants; £78,742 contingent allowances to captains; £11,757 allowances to the Foot Guards; and £43,385 to officiating chaplains for Divine service. He wished to know whether these last were ministers of all religions, or only of the Established Church. Were Dissenting Ministers permitted to participate in the grant?

Mr. FREDERICK PEEL replied that the extra allowances to Engineer officers, at the rate of about £100 each, were given instead of other privileges to which officers of the line were entitled. As the Engineer officers at home were not, like those of the line, quartered in barracks, they were allowed extra pay to the amount, when at home, of half their ordinary pay; and when they were abroad they had double pay, instead of all the field allowances which were issued to the other officers of the army. The vote for Divine service was intended to provide for the clergy of all denominations attached to the army in the East—namely, those of the Church of England, of the Church of Rome, and of the Presbyterian Church, at the rate of about £150 a year for each minister.

Mr. W. WILLIAMS said, he took exception to the mode in which the Commander in Chief, Lord Hardinge, was remunerated. He understood that the pay which the Commander in Chief received was that belonging to his rank in the army. Now when Lord Hardinge was first appointed Commander in Chief he was only a lieutenant general, and his pay in that rank was only £1,383; but immediately after his appointment he was made a full general, in which rank he received £3,458 7*s.* 6*d.* per annum; and now he was advanced to be a field marshal (which must be presumed to have been done upon his own recommendation, since it lately appeared that for all promotions the Commander in Chief was responsible); and in consequence of his attaining the rank of field marshal his salary had been raised to the sum of £6,000 a year, less only 6*s.* 3*d.* Now, when Lord Hill was Commander in Chief, he received, as a general, £3,458 7*s.* 6*d.* a year; and the Duke of Wellington himself filled the office of Commander in Chief for some years, receiving the same amount of pay. He considered that it was desirable that the Commander in Chief should have a fixed salary, like any other Government officer. His duties were not of a very arduous kind; they consisted of the dispensation of patronage and the superintendence of the discipline of the army, which latter would probably depend more upon the generals of division abroad and the commanders of districts at home. Why should the Commander in Chief be paid £1,000 a year more than the Secretary of War, the First Lord of the Admiralty, or either of the Secretaries of State? The Master General of the Ordnance used to be paid a fixed salary of £3,000, for which the duties of that office had been performed by the Marquess of Anglesey, himself a field marshal; and the Commander in Chief should be remunerated in the same manner.

MR. FREDERICK PEEL said, that it was true that the rate of pay belonging to the Commander in Chief had been stated in the Estimates as the pay of a field marshal holding that office; but he was glad to say, and he was sure that the hon. Member for Lambeth would have much satisfaction in hearing, that within a few days of the rank of field marshal being conferred upon Lord Hardinge, he of his own accord notified to the War Department that it was not his intention to draw any other pay than that of a general officer.

MR. W. WILLIAMS said, he heard that with great pleasure, and if the pay had not been put down in the Estimates as that of a Field Marshal Commanding in Chief, he should not have made those observations upon it. He noticed also the charge of £179,000 for field allowances to the officers, and £639,000 for field allowances to the men; this, he supposed, was the extra sixpence a day, which the poor fellows had well deserved by their bravery and sufferings. The increase of £12,400 for the staff at home, and the increase of £10,900 for the medical staff, were not to have been expected at a time when the greater part of our army was abroad. He did not think that general officers, who were colonels of regiments, ought to have £1,000 a year for the sinecure office of colonel.

MR. FREDERICK PEEL, in reply, said, that the increased expense of the staff at home, both general and medical, was obviously owing to the increased duties which had devolved upon head quarters, where the business transacted in the offices of the Quartermaster General and of the Adjutant General was now very great, so as to make it necessary to have a Deputy Quartermaster General and an Assistant Adjutant General appointed to carry on the business and correspondence requisite for so large an army. The camps at Aldershot and the Curragh, where a large number of troops were collected, also required a considerable staff. Moreover, it was not the fact that the army now in this country was so much below its amount before the war, but, on the contrary, it was rather larger now, because, the regiments having all been raised to their war establishment, only half the men of each regiment were in the Crimea, and the remainder formed a depôt at home; and those depôts did altogether form a considerable force. To these must be added the whole of the embodied militia, 50,000 men, under the orders of the Horse Guards. The hon. Member was likewise in error if he supposed there was less demand for medical men in this country now than there was in time of peace. He should not forget that the invalids who returned from the Crimea, most of them, went into hospital in this country, and that new hospitals had been established at Portsmouth and at Chichester, which required an expensive medical staff. The pay of colonels of regiments had been of late years reduced; it was formerly £1,200 a year, and now it was at the uniform rate of £1,000 a year, of which from £500 to £600 represent the compensation for the clothing profits, and the remainder was not more than the pay of a general officer unattached. The hon. Member would surely not object to general officers unattached being paid at the rate of 25*s.* a day; those who were colonels of regiments did not draw that pay, but received the same amount, with the addition of the compensation for clothing profits, as their colonel's pay.

Colonel DUNNE said, he must also complain that he found the Estimates extremely confused. The explanations of the expenditure were very inexplicable, and the elucidations of the hon. Gentleman (Mr. F. Peel) rather added to the obscurity. He very much doubted whether the Government had shown real economy in their expenditure. The first Vote was for a very large sum, and it extended over forty pages of the Estimates. When they came to the papers relating to the different corps it was impossible to comprehend the state of things. The item relative to the German Legion would show the singular confusion in which the Estimates were framed. There was, after certain other expenses, an item of £52,000 for knapsacks and colours for the German Legion. That appeared to him a very extravagant Estimate. Then the Turkish Contingent was an expensive corps, without affording half the service which an equal number of our own troops would have rendered. He defied any one to comprehend the Estimates, and the more he was acquainted with the subject the greater would be his bewilderment. He thought the organisation of the War Department ought to be explained, and at the fitting time he should put questions on that important subject. Returning to the German Legion; where was the levy money; where were the bounties; where was the pay of the Turkish Contingent officers; where was the Medical Staff pay? If peace took place he was satisfied the country would demand an explanation of the expenses of the war, and he trusted the hon. Gentleman would be able to give some little information on the subject that night. He did not mean to make any opposition to the Votes, as it would not be politic at that moment, but he hoped the hon. Gentleman would favour the Committee with some explanations, and especially with respect to the expenses of the German Legion.

Mr. FREDERICK PEEL said, that the pay and allowances in the German Legion were precisely the same as in the British army. With respect to the cost of raising that force, that came under the head of levy money, which was paid under stipulation to certain officers, who undertook the whole expense of agencies throughout Germany. A certain sum, for example, was paid to Baron Stutterheim for the German Legion, to cover the expense of agency necessary to collect the men and forward them to this country. The men received their bounty on arriving here. A similar arrangement was made with the Committee of Organization who had charge of raising the Swiss Legion, only that the sum was rather less, and it was still less again for the Italian Legion, because the soldiers enlisted in that country would not be brought to England, but would be sent to Malta and other places. Those legions would probably be put into brigades, and attached to English divisions, and the staff would then undergo revision. With regard to the Turkish Contingent, the sum of £300,000 was intended to provide the whole artillery, cavalry, engineers, and infantry of that force, including the Bashi Bazouks. The officers received a high rate of pay, in order to enlist the services of men competent to discipline such troops. Experience had shown that the attempt had been so far successful; and when it was said half the number of English troops would have been as efficient, he should like to be told where to find them. He had also been asked where the pay of the civil medical officers was provided for. It was provided for under the item of "Hospital expenses"—the amount charged being £187,184. If that amount were analysed, it would be found that about £127,000 was for rationing, the remaining £60,000 being for medical men employed here, at Smyrna, and at the civil hospitals at Scutari.

Colonel KNOX said, he wished to inquire whether the order prohibiting permanent officers on the staff had been rescinded? He found that some of the officers were still retaining permanent staff appointments. For instance, the present Deputy Quartermaster General had £691 19*s.* 7*d.* for his staff pay in addition to his ordinary pay, making more than £1,000 a year.

Mr. FREDERICK PEEL said, he was not aware of the case to which the hon. and gallant Gentleman alluded; but he should certainly imagine that an officer holding a permanent staff appointment would not receive the full pay of his regiment.

Mr. OTWAY said, he heard a complaint the other evening in that House, that various Returns had been circulated in the morning in which all mention of the services of certain officers was omitted. The complaint he had now to make was of quite a contrary description. It was that the hon. Gentleman the Under Secretary for War had attributed to certain officers services which they never could have had an opportunity of performing. The hon. Gentleman had alluded to the distinguished services of Captain Smythe in the Sutlej; but as he (Mr. Otway) happened to be smoking the pipe of peace with Captain Smythe, at Chichester barracks, about the time of the Sutlej campaigns, it was clear that officer could not have taken any part in those campaigns. A similar mistake was also made with regard to the services of the Assistant Adjutant General at the Cape of Good Hope. With regard to the salary of the Commander in Chief he was glad to hear the explanation of the hon. Gentleman on the increase of that salary. He would ask, however, not at all with reference to Lord Hardinge, whether it was to be understood that in future the Commander in Chief should, as in other countries, receive a fixed salary instead of receiving increased pay as he might be promoted in rank. In answer to the remark of the hon. Under Secretary for War as to the difficulty of raising troops, he (Mr. Otway) would guarantee to show an effective force of from 6,000 to 8,000 men—Englishmen, who might be had at any moment—well-seasoned and excellent soldiers. He referred to our removing certain troops from India. All authorities were in favour of such men, for they were inured to the climate, and in a high state of efficiency. A very general complaint had been made that the officers now filling the ranks of captains and senior lieutenants, and even that of major in the Crimea were mere lads, in consequence of the casualties of the war. What was the average of service of the subalterns in India? They would find that subalterns served ten, twelve, and even fourteen years in India. The Government, therefore, had the power of filling the ranks at the seat of war with experienced officers. The plan which he would propose to the hon. Gentleman (Mr. Peel), supposing the war continued in the Crimea, or we had a second war, was this—There were twenty-two infantry regiments now in India, and if out of those they embarked two regiments from the Madras side and two from the Bombay side, the Government would have 4,000 additional effective bayonets in the Crimea for the reinforcement of their army in the field. He might be told that the Governor General would object to these troops leaving India, but any person who had served in India would be ready to admit that the Indian people took very little note of what a regiment was composed of—whether of old soldiers or young soldiers, whether 500 strong or 700 strong. All the people asked was, "What are the number of regiments at such a place?" He proposed to give all those regiments a second battalion, and to send 400 men from each regiment to the seat of war. Those who remained would form a nucleus for the second battalions, and the young recruits from this country might be sent out to India, where, in course of time, they would become as effective soldiers as those composing the first battalions.

MR. FREDERICK PEEL said, in reply to the question of the hon. Gentleman, that he imagined the precedent set by Lord Hardinge would be followed by any future field marshal commanding in chief at the Horse Guards. With regard to the hon. Gentleman's remarks on the appointment to the office of Assistant Adjutant General at the Cape of Good Hope, he could only say that, as the hon. Gentleman had not given him notice of his intention to bring the subject before the House, he was unable to afford him any information. The hon. Gentleman would find from the Estimates that his suggestion, that the army in the Crimea should be recruited from India, had already been adopted by the Government, for two regiments of cavalry had been conveyed from India for the augmentation of our forces in the Crimea.

SIR CHARLES NAPIER said, he wished to have some explanation with regard to the charge in the Estimate for the cost of medals. He might observe that he had watched with great attention the last two promotions to the Order of the Bath, and he must say that he had never seen more unsatisfactory promotions in the whole course of his service. The Statutes of that Order seemed to him to have been set totally and entirely at defiance. He believed it was required by those Statutes that a man must be a Companion of the Order before he could be appointed a K.C.B., but officers both of the army and the navy had been appointed K.C.B's. without having ever been Companions of the Order. He had seen officers who had served with him, and who had never seen a shot fired in the whole course of their lives, made K.C.B's. On the other hand he knew most distinguished officers—old Peninsular officers who went through the whole Peninsular war,—who had received five, six, or seven clasps, and who had been severely wounded, who had not received the distinction of the Bath. He might mention as an instance General Shaw Kennedy, one of the most distinguished officers in the British army, who was regarded by the Duke of Wellington as one of his best officers, and whose name was omitted from the lists of promotions in the Order of the Bath lately issued. Some naval officers who had served with him (Sir C. Napier) in the Baltic had been made C.B's. and K.C.B's., while others, who had performed precisely similar services, had not received the distinction. One Admiral said, "I am ashamed to put the order on. I wish I had not got it. I never asked for it, and I did not want it. I am sorry I have got it, and I am ashamed to wear it." He (Sir C. Napier) intended to move that a copy of the Statutes of the Order of the Bath be laid upon the table, together with a list of all officers whose names appeared in the last two promotions on account of their services, and a list of those officers who had served in the Peninsula, and who had not received the Order of the Bath, with a statement of the number of clasps they had obtained. He hoped, when that Return was produced, that if the Government would not do anything the House would make a stir, and insist upon the appointment of a Committee to inquire into the manner in which the Order of the Bath was bestowed. He could assure the Committee that that order was now regarded with the most perfect indifference. Many officers looked upon it almost with contempt, and said, "What is the advantage of our service, when there is no chance of obtaining such a distinction except through the influence of a friend at Court?" He might mention the case of another officer, although he was rather chary of doing so, because he was his brother, who served through the Peninsular war, who was in all the principal battles, who was twice wounded, who lost his arm, but who was at that moment only a C.B.

Colonel NORTH said, he must beg to express his gratification that the hon. and gallant Admiral had brought this subject under the notice of the Committee, and he wished to avail himself of the opportunity to mention the cases of one or two officers. The first was the case of a most distinguished officer, Major General Freeth, the late Quartermaster General, who served in that office for forty-two years. He did not suppose that gallant officer would be made a K.C.B., because he had for so long a period held such an appointment; but what were the services of General Freeth? The hon. and learned Member for Sheffield (Mr. Roebuck) had the other evening been pleased to refer to "carpet knights," but it would, he believed, be generally acknowledged that there were few officers in the British army to whom such a term could be applied, for our officers, if they were not exposed to the fire of the enemy, were exposed to the noxious influence of unhealthy and pestilent climates. Well, what were services of General Freeth? He had the war medal and eight clasps for Fuentes d'Onor, Ciudad Rodrigo, Badajoz, Salamanca, Burgos, Vittoria, Pyrenees, Pampeluna, Nivelle, and Nive; and there was but one feeling of regret throughout the whole army that that distinguished soldier had been allowed to retire from an office which he had so long held with the utmost credit to himself, and with the greatest advantage to the service, without having received any mark of distinction whatever. He (Colonel North) might also refer to the case of a gallant officer whose name he mentioned last year in connection with the good service pensions granted by Her Majesty—he alluded to Major General Derinzy. That officer fought at Walcheren, at Badajoz, at Albuera, at Ciudad Rodrigo, at Salamanca, Vittoria, Pampeluna, Pyrenees, Nivelle, Orthes, and Toulouse. He had seen fifty years' service; he was severely wounded through both knees at Corunna; he was slightly wounded in the left arm at Flushing; he was dangerously wounded through the body at the battle of Nivelle, and was left on the field for dead; he was twice wounded at the battle of Toulouse, and he received the British and Portugese gold medals for his gallant conduct on that occasion; he had gained eleven clasps, and yet, with all his wounds and services, he was not even a C.B. How could the Government or the country expect to get soldiers to serve them when distinguished officers were subjected to such treatment?

Viscount PALMERSTON said, he thought the House of Commons were not the most competent judges of the relative merits of officers, with reference to the grant of honours to be conferred by the Crown. He was certainly of opinion that if the House should be pleased to take into their hands to pick out the officers who were fitted to receive the different degrees of Orders of the Bath, those honours would become the subjects of canvass in Parliament, instead of being awarded according to the judgment of the authorities at the head of the army, who must be the most competent judges of the relative merits of officers who might be candidates for honours of this kind. He thought such a course, instead of improving the feeling of the army, would lead officers to believe that the way to acquire honours was to get some friend to come down to the House, and to complain that distinctions had been conferred upon certain officers, while others had been passed over. A feeling would thus be created in the army that they must look to the House of Commons for these rewards instead of to the Crown. He would not enter into the merits of General Freeth, who was a very distinguished officer, and who had performed for many years, with great credit to himself, and with great advantage to the country, the duties of Quartermaster-General; but he was sure it must be felt that the performance of the duties of that officer at home was not exactly the kind of service which rendered the person by whom it was discharged the fittest for promotion, on that account, in the Order of the Bath. He did not in the least degree mean to question General Freeth's distinguished service during the last war, but would observe that the distinction of the Bath was conferred for military and naval services, and not for the performance of official duties connected with any department at home. He was also inclined to believe that his hon. and gallant Friend (Sir C. Napier) was mistaken in supposing that an officer could not be appointed to the higher degrees of the Order without having previously passed through a lower grade.

Sir JOSHUA WALMSLEY said, he thought the Committee were discussing the Army Estimates, and not the merits of individual officers, or whether one or the other was most entitled to medals or orders, and he would endeavour to return to the real question before the Committee. His hon. Friend the Member for Stafford (Mr. Otway) had suggested that it would have been much better had the Secretary at War ordered two or three cavalry regiments from India to Turkey. He (Sir J. Walmsley) was able to inform him that there were many Indian officers now employed in the Turkish Contingent and Osmanli Irregular Cavalry, and he was enabled to state on undoubted authority that those forces were most effective, and perhaps better fitted for the duty in Turkey than any other troops, and especially the cavalry, who were said to consist of Albanians and other of the finest men in Turkey. They were officered by some of the ablest men of our own army, mostly Englishmen. One officer, General Smith, who had recently gone out to take command of that force, was one of the most distinguished cavalry officers in India, where he had served for many years, and at a recent review of the Osmanli cavalry at Shumla, General Shirley expressed his pleasure and surprise at the superior and efficient condition of the force. They were now acclimatised, and the best calculated to meet the Russian Cossacks of any troops that could be found; and if he might take the Estimates for his guide, they cost little more than one-half of our regular army in the Crimea. The cost of transport of cavalry from India, of which his hon. Friend (Mr. Otway) had spoken, would have been infinitely greater. He was not disposed either to subsidise other nations, nor to employ foreign troops more than could possibly be avoided. In the emergency we had just passed through, it was the best and wisest course that could be followed, and he, for one, gave the Secretary at War great credit for the energy and ability he had brought to bear, nor could he forget that he (the Secretary at War) had taken the most efficient means to avoid anything like favouritism by confiding the selection of officers to Colonel Graham, a country gentleman, though a military man, whose independence would not be questioned, and who had been able to withstand every temptation laid in his way. He believed that the Turkish Contingent and the Osmanli Horse were most efficient.

Captain LEICESTER VERNON said, he wished to draw attention to a subject connected with the Quartermaster General's department which he thought required explanation. That department last year consisted of General Freeth, the Quartermaster General, Colonel Clarke, Assistant Quartermaster General, but performing the duties of Deputy Quartermaster General, and another Assistant Quartermaster General. The office of Deputy Quartermaster General had not been filled up for thirty years, but last year Lord Hardinge thought it necessary to increase the staff by filling up that appointment. Colonel Clarke had been brought from Ireland to the Horse Guards upon a distinct understanding that he was to occupy the second place in that department, and when the staff was increased it was natural to expect that he would have been appointed Deputy Quartermaster General. That, however, was not done, but General Torrens received the appointment, from which he was soon afterwards removed and sent to Paris as a Military Commissioner. In course of time General Freeth retired, and General Airey was appointed Quartermaster General. Colonel Clarke might then have reasonably expected that he would succeed to the post vacated by Sir Richard Airey, but he was disappointed, and Colonel Gordon, who had been an ensign at the time Colonel Clarke commanded as lieutenant colonel the Scots Greys, was appointed Deputy Quartermaster General. By that arrangement Colonel Gordon was placed over his senior officer, and to get rid of that difficulty the Horse Guards sent for Colonel Clarke, and inquired his wishes. He desired to have the command of a cavalry brigade in the Crimea, but was refused, as it was not the intention of the authorities to send out officers from home to take commands in the East. Colonel Clarke had long desired such a command, for which he was admirably fitted, being distinguished as a cavalry officer, and well known for his acquaintance with all branches of his profession, his persevering study of which had first recommended him to Sir Edward Blakeney, who introduced him to the Horse Guards, for he had no personal influence to assist him. However, his wish was not complied with, but he went down to Newport, where he died. He (Captain Vernon) wished to know why it was that Colonel Clarke was passed over in the redistribution of the offices in the Quartermaster General's Department?

Mr. FREDERICK PEEL, in reply, said, that no remonstrance had been received at the War Office on the subject to which the hon. and gallant Officer had referred.

Captain SCOBELL said, he knew that great dissatisfaction existed among officers on account of the way in which the Order of the Bath had lately been conferred. Within the last forty-eight hours an officer of high rank had shown him the names of four officers, two of whom had received the order and two had not. They presented so signal an example of the mode in which the Order was conferred that he had promised, on the representation being authenticated, to call the attention of the Government to the subject. In fact, it appeared to him that those officers entitled to the Order had not got it, and that those had got it who were not entitled to it.

Colonel DUNNE said, that if they allowed themselves to get into a discussion upon personal matters, the debate would become as confused as the Estimates they were discussing. He really was quite unable to decipher those Estimates. Where, for instance, was the distinction drawn as to the expenditure of the Foreign Legion? It was mixed up with that for our own service. At least, so it would seem. Again, the field allowances were all lumped together in one enormous sum of nearly £100,000. The Land Transport Corps would, from the Estimates, seem to have had in its service 24,000 animals, but he did not believe so large a number ever existed at one time in the Crimea. So far from it, indeed, was the real state of the case, that it would be found from the reports of General Airey and Colonel Gordon, that half the miseries which our army had endured were to be attributed to the inefficiency of the supply of animals, and the general incompleteness of the Land Transport Corps. It seemed, moreover, that the number of waggons was entirely deficient, and that the English waggons which had been sent out to the Crimea had been immediately condemned as unfit for use. Yet there was the enormous charge of £1,293,000 put down in the Estimates for waggons. A result so disastrous in its consequences must have proceeded from incompetency in some quarter, and he trusted that our land transport service would be better managed for the future. The Commissariat Department also appeared to be in great confusion. Its duties were not properly defined. On the whole, he thought the public money had been laid out extravagantly. It was to be hoped that the Government, profiting by the lesson which they had received, would speedily organise an efficient Quartermaster General's Department.

Mr. FREDERICK PEEL said, that there had certainly not been collected together 24,000 animals at any one time in the Crimea; but he might observe that at the end of last year the number of animals had amounted to upwards of 18,000, while 10,000 had died off during the preceding portion of the year—a calculation which placed the entire number collected considerably above 24,000. The object of the Vote for the Land Transport Corps was, to make a provision for the organisation of a military train which might remove from place to place not alone the ammunition, but the provisions and ambulance necessary for the army. Supplies of that description could of course be only removed by horses, and those horses must be guided by men who would form a corps whose pay was included in the Vote for the Land Transport Service. The establishment upon any fixed plan of a military train of the description of that to which he had just referred, must of course be an undertaking of no small difficulty, inasmuch as it must vary with the demands of the army, and the nature of the country in which that army might be called upon to act. The Land Transport Corps had in the first instance been under the control of Colonel M'Murdo, but since the return to England of that gallant officer it had been placed under the command of Colonel Wetherall, and had been in several respects remodelled. It was now in contemplation that the corps in connection with the Land Transport Service should consist of 8,000 or 10,000 men, who were to be divided into battalions corresponding in number to the divisions of the army, and that each division should have attached to it one of those battalions. He might, before he sat down, be permitted to say, in reference to the Commissariat Department, that having last year been placed under the direction of the Secretary for War, a recent change had been made in its regard, by which a portion of the duties connected with it had been transferred to the Treasury. The Commissariat officers had previously had two distinct duties to discharge, the one to provide supplies for the army, the other to replenish the military chest, either by means of the receipt of specie from this country, or the drawing of bills upon the Treasury. Now, the latter duty was strictly of a financial character, and ought to be superintended by the financial department of the Government. Some time, however, must be absorbed in the organisation of a staff of Treasury officers to discharge the financial business of the Commissariat, and, pending that organisation, the Commissariat officers would perform the financial duties of their department, but would be responsible for their proper performance to the Treasury, and not to the Secretary for War.

COLONEL KNOX said, that the efficiency of the army, to a great extent, depended upon the organisation of the Land Transport Service, and that the Government were chargeable with the commission of grave blunders in connection with that organisation. Vast expense had been incurred in connection with it, and yet no considerable results had been as yet produced. The fact was, that at the period in 1855, when the sufferings of our gallant troops were at their height, there had not been above 4,000 animals collected for the Land Transport Service in the Crimea. Colonel M'Murdo, it was true, had done all in his power to render it efficient, but he could not effect impossibilities. He had received no assistance in his efforts to organise a Land Transport corps, and the consequence had been that the few animals under his charge had died of neglect and starvation. Now, a similar state of things still prevailed, and it was desirable that the attention of the Government should be carefully directed to a subject so important, with a view to providing a remedy for what all must admit was a great evil. The system which had hitherto prevailed in organising a Land Transport Corps was, in his opinion, most objectionable. Men were collected in this country and elsewhere for that corps, without reference to the question whether they happened to know a horse from a camel, or scarcely a cartwheel from a carriage, and it was notorious that those men thus selected had, during the course of last winter, been the cause of our losing a considerable number of horses, owing to the absence of proper treatment. Considering that we did not possess a Land Transport Corps sufficient for the removal of an army of 5,000 men, he thought the sum asked for that department of the service was enormous, and he must say that he attributed the great blunders which existed in connection with the administration of the army to the system of "civilianising" it, which now prevailed to so great a degree. It was not into the Land Transport Corps alone, but into the clothing and other departments of the army that that system had been introduced; and unless it was abandoned, and military men substituted for persons who could know nothing whatsoever about military management or organisation, the present state of blundering and confusion must be expected to continue.

MR. PELLATT said, he wished to ask the Under Secretary for War a question respecting the sum of £75,000 granted for good-conduct payments. He wished to know how far the sergeants were to be considered in that grant. None held a more effective position in the service, and yet that position was an unfortunate one; they have obtained the climax of their rank, they can scarcely hope to rise higher, and that system was justified by the Government. As privates or corporals they had good conduct pensions of fourpence a day. On leaving the lower for the higher rank of sergeant they lose their fourpence, and yet are expected to do higher service, and are put to considerable expense for mess and other things. He wished to know whether any addition to the amount of pension the sergeant was entitled to would be given him for long service?

COLONEL LINDSAY said, he thought that there ought to be some system by which the sergeant could obtain extra pay after three years' service. Such service ought to carry with it good-conduct pay. He wished to ask a question respecting the Land Transport Corps. He had heard from the right hon. Gentleman the Clerk of the Ordnance, that the non-commissioned officers of the sappers and miners were to be appointed, by preference, to clerkships and store-keeperships, and he hoped that promise would be realised. Now the pay of the Land Transport Corps was generally less than that of the civil service, which, under the circumstances, was natural. But the principle under which he thought the system ought to be organised, was this, that the pay should be increased, while men should not at once enlist into the Land Transport Corps with higher pay, but that men should be promoted into it from the ranks for good conduct. He should be glad if the hon. Under Secretary for War would inform him if a better system was to be organised in the copying department. At present the writing was more than could be done by the sergeant clerk, and he was obliged to have an assistant clerk, who received no extra pay. The Government should consider if the assistant was not entitled to compensation. There was another subject to which he wished to allude, which was that of martial law. Under the present system the proceedings were attended with inconvenience, from the length of time during which prisoners had to remain in prison after conviction, associated with those who had committed great crime. He knew of cases where prisoners had been left for five weeks in that way.

MR. MONSELL said, he might state in reply to one of the observations which had fallen from the hon. and gallant Member for Wigan, that a considerable number of non-commissioned officers from the corps of sappers and miners were at present employed as corresponding clerks in the arsenal at Woolwich. Indeed, all the clerkships in that arsenal which those non-commissioned officers were capable of filling were thrown open to them. Any non-commissioned officer might have his name put down as a candidate for the appointment, and an examination was at stated periods held, after which those who had proved themselves to be most competent were selected for the vacant clerkships by the Secretary of State for War. It was intended to create a large number of clerkships upon the same principle at the out-stations, which would be open to non-commissioned officers of the line, thus affording a good opening for the advancement of men who had conducted themselves well in the service.

MR. FREDERICK PEEL said, that the principle upon which the rate of pay of the men in the Land Transport Corps had been fixed at a higher rate than that of men in the regular service was, that their duties were more varied, and that they had a large amount of valuable property committed to their charge. In reply to the hon. Gentleman behind him (Mr. Pellatt) he might state that no part of the good-conduct pay would be drawn by sergeants, inasmuch as in their promotion from an inferior rank they were supposed to receive more than an equivalent for the privilege of drawing such pay. Besides, when a sergeant was pensioned off, he was allowed to obtain, as an addition to his pension, the whole of the good-conduct pay which he might have earned as a private, and also an addition of 1*d.* a day for every five years he might have served as a sergeant, and merited the increase upon the ground of good conduct.

MR. MASTERS SMITH said, that with reference to the Vote for the lunatic asylum at Fort Pitt, he wished to call the attention of the Under Secretary of War to the fact, that in that asylum the lunatics, the moment they were relieved from the discipline attached to the wards, were permitted to have free communication in the area of the fort with the invalided soldiers who had returned from foreign service. The fact was, that those lunatics were subjected to no active surveillance, and the subject was one which, in his opinion, demanded consideration.

MR. FREDERICK PEEL said, he was not very well acquainted with the arrangements of the asylum in question; but no doubt the whole establishment at Chatham required to be superseded. He believed it had recently been explained by his right hon. Friend (Mr. Monsell) that a site for a hospital had been procured near Southampton, and he hoped that a building would be erected there which would include a hospital, invalid barracks, and a lunatic asylum, open to none of the objections made by the hon. Gentleman.

MR. MILES said, he wished to call the attention of the Committee to the items for the purchase of horses. He had looked through the Army and Ordnance Estimates, and he was not able to arrive at any exact conclusion respecting their number. The number of horses it appeared for this year were 22,099, while 20,000 had been already sent abroad. The cost this year was £742,688, while last year it was £390,877. The charge this year seemed an immense sum, and he could not account for the difference. Included in the present year's Estimates was an item also of £400,000 for the purchase of animals for the Land Transport Corps, and one of £80,000 for purchasing horses for the cavalry and artillery of the Turkish Contingent. The charge for forage, also, was enormous—no less than £4,961,928, while last year it was only £1,080,000. That excess was enormous, and he wished to know what was the explanation.

MR. FREDERICK PEEL said, that the number of horses was given in one of the columns of the Estimates. There would be a considerable deduction in the Estimates for this year. The cavalry horses required would be less than was anticipated. The expense of each horse for the Land Transport Corps and for the Turkish Contingent was not more than £25 for each horse, while £40 was allowed for the horses supplied to the cavalry of the line. In the expenses alluded to was included that of conveyance to the Crimea, and the cost for artillery horses was very heavy.

SIR WILLIAM JOLLIFFE said, he begged to ask whether the Government proposed continuing to purchase old horses for cavalry purposes, as had been done last year, or whether they intended to return to the practice of buying horses which were only three years old? The great scarcity of horses which at present prevailed was a matter which deserved consideration; and in his opinion the Chancellor of the Exchequer had taken a step in the right direction in removing the taxes upon horses last year. He thought it was well deserving of the consideration of the House and of the Government whether some means should not be adopted, and more especially at the present time, when such enormous sums were being expended in our cavalry, for encouraging the breed of horses in this country. He had felt extremely disappointed on seeing the kind of horses that had been procured for the Government last year, and he could not but think it was very inexpedient that animals should be purchased at such an age that they must before long become utterly unserviceable.

MR. FREDERICK PEEL said, he believed it was preferable and more economical to purchase cavalry horses at the age of five years than at the age of three years, even though a much larger sum should be paid for the older animals.

COLONEL BOLDERO said, that the subject mooted by the hon. Member for West Kent (Mr. M. Smith) was a highly important one. He had minutely visited the lunatic asylum at Chatham some years ago, and was disgusted and horrified with what he saw. After some considerable difficulty he had found a building, an unused barrack at Yarmouth exactly fitted for the purpose; he had reported this to the Government, who had sent down a medical officer, whose report was unfavourable. He was not discouraged; he obtained leave from the Government of the day to take down other officers, and at last he prevailed upon the Government to have the lunatics transferred to that place. He was astonished to find that they had been retransferred again to Chatham. He wished to ask the Government why that change had been made?

MR. MONSELL said, that the reason was simply this. The buildings in question belonged to the Admiralty, and as there was an expectation of a large number of invalid seamen during the war, the Admiralty had reclaimed the property, and the War Department had no choice but to give it up.

MR. STAFFORD said, that as the third item in that Vote related to the medical staff, he would take that opportunity of calling the attention of the Committee to the state of the medical department of the army. That was a subject which had been most keenly discussed this time last year, and the late Government had at that time been strongly censured for having neglected to introduce a reform in that department. In the course of the evidence taken before the Sebastopol Committee, Dr. Andrew Smith stated that it was his wish to retire from the superintendence of the medical department, and that he only held his office until he should have an opportunity of offering an explanation to the Committee; and the Duke of Newcastle expressed his belief that no department called more urgently than that for reform. During the discussions which took place in reference to the state of the army, the hon. and gallant Gentleman the Member for Abingdon (Major Reed) concluded a speech, remarkable for its energy rather than its length, by addressing to the noble Lord at the head of the Government the rather splendid than novel apostrophe—

> " Awake, arise, or be for ever fallen ;"

and the noble Lord, unable to remain deaf to such an appeal, made a variety of promises which had been extremely satisfactory to the House. Among other things, the noble Lord said—

> " I will next refer to the medical department of the army, which is about to be immediately remodelled at home. New persons will be placed at the head of the department, a military man and a civilian, both under the immediate orders of the Secretary of State for the War Department, with whom it will rest to give all directions for the management of the medical department of the army, and to regulate the appointment and promotion of persons in it."—[3 *Hansard*, cxxxviii. 425.]

That was a very distinct promise, and was received with great gratification and much confidence in the House and in the country. Time wore on, and *Army List* after *Army List* came forth; but the name of Dr. Andrew Smith still appeared at the head of the medical department, and there seemed to be no sign of a realisation of the promise of the noble Lord. In the month of August last, he (Mr. Stafford) had called the attention of the House to the subject, and he had requested the hon. Gentleman the Under Secretary for War to give them some definite assurance of the intentions of the Government with respect to it. The hon. Gentleman had stated, in reply, that Dr. Andrew Smith only retained his office until his successor could be appointed, and that it was

the intention of the Government to introduce such improvements in the medical department of the Army as would assimilate its constitution to that of the other newly-reformed departments of the service. But, again, notwithstanding that announcement, the name of Dr. Andrew Smith appeared at the head of the medical department in the *Army List* published last Saturday, and there was nothing to show that any single reform had been effected in that department. It was well known, however, that it was not by his own wish that Dr. Andrew Smith remained in office. He (Mr. Stafford) should be glad to receive assurance—not from the noble Lord at the head of the Government, or the hon. Gentleman the Under Secretary for War, because he could not forget the result of the promises they had before given—but from some other Member of the Government, a distinct assurance, that in some definite time, before Easter or Whitsuntide, or the termination of the Session, some plan of army medical reform would be actually matured and put into operation. He hoped that, as there was now a prospect of peace, it was not the intention of the Government to throw their promises to the winds, and to disappoint the hopes of those deserving men, the surgeons and assistant surgeons of the army, who had so nobly done their duty both to their patients and tthe service.

Mr. FREDERICK PEEL said, he was afraid the right hon. Gentleman himself must assume part of the responsibility for the delay which had taken place in carrying out the reforms in question. The testimony which had been borne by the hon. Gentleman and by other well-informed persons to the admirable order which at present prevailed in our army medical department abroad, and to the completeness of the provisions for the treatment of the sick soldiers, had made the Government less solicitous than they would otherwise have been to carry into effect their contemplated alterations. There were at present two questions under their consideration. The one was the reform of the office of the medical department, and the other was the improvement of the condition of the surgeons in the army. With regard to the first point he had to observe, that reforms in the office of the medical department had been under the consideration of the proper authorities; but some time must elapse before full effect could be given to the intentions of Lord Panmure upon the subject; and under the present satisfactory state of our army medical arrangements, there did not appear to be any necessity for that removal of Dr. Andrew Smith which the hon. Gentleman was continually urging. In reference to an improvement in the state of the army surgeons, he had to state that such an improvement could only be carried into effect under the authority of a Royal warrant, and as no such warrant had yet been issued, he did not feel at liberty to enter fully into the changes which it was proposed should be made in that direction. But he was willing to admit that the memorial received from the surgeons, and the support given to that memorial by Dr. Andrew Smith, had impressed Lord Panmure with the conviction that it was desirable to make the condition of the army surgeons better than it had heretofore been. When it was represented that the existing arrangements upon that subject were such as to render medical men unwilling to enter the army, and to dispose those who had entered it to leave it, the time had come for considering whether a reform of that department ought not to be carried into effect. The general tendency of the contemplated changes would be an improvement of the *status* of the surgeons in the army, and an addition to their pay and allowances. With regard to an improvement of their *status*, he apprehended it would take the form of giving them a higher relative rank in the army, so that an assistant surgeon who should have served for a certain period, should have the rank of a captain instead of ranking only as a subaltern; and a surgeon who should have served a certain time, should have the rank of a major, and so on through the different grades. With respect to an increase of pay for the medical men in the army, he should observe that that was a subject which required to be submitted to the consideration of other departments of the Government as well as the War Department, and he had only to say that it would, as soon as possible, undergo that consideration.

MR. STAFFORD said, that that consideration might go on for ever, or, at least, so long as the House of Commons would permit it. As to the testimony which he (Mr. Stafford) had borne to the admirable order of the medical arrangements, and to the responsibility which was said, therefore, to rest on him, he had certainly testified to the system working thus far well, that he had no hesitation in saying that the army surgeons deserved far better treatment at the hands of the Government and of that House than they had yet received. He begged to assure the noble Lord at the head of the Government and the hon. Gentleman the Under-Secretary for War, that although they had disappointed those gentlemen, he would not disappoint them; but that he would bring forward their grievances, and would move for a Select Committee to inquire into his allegations. If the Government refused a Select Committee, he should divide the House upon the question, and then with the Government and the House would rest the responsibility of leaving the medical department of the army in its present discreditable state.

Vote *agreed to.*

(2.) £1,000,000 on account, Embodied Militia.

MR. W. WILLIAMS said, he wished to inquire how it was that so large a number of men were enrolled when so few, comparatively speaking, were embodied? 163,000 men were enrolled, and he believed that not one-half of them were embodied; notwithstanding which the Estimate included the whole of the expenses.

MR. MONSELL said, he must explain that it was necessary to enrol as large a number as possible in order to give free scope to the volunteering principle; and as it was impossible to tell how many would volunteer, it was expedient to take a Vote for the whole number required.

COLONEL BUCK said, that it was most satisfactory to the officers and men of the militia to hear the commendation which had been passed upon them the other night by the noble Lord at the head of the Government. He trusted that the country would give the officers of the militia the credit of having organised their regiments under very trying and difficult circumstances. The militia officers, who had sent so many recruits to the line, had had their difficulties to contend with in consequence of orders and counter orders from the War Office. The following paragraph appeared in *The Times* of the 19th of February, in reference to the Hampshire Militia—

> "The Hampshire Militia has now given to the Guards, Marines, and Line 560 men, and also 300 to the Hampshire Militia Artillery—total, 860 men. The regiment is now reduced to five companies, with five captains; the remaining officers of the above rank have been ordered to retire till the regiment can recruit up to ten companies of fifty men each."

A similar system operated in respect to the regiment he had the honour to command, and, though the officers had done in this matter something more than was expected from them in order to recruit the line, for they induced 160 men to volunteer. He heard that they were to be shelved, like the Hampshire Militia officers. Sometimes there were two or three or more regiments of militia in the same county, and there might be some conflicting pretensions among them, and yet, if the lord lieutenant of the county happened to be colonel of one of the regiments, he was the only umpire to be referred to. He thought that no lord lieutenant should be colonel of a militia regiment when there was more than one militia regiment in the same county.

Lord LOVAINE said, that nothing could be more discouraging to militia officers, after they had spent their time in drilling and organising their regiments, than to find them entirely dissolved at the fiat of the Minister of the War Department, and punished, as it were, for their services in procuring recruits for the regular army. A sufficient number of men could not be raised by voluntary enlistment, and therefore more officers than were necessary for the service must be employed, or the militia would be entirely destroyed. Nothing more required fresh organisation; and the militia officers deserved better treatment at the hands of Government for doing their duty to the country.

Colonel ADAIR said, he thought that the Government departments had made exertions to render the service of the militia as agreeable as possible, and he believed that arrangements were made to prevent the regulation with respect to the strength of a regiment acting unduly hard on officers, who had done their best to procure men to enlist for the regular army; but, at the same time, he thought that the officers in the regiments which had been reduced by such means below a certain number should be placed on the establishment. He believed that the militia had furnished for Her Majesty's service more trained soldiers than all the rest of the community; and, in saying that, he was paying a high, and at the same time a deserved compliment to the officers under whom the men had attained that efficiency. Notwithstanding that, he thought there was still some room for improvement. Greater inducements ought to be held out to enter the ranks, and, above all, the services of a superior class of men should be engaged, if possible. He was convinced that if the militia was to continue an effective force, and one which would be creditable as well as useful to the country, they must endeavour to secure the services of such men. If they were to enter the labour market upon equal terms with others they would find little or no difficulty in obtaining men. He thought also, that care should be taken to classify the men when they enlisted in the army, and, instead of an indiscriminate enlistment into regiments of the line from various militia regiments, they should endeavour to place the men as much together as they could, so that old associations should still prevail. Under the influence of their own officers they would not only conduct themselves creditably when on active service, but would be animated by a spirit of friendly rivalry, which would be productive of the best results.

Lord LOVAINE said, that, in his opinion there was a total misapprehension as to the purpose for which that force was raised. It was not intended as a nursery for the army, but rather for the defence of the country itself. He objected entirely to the reduction of the body by means of enlistment, for it was his opinion that it was not from that source that Government ought to expect that the ranks of the line should be filled, but that they should proceed with recruiting in the regular way.

Colonel GILPIN said, he considered that the militia were an extremely useful body to the country, and ought to be preserved as a distinct force. It was said that in some counties they were not able to make up the militia to anything like the full number. He could, however, show a different statement. In the small county which he had the honour to represent (Bedfordshire), since January, 1854, they had embodied 455. That regiment had given 366 men in addition to the regular army, and they had lost 145 by Lord Panmure's circular, and there were now only about fifty men short of the entire number.

Lord LOVAINE said, it was impossible, so long as they continued drafting the men from the militia to the line, that they could preserve an efficient corps of militia.

Mr. W. WILLIAMS said, he must complain that, notwithstanding the vast sum voted last year for the militia, the right hon. Gentleman the Clerk of the Ordnance had now come down for a Vote to make up what he called the deficiency.

Mr. MONSELL said, that the hon. Member ought to be aware that under the Appropriation Act the money was distributed to the Ordnance, the Army, and the Commissariat. There were Supplemental Ordnance Estimates. The militia was placed under the charge of the old Army Estimates.

Mr. W. WILLIAMS said, what he complained of was, that all the money voted last year for the militia had been expended. The amount was £3,400,000 and odd pounds for 136,000 men, and yet they had never had upon an average more than 60,000 either enrolled or embodied in the militia last year. Therefore, the Government could not have expended half that sum, and yet they were told that all the money had been expended for the general service.

Lord WILLIAM GRAHAM said, he wished to know how much out of the sum voted for the erection of huts to house the men had been expended for that purpose in Scotland?

Mr. MONSELL said, he hoped that the noble Lord would postpone his question until they had come to the Vote for works and buildings.

Mr. COWAN said, notwithstanding that reply of the right hon. Gentleman, it was very desirable to know what measures had really been taken to build barrack accommodation for the soldiers in Scotland, as the people there were suffering very much from the system of billeting the men upon the householders generally. He confessed he was much disappointed at the apparent carelessness of the Government upon that subject. The only answer they gave to the complaints of the people was, that it was the law, and the people must obey it. He warned the Government, however, to beware of treating the people with that *nonchalance* upon this question.

Mr. MONSELL said, that the charge made by the hon Gentleman was most unjust, and he denied it in the strongest terms. The Government had used every exertion possible to relieve the people of the United Kingdom of the burden of the billeting system. The facts, however, were these. The Government were placed in a position of great difficulty and trial, because, since 1815 up to the breaking out of the present war, barrack accommodation for about 90,000 men had been given up. When hostilities broke out they found themselves in a position of great difficulty, and the country was necessarily put to an enormous expense in consequence of the want of sufficient barrack accommodation. Last year they provided accommodation for nearly 50,000 men and 3,000 horses, and additional accommodation was in the course of being completed. If it should be necessary to keep up the present large force longer, the Government were prepared to provide still greater accommodation, so as to reduce the burdens of the billeting system.

Mr. W. EWART said, he believed that the Government had made great efforts in the way of lessening the evil, but they had not as yet succeeded in doing what was wanted in Scotland. There was no barrack accommodation in the vicinity of the place which he represented. He, therefore, strongly protested against the billeting system, and he was convinced that the people of Scotland would not be satisfied until the grievance was remedied.

Vote *agreed to*, as was also—

(3.) £88,000, Volunteer Corps.

(4.) £250,000, Army Works Corps on account.

Sir WILLIAM JOLLIFFE said, he must complain that this force had been rendered necessary by the neglect of the corps of Sappers and Miners, which, had it been maintained in a proper state of efficiency, would have been equal to the performance of any service which might have been required of it. The superintendents of the Army Works Corps were paid as much as general officers in the army, and yet he could find subalterns in the Engineers capable of performing their duties. The establishment of the corps seemed to be a slur upon the scientific branch of the army which was commanded by the engineer officers. Had that branch been properly increased, the enormous expense of this force might have been avoided, while the service would have been better organised. He had been informed that in regard to that branch, some new arrangements had been made. He had been told that the Sappers and Miners had been removed to Chatham; and he hoped that in future care would be taken to maintain the efficiency of that force.

Captain LEICESTER VERNON said, he also wished to call attention to the enormous sums paid to the staff of the Army Works Corps. The chief superintendent, who had the direction of only 2,779 labourers, received a salary of £1,500 a year. The pay of a lieutenant general, commanding a division of the army, was only £1,383 19*s.* 2*d.* It was true, as had been stated in explanation by the hon. Gentleman the Under Secretary for War, that that was not the whole pay of a lieutenant general, but it must be remembered that he had to perform more arduous duties than the chief superintendent of the Army Works Corps, and that while the latter did not go under fire, the general was liable to be shot at every day. The superintendents each received £800 a year. The pay of a major general commanding a brigade was but £691. The assistant superintendent received £700; a colonel of the staff only £415 3*s.* 9*d.*; storekeepers in the army received but £140 per annum; while those in the Army Works Corps were paid £300. The whole staff for these 2,779 men cost £37,130. Nor was that all, for, adding the expense of the floating factory *Chasseur*, and the commissariat branch attached to the corps, the total staff payment was £87,491, or very nearly the cost of fourteen regiments of the line. Now he would inquire what was the duty of these men? Had affairs been conducted as they ought, there would have been no occasion for them. The work would have been performed by fatigue parties of troops. But unfortunately we could not spare soldiers for that work, and therefore this corps was required. We were told that they would show what native muscle, without military education, would do when it came in contact with the Russians. That sounded very well, but upon inquiry, however, it was found that the men of this corps could not be taken into the trenches or under fire. The question then arose, what they would do if fire came to them? An officer of distinction inquired of the gentleman who commanded a portion of these men what they would do if the Russians attacked them while they were at work; whether they would stand with their arms folded while the soldiers protected them, or would render any assistance to the military in repelling the attack. The officer in charge of the corps took time to consult with his brother officers on the matter, and the decision subsequently arrived at was, that they had no right to require the men to bear arms. Thus, therefore, we had attached to the army, at an inordinate cost, a body of men who could only do one description of duty. In time of peace they would be of no use, as they could not be sent to the different colonial stations, and if the war continued, how could they be made available when their base of operations was the floating factory *Chasseur?* As they were not to go under fire, were they to remain behind at work upon roads which might never be used again by the army? If so, a force must be left to protect them; and it was notorious that nothing could be more embarrassing to an army than a large mass of camp followers. No doubt, being in a kind of cleft stick at the time this corps was originally formed, the Government had no choice but to employ them; but, the particular emergency for which they were called into requisition having passed away, the further retention of their services was perfectly unjustifiable. If it were asked what body they could substitute for this corps, the answer was obvious. The Sappers and Miners were the very best class of men whom they could employ in the performance of such duties. That body, being strictly military, would be equally ready to work and to fight, as occasion required; and, moreover, the raising of a force of Sappers and Miners as large as the Army Works Corps would be unattended with a single shilling of expense for staff, because the Engineer officers were now ready to their hand, and had only to be attached to this service. There would be no difficulty in procuring a sufficient number of men fitted for Sappers and Miners from the ranks of the militia if equal inducements to those held out to the Army Works Corps were offered. At the request of Sir John Burgoyne he had applied to several militia officers of his acquaintance with the view of obtaining their assistance in recruiting the force of Sappers and Miners, and the answer that he had received from those gentlemen showed that the best men of their respective regiments could easily be got for this service upon reasonable terms. It was perfectly idle, then, to talk of the impossibility of finding a corps qualified, not for the execution of one specific kind of work only, but for the discharge of any military duty that could be expected of soldiers.

Mr. FREDERICK PEEL said, he thought the best justification for the formation of the Army Works Corps was supplied by the position in which the force of Sappers and Miners stood when the former body was raised. The Sappers and Miners were only about 3,000 strong at the period in question, and from the first not more than 1,000 of them had as yet been sent to the Crimea. The requirements of the Ordnance survey in the

United Kingdom and in the colonies had been such as to render it impossible to despatch more than one-third of this force to the East. That the Government did not under-estimate the value and importance of the corps of sappers and miners was obvious from the fact that in the Votes before the House an increase of 1,100 men in that force was provided for, but it was clear that a large body of trained men could not be got ready to take the field in that branch in the brief space of a few weeks. If the hon. and gallant Gentleman opposite were in the Crimea himself, he would no doubt concur with the general officers now there in thinking the Army Works Corps a very valuable and useful adjunct to the regular army. When that corps was first raised, it consisted only of 1,000 mechanics and labourers; and when it arrived in the East it had so much work to do that repeated applications were made for an accession to its numbers. Those applications had been successively complied with, and the result was, that the force now reached an aggregate of 3,470 men and officers. The military authorities in the Crimea certainly regarded it as a great advantage to have a corps of that description engaged in maintaining the roads and on other works, whereby the soldiers of the line were set at liberty to perfect themselves in their drill and in learning to use the new musket with which they have been provided. The skilled men of this corps received 30*s.* per week, and the best mechanics 40*s.*—rates of pay which, compared with the scale of wages in this country, and taken in conjunction with the fact that they had to go abroad and encounter considerable risk, could not be looked upon as extravagant. This corps had been formed with the valuable assistance of the hon. Member for Coventry (Sir J. Paxton), to whom the Government were under great obligations for his exertions in establishing the force.

SIR JAMES FERGUSSON said, that having witnessed the practical working of the Army Works Corps in the Crimea, he trusted that its organisation would not be much longer continued. The undue advantages enjoyed by this force excited great discontent in the regular army, and, moreover, its want of proper discipline and subordination rendered it very troublesome to the authorities. Officers who had borne the brunt of the campaign, and been constantly under fire in the trenches, might well be forgiven for looking with jealousy upon a body of labourers who went out in the receipt of pay, rations, and clothes superior to those which they themselves enjoyed. The pay of these men exceeded that of an ensign, and, being of intemperate habits, many of them sold their superfluous apparel (supplied to them by the Government) to the officers of the army. Labourers might at first have been needful to make the railway in the Crimea, but a corps like this ought not to be permanently maintained. The troops should be taught to discharge their duties. It was to be feared that, no wiser for the experience of the past, we were proceeding on as false a principle as ever. At Aldershot, which should be a school for teaching the soldier the various duties incidental to his profession, the huts were built, the roads made, and all the operations of mechanism performed, not by soldiers, but by civilians engaged on contract for the purpose. The soldier should be not only a fighting man, but in some sense a skilled artificer; else how should it be expected that, when landed on a foreign shore, he should be qualified to make the necessary arrangements for his secure and comfortable encampment? As long as he was accustomed to have these things done for him by others he would always be incompetent to do them for himself, and when others were not at hand to assist him the result would be the repetition of such misery as our gallant army had endured last winter in the Crimea. It was to be feared that the Works Corps was but another phase of the same pernicious system from which the British army had long and grievously suffered. He trusted, however, that the Army Works Corps would not be retained upon the permanent establishment.

SIR JOSEPH PAXTON said, as the Government had done him the honour of confiding to him the task of organising the Army Works Corps, he hoped that he might be permitted to say a few words with reference to the formation of that body. When the corps was first contemplated, the question was, not whether the Government could induce the particular men who now composed it to proceed to the Crimea, but whether it was possible for them to get any men at all to go. There not being sufficient sappers and miners to build hospitals, construct roads and bridges, and do the general mechanical work of the camp, what he, acting for the Government, had to set about in the first instance was to raise a body of men competent for such duties, to officer it, and to despatch it as expeditiously as possible to the seat of war. The first thousand men sent out were not as scrupulously selected, nor as well trained as could have been wished, and a little confusion occurred when they landed; but the second, third, and fourth contingents were carefully chosen and excellently disciplined, and the whole corps was now conducting itself with exemplary propriety. The pay of the gentleman who went out in the capacity of engineer, Mr. Doyne, was not, he considered, exorbitant. It was the ordinary remuneration of a civil engineer in this country, and he could assure the Committee that he had had no little difficulty in inducing a gentleman of first-class acquirements to go out for merely as much money as he would have been sure to earn if he had remained at home. But Mr. Doyne had a zeal for the service, and consented to undertake the duties for £1,500 a-year. Neither was the pay of the other officers excessive; on the contrary, it was in many instances less than they would have realised by their ordinary occupations. Sappers and miners might have been in some respects preferable; but it would have taken a year to organise such a force, and the new corps was required by the Government in four weeks. The officers and men were the best of the kind that could be procured, and the "navvies" were the most powerful of their athletic class. With regard to expense, taking all circumstances fairly into consideration, it was his opinion that this was the cheapest corps ever raised. The men were one and all in condition at the time they were embodied; they did not require to be drilled and instructed for years; they were all thoroughly conversant with their respective trades, and within three months of their return to this country they might be disbanded and completely got rid of. Could as much be said if they had been sappers and miners, or any other purely military corps? With respect to the Commissariat branch, it had been embodied for the general purposes of the army, and it had its origin in the simple fact that the Commissary General, seeing how admirably the Army Works Corps did its business, applied to the War Minister for a body of men to be organised on similar principles for the service of the Commissariat Department. In conclusion, he would only observe that he had the authority of Lord Panmure himself for stating that that nobleman was of opinion that, had it not been for the Army Works Corps, the army would have had to endure the same sufferings this winter as the previous one.

Colonel BOLDERO said, the hon. Gentleman told them he found a difficulty in getting any civil engineer to go out to the Crimea—he only wished the hon. Member had never been able to find one. He (Colonel Boldero) could have found a captain of engineers perfectly capable of constructing a railway of seven miles; and when he had constructed that railway, and such services were no longer wanted, he would be too happy to have them transferred to military purposes. He never heard a reply of a more unsatisfactory character than that which had been given by the Under Secretary of War to the hon. and gallant Member for Chatham (Captain Vernon). The hon. Gentleman said they had 1,000 sappers and miners in the Crimea and 2,000 at home, and that they would not send out these 2,000 because they were engaged in a survey. Was the country arrived at such a pass that, when it was engaged in a war like the present, the works at home could not be suspended, and the 2,000 men sent out? He should be glad to know, if the men of the Army Works Corps were not to be permanently attached to the army, whether they were to receive half-pay, or upon what terms they were to receive their discharge?

Mr. FREDERICK PEEL: They are entitled to compensation at the discretion of the Government, but not to half-pay.

Colonel KNOX said, he wished to inquire whether the corps was to be continued after the termination of the campaign?

Mr. FREDERICK PEEL: There we must be governed by circumstances.

Colonel DUNNE said, he thought it desirable that the Committee should understand whether the corps was temporary or to be interwoven with our military system.

Mr. FREDERICK PEEL: Having been raised for a special purpose, I should not think that it will be continued beyond the necessities of the war.

Vote *agreed to.*

(5.) £169,026, War Department.

Colonel DUNNE said, he wanted some explanation of what the War Department really was. He could not see what benefits had been effected by the change that had taken place in that department, for they had an increase in the expenses of the department of £68,000. Besides this, the whole department seemed to be in confusion. They had two Gentlemen answering for the department in that House; one for one part of the Estimates, and another for another part. It appeared to him impossible to make out what were the respective duties of those two hon. Gentlemen. Some of the duties that it now seemed were performed by the Clerk of the Ordnance were a portion of what he (Colonel Dunne) had thought was to fall to the share of the Commander in Chief under the new arrangement. By papers laid on the table of the House it appeared that there had been an apparently unaccountable changing of officers from military to civil departments. Now he should like to know who had the making of those changes? He thought that the Government ought to give the House some account of the system pursued in reference to changes of that nature.

Mr. MONSELL said, he could assure the hon. and gallant Gentleman that the confusion which he supposed to exist in the War Department existed merely in his own mind. The Secretary of State for War was at the head of the War Department. He was the source of jurisdiction and authority, and the duties of the departments were divided among the directors general. There was no confusion, and in place of the former difficulty and delay the army had, since the new organisation, greatly improved, and it was now in a much more efficient state than before the War Department was changed. As to his duties, he (Mr. Monsell) discharged no military duties. The Ordnance was now under the control of the Commander in Chief, who had the same control over the artillery and the sappers and miners as over the rest of the army. That was an advantage that had been long desired, and the result had been to substitute entire simplicity for a system that was formerly very complicated.

Colonel DUNNE said, that the right hon. Gentleman had not told them what the duties of the different directors general were. The state of the active army he acknowledged had improved, but from different causes to that stated by the right hon. Gentleman; but, on the whole, the civil departments of the army were perfectly disorganised.

Colonel BOLDERO said, that the Government had taken credit for a saving of £36,000 in the War Department, as compared with last year. But an item of £60,000 postage had been taken out of the department and transferred to the proper service, and the Government had taken credit for a saving they were not entitled to, for, taking that postage item into account, the increase of expenditure was £24,000.

Mr. W. WILLIAMS said, he was of opinion that the army ought to be under the direction of the House of Commons. [*Ironical cheers.*] He meant that it ought to be responsible to the House of Commons, and placed in the hands of the Minister of the Crown. At present the great department of the Horse Guards was totally irresponsible. The Government had nothing to do with the appointments, but they had brought more obloquy upon the Government than any act of the present Administration. The Government were obliged to defend the Horse Guards when they had nothing to do with the responsibility of the appointments. He hoped he should live to see a Minister powerful enough to disregard the power of the Horse Guards.

Mr. OTWAY said, that while the Foreign Office had two Secretaries, the War Department had five. There were five public secretaries and five private secretaries. Who was the Secretary of the Military Board?

Mr. MONSELL said, that with regard to all those secretaries their duties were most laborious. Any comparison between the War Department and the Foreign Office was fallacious. The office of Secretary of the Military Board would not again be filled up. It was now held by a gentleman who had, until lately, more important duties to discharge.

In reply to Colonel Gilpin,

Mr. MONSELL said, it was impossible to have a smaller number of messengers. The Government intended to propose an estimate for adding to the existing building a sufficient number of rooms to accommodate the whole War Department, and, when that was done, the Estimates in other items besides that of messengers would be reduced.

Captain LEICESTER VERNON said, that almost all the salaries had been raised this year. He saw by the Votes that the pay of the Director General of Artillery had been raised from £400 to £1,000, but that no addition had been made to the pay of the Inspector General of Fortifications. He wished, also, to know whether the

Inspector General, the Deputy Inspector General of Fortifications, and the two assistants, were supposed to be performing military duties under the Commander in Chief, or civil duties under the Clerk of the Ordnance.

Mr. MONSELL said, that the Inspectors of Fortifications had two classes of duties to perform—one civil and the other military. In the discharge of their military duties they were under the direction of the Commander in Chief; in disbursing large sums of money, and discharging other duties of that nature, they were acting under the Secretary of State for War. Before the recent arrangements in connection with the salaries of Inspectors of Fortifications, the salary of Sir John Burgoyne, the Inspector General, was raised, and he (Mr. Monsell) had felt great pleasure in recommending that that distinguished officer should be liberally treated.

Vote *agreed to.*

(6.) £22,791, Head Quarters, Military Departments.

Mr. W. WILLIAMS said, there were five secretaries in this department, when there were only twenty-two clerks in the offices. He wanted to know why the present Commander in Chief required one more secretary than the Duke of Wellington when he was Commander in Chief?

Mr. FREDERICK PEEL said, the reason was, that the Artillery had been added to that department.

Mr. SIDNEY HERBERT said, a recommendation was made by the Committee on the Army, Navy, and Ordnance Estimates, and also by the Committee on Army and Navy Appointments, which sat in 1838, that staff appointments at the Horse Guards, and elsewhere, should be only for a limited space of five years, upon the grounds that the frequent changes would bring more men into a knowledge of business, and likewise give the authorities at the Horse Guards greater opportunities of acquiring a knowledge and judging of the qualities of officers with whom they acted confidentially. The same recommendation was repeated by the Committee on Promotions, which sat two years since. He now wished to ask whether the appointments of Adjutant General and Quartermaster General were for life or for a limited period of five years?

Mr. FREDERICK PEEL said, he was aware of the recommendation, but was not able to say whether the late appointments were made for a limited period.

Captain Leicester Vernon

Mr. SIDNEY HERBERT said, he would repeat his question on a future occasion.

Vote *agreed to.*

House resumed.

WAYS AND MEANS.

The House then went into Committee of Ways and Means, when

Mr. WILSON said, he had now to move that a grant of £26,000,000 be made to Her Majesty out of the Consolidated Fund.

Mr. W. WILLIAMS said, he must express his doubts whether supplies had been voted to so large an amount.

Mr. WILSON stated that the Votes already sanctioned by the House amounted to £27,864,000.

Motion *agreed to.*

Resolved—

> "That towards making good the Supply granted to Her Majesty, the sum of £26,000,000 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

House resumed.

TRIAL OF OFFENCES BILL.

Order for Second Reading read.

Mr. HENLEY said, he must ask the Government, considering the late hour (twelve o'clock) of the evening, to postpone the second reading, as he considered that the Bill contained some startling propositions, and under it a person charged with high treason might, at the will of the Crown, be removed from the remotest part of the country for trial at the Old Bailey.

Mr. BAINES said, that, at present, although the Court of Queen's Bench might direct trials for criminal offences to be removed from one county to another, they could not remove such trials from any county to the Central Criminal Court, which was the highest criminal tribunal of the country, at which three of the Judges might be present, and at which two of the Judges must attend; and the object of the Bill was simply to remedy that defect in the law.

Mr. WHITESIDE said, he must remind the right hon. Gentleman that they had together sat on a Committee, a few years ago, on crime and outrage in Ireland. They then asked for power to try a prisoner in another county, in case of terror being prevalent where the crime was committed. The principle involved was the same as the Bill now before them contained. They had a majority for it in the

Committee, but they were afraid to bring it forward in the House, in the face of a strong Whig opposition. If a man were tried for high treason it would be easy to procure from a Judge at chambers an order that the person charged should be brought to London to be tried. He thought the Government ought to give time for the consideration of the Bill.

Sir GEORGE GREY said, he should claim the vote of the hon. and learned Gentleman on this measure, for he had on a former occasion strongly insisted on the principle of the Bill; he, therefore, hoped the hon. and learned Gentleman would not revenge himself upon England by refusing to it a benefit which he had on a former occasion been desirous of conferring upon Ireland. The object of the Bill was to remedy a defect in the law, for while a trial could be moved from one county to another, say from Cornwall to Essex, the county of Middlesex was excluded. The object was to include Middlesex, as containing the highest criminal court in the kingdom.

Mr. OTWAY said, it was notorious that the Bill had been introduced to meet a particular case, that of Palmer, because it was pretended that he would not obtain a fair trial from a jury in Staffordshire. He (Mr. Otway) would undertake to say, for the jurymen of Staffordshire in general, that such an accusation was most unjust and unfounded.

Sir JOHN PAKINGTON said, he would suggest that any opposition the Bill might encounter would be considerably mitigated if it was provided that the consent of the accused party should be required before a trial was removed.

Mr. BAINES said, that under the existing law, even when, as in the present case, both parties concurred, there was no power of trial at the Central Criminal Court.

Mr. M'MAHON said, he would remind the House that at present the removal of a case to the Court of Queen's Bench gave the prisoner all the advantages attendant upon a civil proceeding. He could obtain a new trial for misdirection, or in case the verdict should be against the evidence; but if the proposed Bill should pass, the prisoner would be deprived of that advantage, and would be left at the mercy of the Judge and jury who tried him.

Mr. WISE said, he had intended to move the rejection of the Bill, but, after what had fallen from the right hon. Gentleman the Secretary of State he considered that it would not be advisable to do so. He believed, however, that there need be no apprehension that an impartial jury could not be obtained at Stafford.

The CHANCELLOR of the EXCHEQUER said, the question was not whether a prisoner should be tried at Stafford or at the Central Criminal Court; but whether he should be tried upon a solemn trial at bar in the Queen's Bench, or whether the more convenient and expeditious course of a trial at the Central Criminal Court should not be adopted. The prisoner himself in the case alluded to was an acquiescent party to the arrangement which the Bill proposed, and it would be a public convenience to supply the omission in the existing law.

Viscount PALMERSTON said, he hoped the Bill would be read a second time without delay.

Mr. WHITESIDE said, he wished to know whether the principle of the Bill was to apply to Ireland?

Sir GEORGE GREY replied in the negative.

Bill read 2°.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, March 4, 1856.

Minutes.] Public Bills.—1ª Exchequer Bills Funding; Annuities; Secretary to the Poor Law Commissioners (Ireland); Agricultural Statistics.

2ª Consolidated Fund (£1,631,005. 1*s.* 5*d.*)

3ª Commons Inclosure.

GALLERY OF NATIONAL PORTRAITS.

Earl STANHOPE said, that, in bringing forward the Motion of which he had given notice for the gradual formation of a Gallery of National Portraits, he begged, in the first place, to observe that the question was not altogether new to Parliament. Four years since, just before the last general election, and while he was still a Member of the House of Commons, he introduced this project in a conversation on the Miscellaneous Estimates. A right hon. Gentleman (Mr. Disraeli) who represented the Government at that time—it was the Government of the noble Earl (the Earl of Derby)—expressed himself in approving terms of that proposal. Other Members expressed the same approbation in private, and he was so far encouraged as to give notice that, if he had the honour of a seat in the next House of Commons, he would bring the matter forward as a substantive Motion. He was not able to fulfil that intention, because, as it chanced, at the general election, he had not the good fortune to obtain a seat; but now, although in another place, he would endeavour to redeem his ancient pledge.

He thought he could not better introduce this question to their Lordships than by asking the greater number of them to recall to mind what they had seen in the galleries of the Palace of Versailles. Many among their Lordships must there have felt no small degree of weariness and disgust on passing through an almost interminable line of tawdry battle scenes and Court pageants of the largest dimensions. Not a few of these battle scenes would no doubt recall the words of a modern author, who had described another such huge picture in England as "an acre of spoiled canvas." Many such acres of spoiled canvas presented themselves upon the walls of Versailles; but their Lordships would also recollect the great pleasure, and as it were refreshment, with which they passed from these tawdry battle pieces and Court pageants into a gallery of much smaller dimensions, and much less gorgeous decorations, containing excellent contemporary portraits of celebrities in French history. He thought few Englishmen could have been at Versailles without wishing that in our own country, while the errors of the larger galleries should be avoided, some attempt should be made not only to emulate, but to extend the example set in the smaller one. In this country the portraits of our great historical characters were very numerous—he doubted, indeed, whether in any country this class of pictures so much abounded—but they were scattered far and wide—many of them in country houses and in private collections; and it was only now and then that an opportunity offered itself of purchasing, either a single specimen, or a whole collection of historical portraits. Now, the object of his Motion was, that the country should avail itself of every opportunity that might occur of making purchases, with a view to the formation of a National Gallery of Portraits. There were many advantages to be derived from the formation of such a gallery. It would afford, not only great pleasure, but much instruction to the industrious classes; and that he would put forward as a main recommendation of the scheme. It would also, in a special degree, be a boon to men of letters—to persons who had an opportunity of long and extended study. In proof of this, he would appeal to the testimony of one of the most thoughtful and eloquent writers of the present age—he meant, Thomas Carlyle. It was a letter published a few months ago in the proceedings of a learned Society in Edinburgh; but as it was probably not very widely circulated, he would take the liberty of reading a few sentences from it to their Lordships—

> "First of all, then, I have to tell you as a fact of personal experience, that in all my poor historical investigations it has been, and always is, one of the most primary wants to procure a bodily likeness of the personage inquired after—a good portrait if such exists; failing that, even an indifferent, if sincere one. In short, any representation made by a faithful human creature of that face and figure which he saw with his eyes, and which I can never see with mine, is now valuable to me, and much better than none at all. This, which is my own deep experience, I believe to be in a deeper or less deep degree the universal one, and that every student and reader of history who strives earnestly to conceive for himself what manner of fact and man this or the other vague historical name can have been, will, as the first and directest indication of all, search eagerly for a portrait—for all the reasonable portraits there are; and will never rest till he have made out, if possible, what the man's natural face was like. Often have I found a portrait superior in real instruction to half-a-dozen written biographies, as biographies are written; or, rather let me say, I have found that the portrait was as a small lighted candle, by which the biographies could for the first time be read, and some human interpretation be made of them."

And, further on, in the same letter, Mr. Carlyle adds on the more general question—

> "It has always struck me that historical portrait galleries far transcend in worth all other kinds of national collections of pictures whatever; that, in fact, they ought to exist in every country as among the most popular and cherished national possessions. Lord Chancellor Clarendon made a brave attempt in that kind for England, but his house and gallery fell asunder in a sad way, and as yet there has been no second attempt that I can hear of."

He thought the testimony of so gifted a man as Mr. Carlyle was so high, that though he could easily accumulate other authorities to the same effect, he should leave it to stand alone. Again, as regarded Art, he thought it might be also shown that the formation of such a gallery would be of very great importance to its promotion. In the first place, it would be of immense advantage to portrait painters to be able to see in a collected form a series of portraits of men famed in British history, from the first rude attempts of panel painting in the thirteenth or fourteeeth century, down to the finished execution of the works of Reynolds and Lawrence. It would enable them to soar above the mere attempt at producing a likeness, and to give that higher tone which was essential to maintain the true dignity of portrait painting as an art. But if, beyond doubt, to have these in a collected form would be of the greatest advantage to the portrait painter, in relation to historical painting such a collection would be of still greater value. In illustration of that fact, he would refer to the case of his friend Mr. Ward, who had had the high honour of being commissioned to paint at the public charge some pictures for the decoration of the building in which they were then assembled, that is, for other parts of the Palace of Westminster. Their Lordships would, no doubt, recollect that he had painted for that purpose the two great pictures of "The Execution of Montrose," and "The last Sleep of Argyle." Mr. Ward had told him that it was scarcely possible to conceive how much difficulty he had met with in ascertaining the correct likeness of the personages, together with the dress, and the decorations of the time, in preparing those two pictures. He would therefore leave it to their Lordships to conceive how much Mr. Ward would have been assisted in his work by an opportunity of ascertaining these points; and it could not be doubted that if the country possessed such a gallery as he was now advocating that assistance would have been at hand. To historical painters, therefore, a collection of portraits such as he had indicated would be of essential help. If further testimony were required of the great importance of such a collection to art, he might give it in the words of that eminent man who was especially charged with the interests of art in this country, being the President of the Royal Academy. It appeared that in January last Mr. Sidney Herbert suggested to Sir Charles Eastlake the purchase of a portrait of Sir Walter Raleigh for the National Gallery. Sir Charles wrote in reply. It was a private letter, but he (Earl Stanhope) had been permitted to make use of it on this occasion—

> "I thank you for your information about the portrait of Sir Walter Raleigh. . . . For the National Gallery it is not, I think, adapted. But whenever I hear of portraits for sale, of historical interest, I cannot help wishing that a gallery could be formed exclusively for authentic likenesses of celebrated individuals, not necessarily with reference to the merit of the works of art. I believe that an extensive gallery of portraits, with catalogues containing good and short biographical notices, would be useful in many ways, and especially as a not unimportant element of education."

After such testimony it was not necessary to say more in proof of the advantages which would accrue to living art from the establishment of such a gallery as he had suggested. But there was another point of view in which, he thought, the formation of a gallery containing portraits of men honourably distinguished in war, in statesmanship, in art or science, would be valuable. It would be useful as an incitement to honourable exertion. Their Lordships would all remember the exclamation ascribed to Nelson, just before one of his battles—he thought it was the battle of the Nile—"A coronet, or Westminster Abbey." Of a coronet he would say nothing, lest he should be supposed to desire to revive recent debates; and, with respect to a place in Westminster Abbey, it was quite as difficult to attain as would be a seat in their Lordships' House. The whole available space for monuments in that edifice was now already filled. But his argument was—if the thought of a tomb in Westminster Abbey was so inspiriting to such a mind as Nelson's, at so great a moment, that he was content to risk his life for it as his worst alternative, would not a collection of the portraits of distinguished men, who had themselves risen by such an incentive to exertion and to fame, and the hope that the likeness of him who gazed upon them might hereafter be found worthy to stand beside them—might not such a hope, even with far inferior minds to Nelson, and on far less occasions than was the battle of the Nile, be an additional incentive to honourable emulation and to the performance of great deeds? He did not mean that men would on that account the more neglect, nor ought they the more to neglect, the more solid and substantial rewards of honourable exertion; but he thought that the hope of a place among the effigies of their country's worthies might be another incentive still; he thought that honourable distinction at all times served as an incentive to exertion, and he had no doubt that such a gallery would make it felt over a much wider sphere. Their

Lordships would not fail to remember the saying of one of the wisest and most sagacious men that ever lived, "*contemptu famæ contemni virtutes.*"

He had thus stated some of the advantages which would accrue from the establishment of such an institution; but he should only have performed part of his duty did he not also explain to their Lordships by what means these advantages might well be secured. In the Motion which he had given notice to submit to the House he had proposed that the matter should be considered in connection with the site of the present National Gallery. He understood that Her Majesty's Government were contemplating the construction of a new National Gallery, and he should suggest that a portion of the new building should be set apart for the gallery of portraits; but he should be sorry if the carrying out of the project was postponed until arrangements should be made in that respect. To plan and build a gallery of a new description must be a work of time, and even should they have a building ready, the few portraits they could at first obtain would appear mean and almost unsightly if placed in a gallery of great size. He thought, therefore, that Her Majesty's Government might assign some temporary apartment for the purpose. There might be one or two rooms in Marlborough House, or in that Palace in which they were assembled, set apart for the purpose; and he had no doubt, if such were done, the scheme would at once find favour with the public and make its way. Supposing that done, and the idea of a gallery agreed to, the supplies to it were the next consideration. These would depend upon two sources, purchases and presents. It would, of course, be necessary to establish some authority which should direct purchases and consider offers of presents. It would be of the greatest importance that anybody exercising that authority should possess sufficient discernment to make proper purchases, and also an authoritative power of refusal in cases of offers of portraits, the reception of which in a national collection would not be warranted by the importance of the persons represented. Such a body actually existed in the Fine Arts Commission which was established by Sir Robert Peel in the first year of his Administration. This Commission, which was especially appointed with reference to the Palace of Westminster, had for its President His Royal Highness Prince Albert, distinguished for his love and patronage of art; and for its Secretary Sir Charles Eastlake, the President of the Royal Academy. Under this Commission most of the decorations of the Palace in which their Lordships were assembled had been executed; the marble statues of statesmen which ornamented one of the halls had been placed there under its authority. With regard to these statues, the Fine Arts Commission had, in the first place, to consider, on historical grounds, who should be the persons selected for this honour; and they had then to determine on artistic grounds what sculptors should be employed to execute the works. He thought that the Fine Arts Commission, under the Presidency of Prince Albert, and perhaps with the accession of some new names to its present number, might safely continue its labours in a new direction, under a new Commission. He thought they would be competent to direct the purchases, and also competent to decide what persons were entitled to the honour.

Adverting to the question of expense, it would of course be a matter for the House of Commons to consider what should be the annual vote for such a purpose; but he was inclined to believe that, a building once obtained, a very moderate sum would suffice to provide the portraits worthy of being placed in it. He thought a yearly sum of £500 would suffice, although, of course, a much larger sum, if it could be granted, would be preferable; and although, at all events for the first year, it might be better to take a sum of £1,000; but it should be clearly understood that, in the event of the purchases made in any one year not requiring the whole sum voted by Parliament, the balance should remain as a fund for future purchases, as opportunities might occur, because objects of art not being in constant supply, there might be no good purchase to be had one year, but several in the next. It might appear that the sum of £500 was a very insignificant one for such an undertaking, and it was, therefore, proper that he should give some grounds for his belief that very considerable things might be done even with that moderate sum. He had watched the sale of some remarkable portraits within the last few years, and the prices were such as would enable the Commission, with the sum mentioned, to make purchases of very considerable value. He would give a few instances. He was present some years since, when, in a sale room, a full-length portrait of Mr. Pitt, by Gainsborough, an undoubted original, was sold by auction for 100 guineas, the purchaser being the late Sir Robert Peel. He might also mention a portrait of Chatham—of whom only three first-rate portraits, as far as he could ascertain, were known to exist, and one of those three, by Hoare—was sold to Sir Robert Peel for eighty guineas. Their Lordships had lately heard a good deal about Blackstone — about eleven years ago the original portrait of Blackstone, from which the engraving was taken which was prefixed to all the editions of that learned Judge's *Commentaries*, and which was an excellent work of Gainsborough, was sold for eighty guineas to the late Sir Robert Peel; and, at another sale, an original portrait of Mr. Percival was purchased by Sir Robert Inglis, for £42. Those instances justified him in believing that with a very moderate sum of money a valuable collection of national portraits could be formed. Undoubtedly the body to whom the duty of expending that money should be intrusted ought to exercise its power with the greatest care and discernment as to the merits of the person, and the undoubted authenticity of the portraits. Another part of its duties would consist in deciding upon offers of presents which might be made. He believed from that source many valuable portraits might be expected, for even since he had given notice of his Motion, several persons, including Members of their Lordships' House, had expressed to him their intention, if the idea was carried out, of making presents—some of which were of remarkable interest—to the national collection. When it was remembered how many of their Lordships were descended from men famous in the history of this country, it was not unreasonable to expect valuable contributions from those who possessed, as many did, four or five portraits of their eminent ancestors, and the honour of having a place assigned to such portraits in a national collection would be a great incentive to their liberality. There might be other cases, too, where persons possessing valuable portraits had no convenient place for them in their own houses, or where persons had succeeded to large pictures while having but small houses, and to whom, therefore, such pictures would be only an incumbrance; such persons would willingly bestow them upon a national collection such as he (Earl Stanhope) suggested. The most careful supervision on the part of the Commissioners, however, would be required in deciding upon the acceptance or refusal of the offers of presents which would be made to the body exercising the supreme control. He attached the greatest importance to the authoritative power of refusal, and believed the whole success of the undertaking would depend upon the proper exercise of that power; for if they admitted into a national collection portraits of those who possessed no adequate claim to such honour the inevitable consequence would be that the gallery would be deprived of all the distinction which he (Earl Stanhope) wished to see attached to it. Sure, therefore, the power of refusal must be necessarily exercised in many cases, he thought it would be facilitated by a rule that in no case should the portrait of any living individual be admitted into the gallery which he wished to see founded. But even with that reservation they might expect many cases to occur where portraits would be offered of men, highly respectable in public and private life, who had attained high rank in the army or other services, but who, not from any fault of their own, had not obtained opportunities of distinguishing themselves; in all such cases the portraits should be refused. There ought not to be in this collection a single portrait as to which a man of good education passing round and seeing the name in the catalogue, would be under the necessity of asking, "Who is he?" Such a question ought to be decisive against the admission of the portrait. The success of the whole scheme depended on confining the gallery to men of real distinction, of real fame. He would even suggest that a portrait should not be admitted unless a considerable majority, say three-fourths of the Commission, decided in favour of it. There was another question—namely, whether the superintending body ought not to be allowed the power of parting with duplicates? Suppose a present of a portrait sent to the gallery, and that there was in the gallery at that time a portrait of the same person at the same time of life, and, in fact, a kind of counterpart—it might be then in the power of the Commission to receive the present, and to dispose of the portrait which they already possessed. But these were points of detail with which it was not necessary to detain their Lordships. He proposed to give a general power to the superintending body to receive or to refuse the presents that might be tendered.

He thought he had now explained the

main features of his plan. If only a temporary apartment were secured, and only a grant of £1,000 were made on the Estimates of this year, and an authority named to make purchases and receive presents, he ventured to say the whole thing would be done; his opinion being, that such would be the popular favour with which this gallery would be regarded that there would be no want of portraits, but that donations would come in such considerable numbers that there would be no fear of the failure of the scheme. He only desired to see the project commenced; for, once commenced, he felt sure of its success.

There were at present two collections of portraits in this country, about which it might be expected he should say something. It was some time ago thought that they might form the foundation of a portrait gallery, such as he had described, out of the collections at Hampton Court and at the British Museum; but there were obstacles to both. With regard to the collection at Hampton Court, he would not wish to remove it, because he should be sorry to interfere in any way with the inducements that now existed to those confined for the greater part of the year within the walls of the city to make a summer's holiday excursion to see the pictures there. With respect to the British Museum, there were some portraits there, many of which were curious and some valuable, but all of them ill placed over the cabinets of natural history. Some persons might suggest to transfer the whole of this collection to a national gallery of portraits; but he did not think the whole of them would be worthy of a place there, and, according to the principle he had laid down, it would be necessary to make a selection, and to take the best and leave the worst. This would hardly be fair to the Museum, and, further still, there might arise a question whether the trustees had a legal power to part with the pictures in their charge without the especial authority of an Act of Parliament. He thought it better, therefore, to propose a collection of portraits irrespective of those two sources. He supposed it was unnecessary for him to state that in the proposed collection it should be a fundamental condition that none but authentic portraits should be admitted. It would not do to have a collection of such imaginary portraits as now covered the walls of the great gallery in the Palace of Holyrood. Their Lordships might remember the jest formerly levelled against the antiquaries of Edinburgh —it was said they put forward only two propositions; that all the portraits at Holyrood were undoubted originals, and that all the Kings had flourished and the portraits been painted at the periods assigned, several hundred years before the invention of oil painting! All such imaginary portraits, he repeated, ought to find no place in the proposed gallery.

He thought he had now gone through all the principal considerations which he had wished to suggest to their Lordships, and it only remained for him to apologise for having detained them so long. But he knew that these questions were interesting, and he thought that they were also important to a great body of persons. When their Lordships considered the great number of their countrymen who were struggling in the various walks of art, and intent on that rugged path that led to fame, he thought that some mark of sympathy was due to the cause in which they toiled—that some token of encouragement should be given to their exertions. Depend upon it the time was past when, in considering the education of the people of this country, they could disregard the refining influence of art. This truth was every day becoming more widely understood and acknowledged—that the fine arts, under just rules and guidance, were to be ranked not merely among the ornaments of human life, but among the appointed means for the elevation and improvement of the human mind. He believed this to be a step in the right direction, and a movement in advance; and, so believing, he would confidently leave it in their Lordships' hands, and *move*—

> "That a humble Address be presented to Her Majesty, praying that Her Majesty would be graciously pleased to take into Her Royal Consideration, in connection with the Site of the present National Gallery, the Practicability and Expediency of forming by degrees a Gallery of Original Portraits, such Portraits to consist, as far as possible, of those Persons who are most honourably commemorated in British History as Warriors or as Statesmen, or in Arts, in Literature, or in Science."

THE MARQUESS OF LANSDOWNE said, it would be unnecessary for him to address more than a few words to their Lordships upon the subject which his noble Friend had introduced. In the outset he must say that he was much gratified when his noble Friend intimated to him his intention of bringing this matter forward:—such a proposition could not come from any person with greater grace than from his noble

Friend, whose name had been so long connected with pursuits so honourable to himself and so beneficial to his country in the path of historical research. He saw no objection whatever to the adoption of the Motion; agreeing as he did with his noble Friend that such a gallery as this would materially illustrate the history of the nation, while it could not fail to administer to the gratification and delight of all classes, descending even to the lowest. If there were one or two points on which he had any doubt before, they had been removed by the manner in which his noble Friend had treated the subject. His noble Friend had met one objection by stating that it was not intended in any way to interfere with or diminish the sum now applied to the acquisition of objects of high art, or to expend less in that way than was now expended. The first object of a National Gallery ought to be the cultivation of public taste by acquiring the highest works of art of every country and of every time, so as to establish a standard of national taste, which would benefit not only the artist but the public, and he should much regret to see any money diverted from that great object. He should have hesitated to adopt the project of his noble Friend if it had involved an expenditure which would have alarmed the other House of Parliament. He was therefore extremely glad to hear his noble Friend state that he should propose no greater expenditure than £500 a year after the gallery was once formed. He (the Marquess of Lansdowne) thought that such a sum would hardly be sufficient; for it must be remembered that the very establishment of such a gallery would tend to raise the value of pictures of this class. At the same time, if the gallery were founded, he agreed with his noble Friend that a strong power of refusal as well as of acceptance should be vested in and exercised by those who had the superintendence of it. He feared that as it now stood the Motion would limit the selection of objects, and he therefore would suggest that it might be made somewhat more general, so as to include some particular cases which seemed at present not to be provided for by the words "as warriors or statesmen." [The Earl of ELLENBOROUGH: Lawyers and bishops would be excluded altogether.] With that alteration there would be every disposition on the part of the Government to accede to the Motion, and to give their best assistance towards carrying it into effect.

THE EARL OF ELLENBOROUH: I agree with the noble Marquess that the public is very greatly indebted to my noble Friend for having made this proposition, of which I approve entirely. I not only think it would be a subject of the greatest gratification to all educated persons—to all persons who have read anything of history, to survey in a portrait gallery the lineaments of those whose great actions have redounded to the fame of their country, and have raised it to the proud position in which it now stands; but I agree with my noble Friend in hoping that such an exhibition would be productive of much public advantage. There can be no doubt that the admission of portraits to this gallery, guarded as it should be by the most stringent provisions for the exclusion of the unworthy, would be the highest honour which could possibly be conferred upon any man for his services to the State. The noble Marquess has adverted to the accidental inaccuracy with which my noble Friend has drawn his Motion. No doubt, as it now stands, it would exclude all bishops and judges who have not at the same time been statesmen or literary men; it would exclude many of the martyrs; it would practically exclude that man whom my noble Friend, I am sure, well recollects, and whose worth and extraordinary qualities we all appreciated —the late Archbishop of Canterbury—a man who approached nearer to perfection than any Christian bishop of whom I have ever read in any time. Not only would the words of the Motion as they now stand exclude men like the late Archbishop of Canterbury—men of virtuous minds, who have done the State great service—if they happen not to come within the particular definition which is adopted here; but by the words, "most honourably commemorated in British history," the Motion would, I regret to say, exclude many of the most remarkable men who have rendered the greatest public services recorded in English history. It would exclude Wolsey; it would exclude Bacon; it would exclude the Duke of Marlborough; it would exclude Cromwell; and many others who might be enumerated. [Lord BROUGHAM: Cromwell?] Yes; I apprehend the words, "who are most honourably commemorated," would undoubtedly have that effect. I therefore hope my noble Friend will adopt the words I have placed before him, "That an humble address be presented to Her Majesty, praying that she will be graciously pleased to take into consideration the formation of a gallery of portraits of the most eminent men in British history." By such a Motion the whole object in view is entirely obtained. But when I consider the manner in which my noble Friend proposes that this object shall be carried into execution I differ from him altogether. This gallery is either to be regarded as a plaything, or as a matter of great public concern. I think it should be looked upon in the latter light, and, therefore a point of the greatest importance is, that you should exclude every man who has not the highest right of admission to this Temple of Fame. My noble Friend proposes that the Fine Arts Commission shall decide this. Now, it is not a question of fine arts at all; it is a question of great men, not of great pictures. If you really mean to make this gallery a thing of importance; if you mean to excite the ambition of men, not only in the highest, but in inferior stations of life; if you wish to divert their minds from the sole contemplation of that which is to give them present advantage and worldly profit, and to make them think of immortality and of a reward for their services in public estimation hereafter, you must take care that no persons are selected for a place in the gallery but those thoroughly approved by impartial men competent to decide upon their merits. As the funds must be provided by Parliament, perhaps the best Commission would be one which consisted of three Members of the House of Commons and two of this House, or two Members of the House of Commons and one Member of this House; and to that Commission should be assigned the duty of deciding upon the persons whose portraits are to be received. Such nomination having been made, the Fine Arts Commission would be properly employed in deciding in what manner the portraits of those persons should be obtained. For these purposes something more than £500 a year will be required. If, however, we begin with this miserable pittance, and place the pictures in any little room that can be found, the thing will never be supported by the public, and will fail altogether; it will be worth nothing unless it be made a matter of public importance. But, leaving this part of the subject, I repeat that I am most desirous to see established a Commission of the description I have indicated, named after the greatest consideration, and composed of persons in whom the public place the highest trust. No man who looks to the past, or examines into the present, of public feeling, can fail to see that there always prevails the greatest tendency towards exaggeration with respect to the value of the services of those who live in or about our own times, and on this point the greatest errors may be committed with the greatest honesty of purpose. The other day I happened to be reading Ben Jonson, and in his *Discoveries* I found these observations made by him—

> "Cicero was the only wit whom the Roman people equalled with their Empire—*ingenium par Imperio.* We have had many men equal to him."

And then he enumerates sixteen persons, all having lived within the previous century, whom he places on the same level with Cicero in literature and in eloquence. Of these sixteen persons I certainly may have heard, but I had totally forgotten seven. I found them, certainly, by carefully looking through a biographical dictionary; but, in fact, their memories, like the memories of many other men distinguished in their own days, had altogether fallen through that sieve in which Time is constantly shaking the reputations of men. Therefore, if I may be supposed to be one of those persons decently acquainted with history, of whom the noble Earl has spoken, and if I had been passing through a gallery containing the portraits of those persons, I should have been continually asking, "Who is he?" and then my noble Friend would have turned them all out. With respect to one of the persons mentioned by Ben Jonson as so distinguished, and as equal to Cicero in literature, eloquence, and poetry—namely, Sir Thomas Wyatt, the elder—I never happened to have the good fortune to meet with the poetry of Sir Thomas Wyatt, but I find that Leland speaks of it as equal to that of Dante and Petrarch; and no one has ever delighted himself by reading the Italian literature of those ages in which learning was revived, but must have seen the most extravagant exaggerations in the manner in which the writers of that period spoke of persons whose memory is altogether gone. Now, we are not exempt from the failings which have beset mankind in all ages. We are prone, like others, to exaggerate the reputations of those living in our own times, or in times just preceding: therefore, not only do I think the precaution I have mentioned is necessary for the purpose of excluding persons not worthy to be introduced into such a gallery, but I must say it would be most advisable (though that is, no doubt, for our successors rather than for ourselves to decide) at distant periods of twenty or thirty years to appoint a Commission of revision—a censorship, in fact—for the purpose of removing those who, through the erroneous judgment of their own contemporaries, have been improperly admitted. It is in this manner, by guarding against the admission or retention of persons unfit to be admitted to such a collection, that we shall really make this gallery what we must desire that it should be—that is, an object of ambition to all; for all men would naturally desire that their portraits should at some period after their death be placed there, and that their names should be thus handed down to posterity. With regard to the manner in which the gallery is to be formed, I think those who have to carry it out will meet with one great practical difficulty—and that is, that it will not be easy to find portraits of persons distinguished in art and literature. The pictures of statesmen and warriors are more easily to be had; but literary men and artists are not in the habit of having their portraits taken—whether it is that they are more modest, or that it does not fall in their way. The persons who do that are aldermen, sheriffs, railway directors, rich grocers, rich merchants, speculators, and wealthy Regent-street tradesmen—these are the persons who have their portly persons displayed upon canvas, and whose portraits illustrate or disfigure our annual exhibitions. The case is, however, different with hard-working, sensible men of literature. They, as I have already said, do not go to have their portraits painted, and in this respect there will be a deficiency. You can hardly go to a literary man of eminence and say to him, "Will you sit for your portrait; and when you are dead it may be that your representatives will be asked to allow it to be hung in the national collection?" Yet if that be not done, I hardly see how that part of the department can be furnished with portraits. There is, however, one suggestion which I wish to offer to my noble Friend, and that is, that I think it would be desirable that he should introduce into Parliament a Bill enabling public bodies, and more especially colleges; and also individuals in possession of pictures which are heirlooms, not to sell them, but to present them to this gallery. The portraits of most of the remarkable ecclesiastics, statesmen, and men of science of former times are to be found in those collections alone which belong to public bodies; but public bodies have no power of parting with them; and my impression is, that men who had ancestors worthy of the honour, if the power were given to them, would themselves naturally feel desirous of presenting their portraits to the gallery. I shall say nothing further than that I think, that if the Government undertake this project of my noble Friend, and studiously and carefully endeavour to secure the exclusion of all unworthy persons, and of all who from accident, or the exaggerated opinion of contemporaries may have gained admission to it, will be an object of emulation to all, and that it will be, in fact, a gallery of the portraits of those who in all ages have deserved best of their country, they will have performed a great public service, and will have done a great deal to induce men so to act, that they may deserve that which is the greatest of all honours—an association with the great names of their country.

THE DUKE OF ARGYLL said, he must confess that there was great force and great truth in what had fallen from the noble Earl, especially in what he had said respecting the undoubted tendency of living men to exaggerate the services of those with whom they were acquainted when they had arrived at a certain degree of eminence. But at the same time he thought the noble Earl placed this institution too high as an incitement of men to exertion. It was very true that immortality, such as extended down to distant ages, was one of the greatest incitements in the human breast to noble exertion, but he doubted whether the hanging up of a picture had ever occurred to the mind as any part of that immortality to which men aspired. Again, he must differ from him in his estimate of such a gallery as a place for the reception of the portraits of men of the greatest class only; on the contrary, he looked upon it rather as an historical gallery, which should contain not only the first men of the age, but those who had supported the first-class men in their exertions. For instance, there was no one of their Lordships who would not wish to see the Duke of Wellington's portrait surrounded with the officers who were second to him, or even in the third class, who had supported him in the field—such portraits as those of Sir George Murray, Sir Thomas

Picton, and the late Lord Raglan; or, again, the portrait of Lord Nelson surrounded by the portraits of Collingwood, Hardy, and Blackwood. He much questioned whether the power of revision to which the noble Earl referred would be efficacious in practice; and for that reason he thought it would be better to restrict admission until the lapse of twenty-five years, or some other period. To that extent exclusion might be advantageous, although even that would have the effect of excluding portraits like those of the Duke of Wellington, as to whom there was no room for difference of opinion.

The Earl of CARNARVON said, he was strongly in favour of such a gallery, because it involved a great principle of conservatism that men of eminence should be held up for the admiration and example of future ages. The ancient Athenians and Romans did not underrate the influence of portraits or statues in exciting to public emulation, and the feeling was constantly appealed to by the greatest of their orators. In the metropolis of a great country like this, which had borne no unworthy part in the history of Europe, there should be some place to remind the public of its great men. But hitherto our colder climate had not proved favourable to such ideas. The great Lord Clarendon had projected such a gallery, and the Duke of Portland half a century ago, and Sir Robert Peel in the present age, had formed the same plan. But whatever had been hitherto done in this way had been the result of private liberality, and had never risen to a national institution. We had nothing like a national Pantheon of our intellect and genius. That such an institution was not likely to be inimical to conservatism was shown by the fact, that during the French Revolution the same decree abolished hereditary dignities and destroyed the public memorials of illustrious men. He believed that the influence of such a gallery would be very great upon the national mind as a means of education, not less than as an incentive to emulation, and that it would tend to strengthen the interest and deepen the reverence which Englishmen felt for the history and institutions of the country.

The Earl of HARROWBY said, he heartily concurred in the Motion; but he thought more of the proposed institution as a means of national education than as a stimulus to emulation; and he hoped that the desire to have one's portrait in such a gallery would never supersede that old preference of duty to glory which was one of the characteristics of the English mind. A French writer had observed that throughout the despatches of the Duke of Wellington the word "glory" was never mentioned; had they been French despatches, the word would have occurred far more frequently than the word duty. After all, the hope of fame must be a most miserable motive for the host of men who could never hope to reach posthumous celebrity; and they could only be sustained in their daily labours and sacrifices by the sense of duty. He regretted that he should appear to break across the current that seemed to run so generally in favour of the present Motion; still he did not by any means underrate the proper object of the proposed gallery, which ought not to be confined to the greatest characters, but should comprise all who were well known to history, and whose portraits, therefore, would illustrate our annals, and render the gallery an important means of increasing and diffusing the taste for history and art.

Viscount DUNGANNON thought that such a gallery as that proposed was very much wanted as a place in which they might possess a record of the great men of all periods. Such a collection would tend to make other men emulate the great deeds of such men, and prompt them to follow in their steps. He thought the public thanks were due to his noble Friend for bringing this question before the House.

Lord REDESDALE said, it might be well to mention to their Lordships that, on the last evening, the other House of Parliament, by a majority of seventy-two to sixty-four, passed the second reading of a Bill, the object of which was to take possession of the National Gallery—"the finest site in Europe"—and to erect thereon a large Imperial hotel. Their Lordships might congratulate themselves if by their vote that evening "the finest site in Europe" should be preserved for a gallery of art.

Lord COLCHESTER supported the Motion, and observed that the noble Lord the Lord Privy Seal had too much undervalued the hope of posthumous fame as a motive to honourable exertion and to public service. Nothing could more cheer a man who sacrificed himself to public duty than the belief that his country would cherish his memory and honour his name.

Earl STANHOPE, in reply, thanked their Lordships for the personal kindness, as well as the general approbation and assent with which they had received his Motion. With reference to the objection which had been taken by the noble Marquess and the noble Earl, that the words of the Motion would involve the exclusion of the portraits of Bishops and Judges from the gallery, he would say that he thought the words "in literature or in science" sufficient to include those learned dignitaries, whose portraits it was, of course, most desirable to obtain. However, he was quite willing so to modify the terms of his Motion if in any quarter they were deemed not sufficiently general. It had been said that £500 a year was a very inadequate sum to carry out a project like the one he had proposed; he had, however, only named that sum as sufficient to commence with. He doubted not that, when the gallery was once in full progress, a much larger sum would be freely voted for its support. The arrangements which he had suggested were, he considered, adequate to make a beginning of the scheme, and, once begun, it would most certainly go on and prosper. Then, again, the noble Earl (the Earl of Ellenborough) had found fault with his suggestion of the Fine Arts Commission, and had seemed to think that body fit only to deal with the question of art,—with the artistic merits or demerits of a portrait. But he might inform the noble Earl that other questions also came before that body; that, for example, one of their Reports (which by the way were laid every year before Parliament) contained a list of names selected on historical grounds from various classes of eminence, as of those whose statues or busts might properly adorn the halls of the Palace of Westminster. And when he also stated to the noble Earl, who said that he knew the names of none of them beyond the President and Secretary, that the Report in question and other Reports were signed by such men as Mr. Hallam and Mr. Macaulay, the noble Earl would probably acknowledge that this Fine Arts Commission contained members quite as competent to decide on historical questions as any Member of either House whom the noble Earl would have selected.

Motion, as amended—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to take into Her Royal Consideration the Expediency of forming a Gallery of the Portraits of the most eminent Persons in British History."

Agreed to.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 4, 1856.

Minutes.] New Writ.—For New Ross, *v.* Charles Gavan Duffy, esq., Chiltern Hundreds.

Public Bills. — 1° Tithe Commutation Rent Charge; Advowsons; Bleaching, &c. Works; Whichwood Forest; Consolidated Fund (£26,000,000).

2° Married Women's Reversionary Interest; Metropolis Local Management Act Amendment.

THE ITALIAN LEGION—QUESTION.

Mr. BOWYER said, that from the proceedings of the Anglo-Italian Legion at Novara, some apprehension had been entertained as to the consequences of the continuance of that body in the country. He begged, therefore, to ask the First Lord of the Treasury what accounts Her Majesty's Government had received respecting the late arrest at Novara, arising from the apprehended mutiny in the Anglo-Italian Legion; also, how long the Legion was to remain in Piedmont, and its future destination in the event of peace being concluded?

Viscount PALMERSTON: Sir, it is quite true that reports have prevailed at Piedmont that there was a plot formed in one of the regiments of the Italian Legion. In consequence of that report sixteen of the soldiers belonging to that regiment were arrested, and subjected to an investigation by the Sardinian authorities. But as far as Her Majesty's Government are informed the plot was not supposed to have for its object any disturbance of any kind or an insurrection in the country, but it arose, I believe, from a report that a large sum of money had been sent from Lombardy to be distributed among the soldiers, to induce them to desert, and to pass into the territory of Lombardy. There, however, appears upon inquiry to be no foundation whatever for that report. Nothing has been discovered to confirm the notion that any such plot existed in any of those regiments, whose conduct, I am bound to say, from first to last, has been most exemplary. It was, however, thought better at once to carry into execution the arrangements which had been always intended; and as there were about 3,000 men under arms, steps have been taken to remove them to Malta, the place for which they were originally destined. Two regiments have already marched; one has embarked for Malta, and the other is about to embark. I have only to add that during their march nothing could exceed the good discipline, order, and loyalty of these troops towards the sovereign of the country in whose pay they are, and in whose service they are engaged.

SALE OF COMMISSIONS IN THE ARMY.

Sir DE LACY EVANS said, he rose to move for a Select Committee to report to the House on the expediency of abolishing the system of sale and purchase of Commissions in the Army. He was fully aware of the great importance of the subject, and he must apologise to the House for the very imperfect manner in which he felt he was about to discharge the duty he had undertaken. He had not been quite well for some time, but, as there was great difficulty in finding an opportunity for bringing forward Motions of this kind, he had determined to proceed now that he had obtained a day, in the hope that other Members who took an interest in the subject would supply his deficiencies. The object of his Motion was the abolition, by such means as might be deemed advisable, of the system of the sale and purchase of commissions in the army. Two Returns had been laid on the table in reference to the subject, by one of which it appeared that £5,400,000 had been paid for commissions by officers now in the army, and in the second Return the amount was stated at £8,068,000. To that large sum must be added 40 per cent for what was paid contrary to law, over and above the regulation price, so that according to the first Return £8,000,000, and according to the second Return £11,000,000, would be the value of the commissions now held by officers on full pay in the army. The imposition of such a tax as this on officers in the army could not be justified except on the strongest grounds. It was a grievous burden, from which all other professions were exempt. Different speeches had been from time to time made by great men and high authorities upon this matter, and many grounds had been urged for its continuation. But the House would no doubt recollect that in many other cases abuses had been supported for many years by the most plausible arguments backed by the highest authority, but which, nevertheless, the public had at last required to be abolished. It had been said that the existing system obviated the necessity of giving retiring pensions and allowances to officers quitting the army. In considering that circumstance, however, it should be remembered that in consequence of this severe imposition, it was necessary, in fairness, to make the emoluments of officers in the higher ranks of the army much greater than they need otherwise be. If this system were abolished, and officers were relieved from this heavy tax, the Government would have a right to diminish the allowances which were now made to general officers and others in the higher ranks of the army. The late illustrious Duke of Wellington had left a memorandum upon the subject, in which he seemed to look upon the system of purchase somewhat in the light of a political institution, and defended it on the ground that it brought into the army men of the higher classes who had a stake in the country, and were not likely to take part against its authorities or its institutions. He (Sir De L. Evans) did not think there was much in that reasoning. Although a system of purchase did not exist in the French army, yet that army had in most instances of popular excitement been found to be well disposed towards the authorities. It should also be remembered that this system was not introduced into the English army until the reign of Charles II.; and that some twenty or thirty years afterwards one-half of the army abandoned the King. It therefore did not appear that loyalty was necessarily connected with a system of purchase, or disloyalty with one of an opposite character. Another authority, Lord Fitzroy Somerset, when Military Secretary, gave other reasons against the adoption of a system of promotion by merit, the principal of which was, that in time of peace it would be almost impossible to discover where the superior merit was. He (Sir De L. Evans) admitted that there would be some difficulty in making the selection, but he thought that it had been greatly exaggerated. As instances of the difficulty which would occur if you were to depend upon the reports of officers commanding regiments, Lord Fitzroy Somerset said that one officer might think a man worthy of promotion because he was good at drill, while the reason of another might be that the officer recommended had a knowledge of languages, or was a proficient in drawing. To him (Sir De L. Evans) it appeared that these were all, to a certain extent, good qualifications for promotion. The same noble Lord to whom he had already referred was asked by the Commissioners—

> "Upon the whole, therefore, you conceive it would be impossible, particularly in time of peace, to establish with anything like satisfaction a system of selection by merit, and that if you did attempt it, it would necessarily degenerate into a system of seniority?—Yes."

Now, he did not recognise the propriety of the expression "degenerate into a system of seniority." In the Artillery all promotion was by seniority, and yet our artillery was about the best in the world. An important reason for the consideration of this subject at the present moment arose from the following recommendation, made in their Report by the Commissioners on Promotion in the Army about three years ago:—

> "We beg leave humbly to recommend to your Majesty, that in future, when the services of an officer are required to take the command of any portion of your Majesty's troops as a general officer, the fittest officer that can be found for the particular duty should be selected, without reference to seniority, from the whole list of officers who have attained the rank of colonel or a superior rank."

By a regulation now in force, it was provided that an officer having obtained the rank of lieutenant colonel, should in three years become a full colonel; therefore any gentleman who had purchased the rank of lieutenant colonel would in three years be eligible to command an army. Now, he would ask, was that a reasonable system on which to conduct military affairs? He might be asked to what abuses he could point as resulting from the present system. In his opinion, not the least was the misery and distress of mind occasioned to meritorious officers who had not funds with which to purchase their advancement. From his personal knowledge he could assert that many officers of great merit had from time to time given up all hope of advancement, and left the army, because they were unable to buy promotion. The House could be at no loss to understand how severe must be the sufferings, and how bitter the reflections of meritorious officers who knew that, without money or interest, they had little chance of advancement in their profession. In time of war there might be some chance for such men, and, even in time of peace, it occasionally happened that some person high in authority took up the cause of a friendless officer; but such cases were rare, and, as a general rule, neglect was the portion of officers who had neither money nor interest. Nothing could be more dishonourable, both to the service and the country, than such a state of things, and it was now time to apply a remedy. There was no necessity to confiscate the property of any class of officers or to put the country to a very serious expense. The system would die out of itself if the Horse Guards would determine that for the future no commission should be made the subject of purchase. This, no doubt, would be a slow and tedious process, but it would not be difficult to devise some means of accelerating it; and to do so more particularly with reference to the higher ranks of the army would greatly conduce to the welfare of the service. A system of retiring allowances might promote the desired object, and would probably be attended with the most beneficial results. Inducements of that nature had been found necessary in the navy, and why should they not be suitable for the army? Of this he was confident, that considerations of finance should not be permitted to prevail against the introduction of a better system than the present. There could be no worse economy than to maintain that system unchanged, for, if there should be an incompetent general at the head of the army in time of war, the disasters occasioned by his incapacity might, in a single campaign, entail not only incalculable national discredit and political evils, but losses in point of direct expenditure beyond all that can be alleged to be saved by the present system. The purchase system was a dishonour to the English army, and sooner or later it must be abolished. Its abolition was only a question of time, and if not accomplished in the present Parliament it would certainly be so in the next. It was a stain upon the service, and excited the surprise but not the respect of foreign nations. Of its evil effects the noble Lord at the head of the Government must have had ample experience during his connection with the War Department, and his co-operation in a rational attempt to introduce a better system might be most appropriately invoked. His object, therefore, was merely to induce the House to agree to an inquiry into the subject; and if the noble Lord at the head of the Government thought that the end in view would be better answered by the appointment of a Commission (on which several ex-Secretaries at War might sit), than it could be by a Select Committee, he would have no objection to modify his Motion. With that too brief explanation, as he must admit it to be, he now begged to move the Resolution which stood in his name.

VISCOUNT GODERICH, in seconding the Motion, begged the attention of the House whilst he submitted to its consideration one or two arguments against the present system to which the hon. and gallant General had not alluded. It was now almost universally admitted that the system of promotion in the army by purchase was, in the abstract, indefensible. Indeed, the First Lord of the Treasury last Session frankly conceded that, in theory, the system was perfectly absurd and unjust; and no one could doubt that any private undertaking which should select its *employés*, in responsible situations, not for their special fitness, but for their wealth, would be very likely to bring its affairs to an unsuccessful issue, and speedily find its way into the *Gazette.* However, the friends of the system of purchasing commissions in the army, while allowing that, if looked at in the abstract, it could easily be turned into ridicule, had recourse to one ingenious argument in its support—namely, that it had worked well, and, therefore, ought not to be changed. This was the language held last Session by the Under Secretary for War (Mr. F. Peel). Now, he (Visct. Goderich) was prepared to accept the hon. Gentleman's challenge, and he thought that he should be able to show that in many important respects the present system did not work well. Without pausing to inquire whether a practice involving so many instances of injustice, such as those which the hon. and gallant General had mentioned, was fairly entitled to the credit of success, there was no question that a system under which the officers of the army had for the most part to embark a large portion of their fortunes to obtain admission into their profession, was fraught with palpable and serious inconveniences. It had been truly remarked that those officers who had bought their commissions were practically serving the country almost gratuitously, inasmuch as their pay little more than covered the legitimate amount of interest they might realise upon an equal outlay of capital in any other investment. As he was anxious not to rest his argument upon his own views merely, which could have but little weight, he would submit to the consideration of the House the opinion of one whose authority on such a subject the House would not, he was sure, be disposed to reject. The late Duke of Wellington gave this representation of the system of purchase in a memorandum addressed to Lord Hill, which was laid before a Committee of that House which sat in the year 1833. That illustrious man then said—

> "On the other hand, an examination of the detailed operation of the system of promotion by purchase, or the remuneration intended to be given by the public to the officers of the army for their service, will show that those who purchase their commissions—which are certainly three-fourths of the whole number—receive but little for their service besides the honour of serving the King. They receive from the public an annuity for which they have sacrificed a capital larger than any that could be required of them, either by the public or any annuity office, for the same annuity. This officer has but little hope of promotion unless he can purchase it."

Such a state of things was surely inconsistent with the generous character of a great country, and could not but prove a fertile source of evil. It was opposed to sound policy. One of the most obvious evils which attended it was, the embarrassment which the vested rights created under the system of purchase occasioned in all attempts at reform, however desirable such reform might be for the interests of the public service. This was no imaginary difficulty, as the recent memorial presented by the colonels and lieutenant-colonels of the Guards to Her Majesty would testify. And let not the hon. and gallant Member for Wigan (Colonel Lindsay), whose child this memorial was said to be, suppose that he (Viscount Goderich) was about to question on this occasion his right to use the language in which it was couched. Alluding to the changes introduced into the system of promotion in the army by the warrant of October, 1854, the memorialists stated that—

> "All those who became captains and lieutenant-colonels previously to the 17th of June, 1854, have a vested right to expect that they shall rise to the rank of colonel in their place on the list, without having officers junior in rank to themselves put over their heads. Moreover, the vested interests of these officers are rendered still stronger and more important by their having been acquired under arrangements fixed by authority, and at prices higher than those paid for the equivalent rank in the other branch of the service; or, in the words of the Commissioners in their Report, 'they hold the rank of lieutenant-colonel, their commissions being exchangeable with lieutenant colonelcies of the line, on which account the regulated price of such commissions has been fixed and paid for by them at a higher rate.'"

And, further—

> "These officers, having embarked their services and fortunes according to the established system of the service, have in strict justice and equity a claim to have their interests respected."

The same memorial also contained these remarkable words—

> "Your memorialists trust that your Majesty will not think they use too strong language in characterising the course of proceeding thus adopted and illustrated as amounting to a breach of faith towards those who had risen to the rank of lieutenant colonel previously to the 17th of June, 1854, and who have invested their money in purchase of their promotion under the established rules of the service."

Without, then, disputing on this occasion the right of the memorialists to plead their vested interests, it might fairly be asserted that there was no other army in the world the officers in which would have been permitted to describe an order issued, after the report of a Commission, by the Sovereign, acting under the advice of Her Ministers, as a breach of faith. Such, however, was the practical result of allowing officers to acquire a pecuniary interest in their commissions. The system, moreover, was not advantageous, in an economical point of view, to the country. The pay of officers was, in fact, exactly the same as it would be if the system of purchase did not exist; but the system acted as a bar to many important improvements in the army, the most important and pressing of which was, in his opinion, some measure to extend and encourage among the officers the study of their profession. He believed that the practice of purchase rendered it, both directly and indirectly, very difficult to introduce a sound system of military education; for officers were told in effect, "If you behave tolerably well, and know enough of your profession to prevent its being disgraceful to promote you, and you have money, you will get on; but if you study and make yourself thoroughly acquainted with it, and have no money, the chances are that you will not succeed." That surely was not the way in which to encourage education in the army. Now, he would bring the existing system to the test of facts, and ask the House to consider what was the present state of military professional education among the officers of the British army. He would read to the House the opinion on this subject of a distinguished, intelligent, and highly-educated officer, Sir Howard Douglas, given before the Sandhurst Committee, since the debates which took place on the question during the last Session of Parliament. The gallant officer was asked by the hon. Member for Richmond (Mr. Rich)—

> "You take the effect of many persons not being able to pass the examination, which you state to be ridiculously low, as an indication that the education of the officers who were admitted into the army previously to the institution of such a test has been mischievously low?"

Sir Howard Douglas replied, "Yes, certainly; that is exactly the conclusion that I should draw." The House, however, must not suppose that the gallant officer meant to say that the examination for first commissions established some years ago had had the effect of changing that system of education, which he admitted to be mischievously low. Upon this subject Sir Howard Douglas gave this explicit opinion:—

> "I was the person who recommended that measure. When I called the attention of the House of Commons to the state of military learning, I stated that I thought there should be an examination, and I was prepared to go on with my plan; but the Government took it up very cordially, and, having professed a wish to take it into their own hands, I abandoned it to them. I was not consulted about the matter, but I never could have contemplated anything so absurd as that ridiculously trivial examination which the officers entering the army undergo now."

It was clear that, in the opinion of Sir Howard Douglas, that "ridiculously trivial examination" could not have materially improved the system of education, which was previously "mischievously low." Surely the House would admit, that if the education of officers of the British army was not what it ought to be, it was of peculiar importance at the present day that the subject should receive most serious attention. If they looked to foreign countries, it would be found that of late years they had been making great strides in this respect. Every one who had read the report of the Sandhurst Committee and the statements in the appendix to it must be aware that, during the last twenty years, the utmost attention had been devoted by foreign Governments to the professional education of military officers. It was not merely important that the professional qualifications of British officers should be maintained on an equality with those of officers of foreign States, but that, as the general education of the people of this country was gradually extending, they should endeavour to raise proportionately the professional education of persons engaged in the different branches of the public service. Foreign Governments were not so slow as our own in watching the progress of the times. He would ask permission to read a remarkable passage from the preamble of an ordinance which was issued in 1844 by the Government of Prussia, establishing a new system of military education, and a new mode of examination for all officers employed in the Prussian army. That ordinance stated—

> "The greater amount of professional knowledge and general culture which is now attained and met with in all ranks and employments renders necessary, in the case of the profession of an officer, also, a change in the examination and in the previous training of those who wish to dedicate themselves to that profession, in order that its dignity may be maintained, and that its members may not find it difficult to make an eventual change of profession."

He wished the foresight of the Prussian Government had been imitated by Her Majesty's Ministers, and that twelve years ago they had directed their attention to the professional education of officers of the army. It was alleged by the supporters of the system of purchase that, if it was indefensible in theory, and substituted an absurd and false test for the true test of merit, it had at least the advantage of leading to rapid promotion. It might be true that a system of purchase led to more rapid promotion than a system of pure seniority would do, and the Under Secretary for War seemed unable to perceive that there was any alternative for promotion by purchase except promotion by seniority; but those who advocated the abolition of the system of purchase, did not propose to substitute for it a pure system of seniority. If they turned from a theoretical comparison of the merits of these systems to the contemplation of facts, they would find that the present system of military promotion, in which purchase was so important an element, had at the commencement of the war given them generals of seventy, and now gave them captains of eighteen. But if it were true that the system of purchase led to rapid promotion, why was the Commission of 1854 issued? For what purpose did they desire rapid promotion? Undoubtedly, that they might get men in the vigour of life into the highest ranks of the army. It was most important that they should have young generals, but it mattered comparatively little what was the age of captains and subalterns. The Commission of 1854 found, however, that the system of purchase had failed to provide the army with young generals. He thought, indeed, that the system of promotion was just the reverse of what it ought to be, for they had no seniority where that principle might be safely admitted, in the lower ranks of the army, while a slow and gradual system of seniority existed just where it was least desirable; and the consequence was, that men of vigour and energy, in the prime of life, did not occupy high positions in the army. He did not know whether the hon. and gallant Member for Downpatrick (Colonel Hardinge), who he supposed he might regard as having been the representative of the Horse Guards upon the Sandhurst Committee, was now in the House. [An hon. Member: No.] But that hon. and gallant Officer obviously entertained the idea that it was injudicious to admit poor men into the army as officers, for he had put questions to most of the witnesses examined before the Committee, with the evident object of establishing that position. Upon that point he would read the answer given by Sir Howard Douglas:—

> "Do you see any objection to introducing into the ranks of the army a larger number of poorer officers who have nothing to live upon except their pay? I do not admit that the difficulty of living in the army should be conceded as sufficient to exclude those destitute young men from entering into the service, for if you were to continue the exclusion against the gratuitous class, or against the class of officers' sons, on the ground that they have not means sufficient to support them in the service, how would it be with respect to those gallant men, those private soldiers who are working their way to commissions, and to whom commissions are pledged, and who will be much more destitute of all private resources than a young gentleman who, though an orphan, may have rich friends who will assist him? If a soldier should be so destitute, you must give him a *trousseau* to fit him out. This is a very serious case, on account of their destitution. Those classes ought not to be rejected. Those parties should not be excluded from the military service of their country."

That brought him to another portion of the subject which his hon. and gallant Friend had not touched. Last Session he ventured to make a Motion with respect to the bearing of the existing system of promotion on non-commissioned officers and privates. The House did not agree with him on that occasion; but the noble Lord at the head of the Government held out a hope that the system which had been adopted by the right hon. Gentleman the Member for South Wilts (Mr. Sidney Herbert) when he was Secretary at War would be continued. He was grieved to say that since then less had been done than before, although no one could fail to see that the system of purchase had an evil effect upon the lower ranks of the army and in fact involved us in a vicious circle. It was said that non-commissioned officers and privates could not be promoted, because the classes from which they were drawn supplied very few men fitted to become commissioned officers. But the great source of that difficulty was the system of purchase, which prevented the army from being recruited from classes which could and would supply more fit subjects for promotion. The middle classes did not go into the army at all. Why? Surely not from the want of a spirit of enterprise. No; but because they could not enter as officers, not having capital enough to purchase commissions, and because no reasonable hope was held out to them, if they entered as privates, that they might in time reach the higher ranks, supposing they displayed talent in their profession. They, therefore, did not enter the army at all. The following was the opinion expressed by the Duke of Wellington in a Memorandum dated in 1829 on the subject of the relations which subsisted between the officers and men in the British army:—

> "Indeed we carry the principle of the gentleman, and the absence of intercourse with those under his command, so far as that, in my opinion, the duty of a subaltern officer, as done in a foreign army, is not done at all in the cavalry or the British infantry of the line. It is done in the Guards by the sergeants. Then our gentleman officer, however admirable his conduct on a field of battle, however honourable to himself, however glorious and advantageous to his country, is but a poor creature in disciplining his company in camp, quarters, or cantonments. . . . If we can, let us make our officers do their duty, and see that the non-commissioned officers do theirs."

He had thus endeavoured to state some of the grounds upon which he seconded the Motion of the hon. and gallant Member for Westminster. But it was important in a discussion of this kind that the House should consider the course pursued by other countries with reference to promotion in their armies. The system in the French army was well known to most hon. Members. One-third of the vacancies in sub-lieutenancies went to the non-commissioned officers in the regiment, and the other two-thirds were given to students coming from the various military schools, after having passed a strict examination. Promotions to the higher ranks were given in various proportions, partly by seniority and partly by selection. There was in France a number of military schools of great reputation, established in different parts of the country, in addition to the school attached to each regiment. Such was the system of our great Ally, on whose assistance we had relied so much during the late tremendous struggle. Turning to a country, small in comparison to France, but one which the House would agree with him in thinking was entitled, on account of its gallantry, to take a high place among the nations of Europe, he would briefly describe the system adopted in the Sardinian army. After the fatal battle of Novara the Sardinian army was completely disorganised, and that distinguished man who now commanded the Sardinian troops in the Crimea, General la Marmora, was entrusted with its reorganisation. General la Marmora knew all the military systems of Europe; his abilities were unquestionable; and, therefore, it was important to ascertain what plan he adopted. He introduced a system very similar to that of France. No person could be admitted to the rank of officer unless he had served two years as a non-commissioned officer or passed certain educational tests. One-third of the vacancies in sous-lieutenancies were given in peace to the non-commissioned officers of that branch of the service in which they occurred, and in war to those of the regiment, on the nomination of the commanding officer. In peace all lieutenancies were filled up by seniority in the same arm; in war, one-third by choice and two-thirds by seniority in the regiments. In peace all captaincies were filled up, two-thirds by seniority and one-third by choice in each arm; in war, half and half from the regiments. In peace, all majorities were filled up, half by seniority and half by choice from the same arm; in war, entirely by choice from each arm and from the staff. Lieutenant-colonels and colonels were always appointed by choice, and so were the generals. There was a military academy at Turin, and very full and strict instruction was given in the staff corps. He would give another instance of great importance at the present moment—the case of Russia. In Russia every person appointed an officer must either have been a student at one of the military schools and have passed the final examination there, or must have served two years at least in the ranks as non-commissioned officer, and then have passed an examination at the school established at the head-quarters of each *corps d'armée*, which school they had been previously obliged to attend regularly. While thus serving in the ranks they were treated like the other non-commissioned officers. Promotion among officers was by seniority as a rule, subject, however, to exception in the case of distinguished merit. There was a Military Academy at St. Petersburg, and fourteen other military schools in Russia, besides the schools attached to each *corps d'armée*, which were frequented by students not yet attached to the army at all, as well as by those already serving as non-commissioned officers. Sir H. Douglas stated that the number of students educated in Russia for the army and navy was 9,000, and he also informed the Sandhurst Committee that—

> "by a regulation made in 1844, no man is allowed to hold commission in the Russian army who has not passed a satisfactory examination in Russian grammar, in the German and French languages, arithmetic, national and general history, and geography; and who has not attained a certain knowledge of the physical and political condition of the different States of Europe. In the military colonies of Russia every regiment has its school, consisting of 300 boys, the children of enrolled soldiers; all of these receive a certain military and general education."

Soldiers did, under certain circumstances, rise from the ranks, and had from time to time obtained the rank of general. The hon. and gallant general (Sir De Lacy Evans) had touched on the question as to how the system of purchase might best be abolished. The House had heard occasionally accusations thrown out against those who wished to abolish the purchase system, to the effect that they proposed to confiscate the property of officers who had bought commissions in the army; but he begged the House not to entertain any such idea, for no person would be mad enough to make a proposition of that kind. The hon. and gallant General said that he had seen it stated that the whole value of the commissions in the army was either £5,000,000 or £8,000,000. As far as he (Viscount Goderich) was able to ascertain the amount, he was inclined to put the value at £8,000,000 and a few thousand pounds; but the hon. and gallant General truly stated that there must be deducted from that aggregate the value of those commissions which had been obtained without purchase. Now what would be the effect of such deduction? A return, moved for by the hon. and gallant Member for Bath (Captain Scobell) contained an account of the number of commissions of every rank given away without purchase in 1854, and it showed the value of those commissions to be not less than £1,582,345. He might therefore conclude that, since the commencement of the present war, if a scheme for abolishing purchase in the army had been adopted, excluding from compensation commissions obtained without purchase, no less a sum than £2,000,000 or £3,000,000 would have been saved thereby. That would reduce the amount necessary to be paid to a sum of between £5,000,000 and £6,000,000. It was true that it was said that there ought to be added to the £8,000,000, which constituted the whole value of the commissions, the sums paid over and above the regulation price; but he thought that that was an extremely doubtful point, because those sums had been all paid in the teeth of an Act of Parliament positively declaring their payment to be a misdemeanor. If, however, the whole of the £8,000,000 had to be paid, would that be too large an expenditure in return for the desired benefit? His right hon. Friend (Mr. Gladstone) had estimated the total cost of the war at between £80,000,000 and £90,000,000. If he were right in that estimate, then to pay off £8,000,000, the value of the commissions, would only require 10 per cent upon the expenses of the war. Would any man interested in a commercial undertaking think 10 per cent upon his outlay too much to pay to enable him to secure the men best qualified by their age and ability to carry out his views, and to enable him to get rid of obstacles which impeded him in the selection of persons fully competent to fill situations in his establishment? It had been said that the permission to sell an unpurchased commission provided the means of retirement to some officers without the country being put to expense; but he did not think that an argument which ought to be used, or which was difficult to answer. In reference to this point he would quote a paragraph from the Commission of 1840, showing how unequally and unjustly the present system worked:—

> "It (the permission to sell an unpurchased commission) may be described as a boon on retirement to the officer who sells, not being possessed of fortune, and it is beneficial to the public, as the wealthy officers pay the cost of retirement for those who desire to realise the value of their past services. When an officer has not purchased any of his commissions, the advantage to him of retirement by sale is apparent. The real difficulty of the case, and it is one which was much pressed upon us in the course of our examinations, lies in the position of an officer who, having bought, and having, moreover, served with distinction for a considerable time, desires to retire by sale. On permission being granted he receives no more for his commissions than they actually cost him, and consequently he is in no way rewarded for his services.

In fact, if he shall have paid the difference for restoration to full pay in the course of his services, he may, on retirement by sale, actually suffer a pecuniary loss."

Now, he would ask whether it was fair or just to make the wealthy officers pay the cost of retirement for those who desired to sell their unpurchased commissions, while under the present system a man, equally distinguished with them, if he happened to have purchased his commission, got nothing on retirement at all? The Under Secretary for War had, on more than one occasion, taunted those who advocated the proposition involved in the question before the House with never having suggested anything to be put in the place of the present system. He was very reluctant to occupy the attention of the House with any suggestions of his own; but, as he did not wish the Under-Secretary for War to repeat that the advocates of the abolition of purchase did not know what they wanted, he would state that the system he should like to see substituted for the present was one combining seniority and merit; and resembling, in short, the system in Sardinia, under which means should be taken to provide that the men entering the army should be well educated in military science, and promoted according to their ability. By this means officers would be encouraged, instead of discouraged, in the performance of their duties. The country requires the introduction of some such system, whether it be the excellent system proposed by the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) or some other of a similar character. And here he would observe, that he could not understand why a scheme backed by the name and authority of that right hon. Gentleman had been neglected. But when promotion by merit was spoken of last year they were met by the noble Lord at the head of the Government with this remarkable objection—

"But what is merit? Merit is opinion. Merit is the opinion which one man forms of another. Well, but the man with whom it may rest to exercise a judgment forms his opinion of the merits of the different candidates for the appointments which may be vacant; but his opinion is sure to be disputed by a great many disinterested judges, and certain to be denied by all the friends of the persons who are unsuccessful candidates on the occasion; and therefore the idea that by any human system merit can insure the selection of persons for appointments, civil or military, who shall be universally acknowledged to be appointed for merit alone, is a Utopia which it is perfectly vain for anybody to hope to see established in this or any country whatever."—[3 *Hansard*, cxxxvii. 1239.]

Now, he ventured to differ from this argument altogether. Merit was not opinion alone. It was something more. It was fact. He could not, however, regard the system described by the noble Lord as a system of merit, but as a system of universal suffrage, which partook, indeed, of the character of Utopia. Those who advocated promotion by merit certainly did not expect that the responsible Ministers of the Crown could please everybody; but what they desired was, that those Ministers, being men of ability and merit themselves—for the really able man can alone judge of ability in others—should appoint the fittest men they could find to fill every situation in the public service, and remove all obstructions in the way of the promotion of men of like character in the army. He believed that, if with singleness of heart and with honesty of purpose they sought to promote fit men, and fit men only, though they might excite the anger of disappointed candidates, they would be backed by the support of the country, which was heartily desirous of seeing every department of the public service filled with the best and most efficient men. He prayed the House, on these grounds, to grant the inquiry he asked for. Whether we had war or peace the importance of the question was the same. The war, which he trusted was about to be brought to a conclusion, had severely tried our military system, and found it wanting in many respects. This country was not likely to maintain a large army in time of peace, but our object should be to make its efficiency compensate for its inferiority in numbers as compared with the armies of other countries. In the present war we had asserted our equality in the field with the most powerful nations of the world, and had claimed for ourselves an equal voice with them in the Councils of Europe. From that position we could not recede; but in order to maintain it, we must lay to heart the lessons which the war had taught us, and endeavour to raise our army to the highest state of efficiency of which it was capable. For that purpose we needed, above all things, a body of officers, not merely brave, loyal, and ready to face every danger at the call of duty, but educated and trained, knowing their profession thoroughly, and devoted to it, heart and soul; and in order to secure such, we must let them feel that merit is the surest road to promotion, and professional distinction the only path to honour. If we did this we should have cause to bless those sad events which have exposed our deficiencies, and taught us such salutary lessons; but if we did not—if we preferred class interests or party prejudices or personal predilections to the interests of the country and of our military service—we should have neglected a great duty, have lost the healing moral of a painful lesson, and should, through indolence, self-interest, or cowardice, have failed to provide the surest means for maintaining in the future the position and honour of England.

Motion made, and Question proposed,

> "That a Select Committee be appointed to consider, examine evidence, and report to the House, on the expediency of abolishing the system of Sale and Purchase of Commissions in the Army, and on the means that may be adopted for the accomplishment of that object."

MR. ELLICE hoped the House would proceed with great caution and deliberation in whatever course it might deem it right to take in obedience to public opinion out of doors upon this question. He agreed with the Mover and Seconder of this Motion that the time was now come, and that it had been precipitated by recent events, when the country would no longer be satisfied to allow this subject to be passed over without greater examination than it had hitherto received, and without an attempt, at least, on the part of the Government to solve the difficulties by which it was surrounded. Having had some experience himself in these matters, he was well aware that there was much to be said on both sides of the question. In the first place, in any change which might be determined on, the social position of the country, the character of our representative institutions, and the feelings of the army were all elements which ought to be taken into consideration. If his noble Friend who seconded the Motion (Viscount Goderich) had served with him on the Commission which sat two years ago on the system of promotion in the army, he would have found what objections were urged on the part of the army to the system which he recommended. His noble Friend desired that promotion should proceed one-third by merit, and two-thirds by seniority. But when it was proposed before the commission to adopt that or some analogous system in those two branches of the service where purchase did not prevail, the majority of the commissioners agreed in a recommendation to Her Majesty, that she would be graciously pleased more frequently to exercise her prerogative to take officers out of the regular routine of promotion, and to promote them to higher ranks on account of their merit. But that recommendation at once encountered great opposition from the Engineers and Artillery; and when the commissioners recorded a modified expression of opinion, with respect to the changes that ought to be made, even that was met by a protest signed by the officers who represented those two branches of the service upon the commission. In despair of rapid promotion under the system of selection and seniority the system of purchase was advocated by the officers themselves. The difficulties attendant upon seniority and selection were so great that in the East India Company's service a system of promotion by purchase had long been adopted illegally. Promotion in the usual course of the service had been found to be so slow, and officers had been found to be so inefficient from age, that younger officers were tempted, on the one hand, to provide funds to induce old officers to retire, and the Government of India, on the other, had encouraged the practice for the purpose of obtaining officers young enough to perform their duties with efficiency, though they knew it to be contrary to law. His noble Friend had entered into the question of the education of the army. Now the subject of military education, as connected with promotion, would require great consideration. He had always regarded it as a great anomaly, as compared with the practice in the army, that in the navy after six years' service no mate could rise to the rank of a lieutenant without passing an examination as to his professional capability to discharge the duties appertaining to the superior rank. No such examination was required in the case of a subaltern in the army being promoted to a superior rank. This was a point which ought to be maturely and deliberately considered. The money part of the question was of the least importance. The sacrifice of £5,000,000, £6,000,000, or even £10,000,000 would be willingly borne by the public if it would secure to this country a superiority on the part of its military officers over the officers of every other country. He was not inclined to think, however, the appointment of a committee would be the most likely mode of leading to an advantageous solution of this question. For his own part, though he had had some experience, he should feel himself very ill qualified, as a Member of such Committee, to come to any decision upon the merits of the question. The hon. and gallant general (Sir De Lacy Evans) had suggested that if a Committee were objected to, a commission might be appointed composed partly of military men and partly of civilians to hear evidence on both sides. Without pledging himself to any particular form of inquiry, he thought that the question ought to be boldly met and fairly investigated, in order that the public might be satisfied. Public attention had been much attracted to this subject; and he hoped his noble Friend at the head of the Government would consider that the demand for some inquiry was but reasonable, after the sacrifices which the country had been called upon to make during what he hoped he might now call the late war, and that he would not refuse to adopt some means of satisfying that demand.

SIR JOHN FITZGERALD said, this was a question which involved the future interests as well as the promotion of the most meritorious and most useful class of officers upon our military establishment—namely, the regimental officers. He therefore trusted that the House would weigh well the consequences of altering a system which had been long established, and which had, as far as his experience told him, hitherto maintained the honour, the discipline, and the efficiency of the British army. It had been his lot, from the period when he first joined the army in the year 1801, to have served constantly with a regiment until he obtained the rank of a general officer. Eleven years of that period he was in command of the regiment. From the knowledge thus obtained, he presumed to advocate the continuance of the system of purchase because he conceived it best for the interests of regimental officers expecting promotion, and most conducive, as he trusted he should prove, to the efficiency of the army. He would briefly describe the position of an officer who entered the army without the means of purchasing promotion and the prospects he had before him, and then leave the House to judge whether the abolition of the system of purchase would be an advantage to him or otherwise. He was aware, when he arrived at the top of the lists of ensigns, lieutenants, and captains, whenever a commission became vacant, either by death, retirement on full pay, or promotion on the staff, the commission was always given in the regiment without purchase. There were thus these several chances open to an officer to succeed without purchase, and the question was, would he sooner arrive at the top of the list and so succeed to such vacancies by allowing purchase, or by waiting his turn in the slow progress of seniority? By allowing purchase, some officers might certainly purchase over him; but there were likewise many above him who would go out of his way by purchase. He did not think that he could bring a stronger proof of the validity of his argument than by instancing the system of the East India Company. In the Hon. Company's army promotion was entirely by seniority; and what was the result? It was this: when an officer, by this slow progress, attained to the rank of a lieutenant colonel, he generally found his health so impaired, and his energies so enfeebled, that he would retire, if he had, according to his ideas, a competency to do so. A certain sum was required for this purpose, and it was subscribed by those officers who would obtain promotion by his retirement. Did the East India Company take any notice of such deviations from the established rule prohibiting purchase? Far from it. They saw too well the advantage of the system, as thereby their army received the advantage of effective officers replacing worn-out officers. It was an undeniable fact that prices were paid for commissions much beyond the sums fixed in the Warrant regulating the price; and he believed he was not wrong in stating that there was not a regiment in the service, from the Guards downwards, in which there was not another value fixed upon each commission. Should any officer apply to purchase who had only the regulated price to offer, the officer desirous of selling either refused to do so, or exchanged to half-pay; and he had heard of one regiment in which the officers, finding promotion in the regiment stopped for three years, in consequence of an officer refusing, or being unable, to give more than the regulated price, put him in Coventry for thus preventing promotion in the regiment. This he considered a most serious grievance to officers who could not exceed the regulated price for commissions; and as officers of regiments could thus, by combination, prevent Her

Majesty's regulations from being followed, and thus injure the brightest expectation any officer might otherwise have of promotion, he would recommend the following system to be adopted :—That a return should be sent in to the Horse Guards from each regiment of officers desirous to purchase, that from it a list should be prepared, so that, whenever a commission was for sale, the senior officer on that list, provided he had served a certain period on full pay, should be the officer selected to purchase. He acknowledged that some inconvenience affecting the *esprit de corps* of a regiment might be caused by such an arrangement, and also to officers not willing to purchase if they were to serve in the East or West Indies ; but it was impossible to put a stop to the practice, unless by adopting the principle he had laid down, allowing all to take their chance of climate, or of effecting exchanges if they preferred so doing. Now, with respect to unattached rank. There was one species of purchase which he desired as much as the hon. and gallant general to see abolished ; and this was the practice of purchasing unattached rank. By this system, an officer who possessed influence and patronage could obtain rank by purchase over the heads of officers who had actually lodged their money for purchase, but who must wait their turn till an opportunity offered in their regiments. An advantage was thus given to the person who possessed influence and patronage over the officer who remained serving with his regiment till the opportunity offered for him to purchase promotion. Besides, when the latter did purchase in his regiment, it was for the purpose of remaining in the service ; whereas, the officer who purchased an unattached rank, went on half-pay, and might, perhaps, in the next *Gazette*, be placed on full pay, over the heads of all those officers who had been obliged to wait till an opportunity of promotion offered. It would likewise do away with the mystery in which these transactions were sometimes involved. For example, the name of the officer only who purchased an unattached rank appeared in the *Gazette ;* who the person was whose commission was sold was not mentioned. The next consideration was, if purchase was done away with, what compensation was to be made to officers who had already purchased their promotion. Were they to be remunerated for their outlay ? Why, even on a moderate computation of the amount, the sum would come to seven or eight millions of money.

MR. FREDERICK PEEL said, he thought with his right hon. Friend (Mr. Ellice) that a great deal might be said on both sides of the question, and he asked the attention of the House while he adduced a few arguments in opposition to those which had been brought forward by the mover and seconder of the Resolution. One consideration which had been advanced by the hon. and gallant General (Sir De Lacy Evans) was hardly worthy of him. He had appealed to a right hon. Gentleman who was not present (Mr. Disraeli) and to his party to support this motion, on the ground that such a course would benefit them at future elections. He (Mr. F. Peel) trusted, and indeed he had no doubt, that this and every other question which came before the House would be discussed and disposed of without regard to selfish and individual considerations of that kind, and with reference only to the public interest and the efficiency of the army. In replying to the speeches of the hon. and gallant General (Sir De Lacy Evans) and the noble Lord (Viscount Goderich), he was not about to argue that the system of purchase was one which could in theory be regarded as free from objection ; and when a new corps was recently established, he admitted that it did not, and ought not to form any part of its arrangements. In the Land Transport Corps, where there was a whole series of regimental appointments— field officers, captains and subalterns— none of the officers appointed to that corps were required to give anything for their commissions, nor would they be permitted to receive anything for them when they retired from the service. If the whole of our army could be disbanded to-day, and reconstituted to-morrow, he had no doubt that it would reappear without the system of promotion by purchase. But on the other hand, it must be remembered that our army had been in existence 150 years, and that the system of purchase had been coexistent with it. It could not, therefore, be easily got rid of. Indeed, he did not believe that such a system could have existed so long without having so far caused the service to accommodate itself to it as not to be so readily displaced as some persons imagined ; or without having developed advantages which to some extent compensated for its disadvantages and drawbacks. Any one who, like the gallant General, proposed to abolish this system ought to be prepared not only to show that there were in it many lives, but also to submit to the House a remedy so plausible and *primâ facie* acceptable as to justify its being submitted to an inquiry before a Committee. The noble Lord who seconded the Motion had endeavoured to show that the present system was injurious, even to those officers who were prepared to purchase commissions, and he based his argument on no better ground than this, that such officers were deprived, during their service in the army, of the interest of the money they had paid for their commissions. He confessed that he could not view this part of the question in the same light as the noble Lord. Assuming it to be true that all men who entered the army did so with the desire of attaining as speedily as possible to the rank of colonel or general, or to some position of higher authority and greater responsibility than they were likely to reach in private life or in a civil profession, he could not understand how a system, the effect of which was to accelerate the accomplishment of such objects, could be viewed otherwise than with favour by those who had the means of bringing themselves within its operation by the purchase of commissions. The hon. and gallant General was of opinion that the practice of buying commissions gave rise to jealousies and heartburnings; yet he advocated promotion by merit—a system the principle of which was that, without regard to the circumstances under which any two men might have entered the service, they should be shifted about according to the estimation in which their respective abilities might be held. Did the hon. and gallant General's acquaintance with human nature lead him to believe that the man who had been set aside to make way for the superior merit of another was less likely to endure the misery of heartburning and jealousy than he who was out-stripped in the race, simply because his rival had more money? But was the present system disadvantageous to those officers who were not prepared to purchase? He (Mr. F. Peel) would maintain that it indirectly benefited the non-purchasing class of officers; for this simple reason that when an officer at the top of the list resigned his commission the new-comer did not step into his shoes; but, entering at the bottom of the list, he pushed up every officer in the regiment. Thus the non-purchasing officer advanced more rapidly to the top of the list than he would by seniority, and when, at length, a vacancy occurred which did not go by purchase, he at once succeeded to it. So well was this understood, that he (Mr. F. Peel), would undertake to say that if a young man, without means, were to consult his friends as to which would be the more prudent course for him to pursue with reference to the speediest manner of attaining an eminent position—whether, to enter a corps such as the Ordnance, where the purchase system was unknown, or to join a regiment of the line, where men with money were permitted to buy over his head, but where, at the same time, he would be advanced on every occasion of a vacancy—there could be no doubt that, on a careful review of all the circumstances, his friends would advise him to give the preference to the line, with all its chances of being passed over. No doubt, if it could be shown that the purchase system had the effect of injuring the army and of rendering it less efficient for the protection of the country, it would be the duty of the Legislature to abolish it forthwith; but of this no adequate evidence had been adduced, either by the hon. and gallant General or by the noble Lord. No proof had been given that the present system operated perniciously on the general interests of the service. And he had yet to learn in what manner the interests of the country would be promoted by the abolition of the purchase system. If the power of purchasing commissions were to be put an end to to-morrow, would the officers of the British army be henceforward of a different class from what they now were? For his own part, he had no such expectation. He believed it to be an advantage to the country that the army should have that tone of gentlemanly feeling which it derived from being officered by young men connected with the aristocratic and wealthy classes, but he could not go the length of thinking that this object was in any material degree promoted by the maintenance of the purchase system. If it were abolished, commissions would continue to be held mainly by the same class of persons as at present possessed them. This was the case in the Ordnance Corps, where the principle of seniority prevailed; the officers in that corps were in the same station of life, and generally possessed the same means as the officers of the line. It had been said that they were for the most part better educated, professionally, and he believed that the fact was so. Previous to obtaining a commission in the Ordnance it was formerly necessary to obtain an appointment to the college at Woolwich ; there the candidate went through a course of study extending over three or four years, and after passing an examination which tested his acquaintance with various branches of science he received a commission in the artillery. A new and still more searching system was now adopted ; the candidates for commissions had to undergo competitive examinations, and a very high standard of qualification was required. Whether under the old or the new system, the education was costly and expensive to the officer and his family ; and quite as much money was spent in qualifying an officer for the Ordnance as in procuring a commission in the line. The money was only spent in a different way. The noble Lord who had seconded the Motion complained that the excellent example set by his right hon. Friend behind him (Mr. S. Herbert), with respect to the promotion of non-commissioned officers, had not yet been followed by the present Government. The noble Lord, however, had failed to acquaint himself with the facts ; for never had there been less foundation for such a complaint than during the period that had elapsed since the noble Lord last addressed the House on this subject. If ever there was a time when non-commissioned officers had been promoted to commissions it was certainly during the last twelve months. Indeed, if the noble Lord would take the trouble to examine the Army Estimates, he would find, by the sums required for the outfit of non-commissioned officers who had received commissions, that the Government had been following the example of his right hon. Friend. It was his (Mr. F. Peel's) impression that during the year 1855 no fewer than 150 non-commissioned officers had been presented with commissions in the cavalry and infantry. There had also been numerous similar promotions in the Artillery, the Land Transport Corps, and the various foreign contingents now in the pay of England. It was an error on the part of the noble Lord to suppose that, in order to raise the education of the army it was essential to set aside the system of purchase, for on that system any standard of education might be engrafted. The military authorities found no difficulty in laying down the rule, that, no matter what wealth an officer might possess, he should not be a captain until he had been two years in the service, nor a field officer until he had been six. These were regulations which money did not affect ; they were arbitrary rules ; and there could be no difficulty in carrying them still further, and stipulating that no officer should be permitted to purchase until he had reached a certain standard of professional knowledge. He greatly doubted whether, under these circumstances, either the hon. and gallant General or the noble Lord could show any evil in the purchase system. At all events, if the present state of things should be abolished, what other would be substituted ? This was an essential consideration. They had heard a great deal about new methods of promotion, but the most important question to be considered was, not the system of promotion, but the system of retirement. The army was not like an open profession into which any one could enter, and have only himself to blame or congratulate in the case of failure or of success. The man who entered the army entered a close profession, consisting of a certain number of appointments, one or another of which he was to fill. For every man who came in to fill one or other of those appointments one should go out. This rendered the plan of retirement a matter of the highest importance. Economical considerations could not be wholly shut out of view in examining such a question. It was very well in time of war to disregard expense, but immediately on the return of peace, if we had a large non-effective establishment, it would be the subject of continual attacks in Parliament, and there would be again, as there had been before, constant Motions made in that House largely to reduce it. It was said that promotion by seniority prevailed in the Ordnance Corps, and yet that branch was not inferior in efficiency to the rest of the service. That might be very true ; but on whatever ground the principle of seniority might be advocated, certainly the state of things which now existed in the Artillery and Engineer Corps could afford it no legitimate support. When the war with France broke out the Ordnance Corps was as low as 9,000 men ; but in the course of that contest it was raised to 25,000 or 26,000. At the outset of that struggle the officers were generally men advanced in years, most of whom had served in the American war. A number of new appointments were consequently made, and towards the close of the French war the lieutenant colonels of the Ordnance branch were mostly men of about forty years of age, who had seen some twenty years' service, during which they had been engaged in the Peninsular campaigns. When peace was restored and the Ordnance Corps reduced, it became necessary to see that vacancies were filled up from the half-pay list, instead of by promotion; and what was the result? These officers having all been appointed about the same time, it was found that they all ought to be superannuated. An immediate outlet for the old officers being requisite, a full-pay retired list was formed which was increased from year to year; and which had the effect of allowing a regular current of promotion to flow through the whole corps, with the view of having the higher grades filled by comparatively young men. The numerical strength of our infantry and cavalry was 200,000 men; and that of the Ordnance Corps, 20,000. The Ordnance retired full pay list cost the country £48,000 a year; so that if the rest of the army were placed on the same footing, a sum ten times as large would be required for the purpose. If the system of purchase were wholly abolished in the line, and no such mode of relieving the service of officers who had either become unfit, or were disinclined for active service, existed as that afforded by their being enabled at any time to obtain the value of their commissions, it would be absolutely necessary to create a full pay list for the line, which would absorb a fund of not less than half a million per annum. So far, then, as regarded full pay only. But between the Ordnance and the Line, in respect of half pay, there was a wide difference, solely attributable to the absence of purchase in the former corps. If an infantry officer under twenty-one years' service wished to retire, he was called upon to sell out; but an Artillery officer who had become incapacitated for active duty would apply for permission to retire on half-pay; and, although he might be only thirty and have seen but seven years' service, they could not turn him adrift without the means of support, but were compelled to allow him to continue a burden upon the country to the end of his days. Thus, then, the abolition of the system of purchase would involve heavy additional expense both for full-pay and for half-pay retired allowances. The right hon. Gentleman (Mr. Sydney Herbert) had put a question the preceding evening relative to the recommendation of a Commission, to the effect that officers on the staff should be required after a certain period to relinquish their appointments. He (Mr. Peel) apprehended the adoption of some such principle as that in regard to regimental appointments would be indispensable on the abrogation of the purchase system; for without a rule providing that after a lieutenant colonel or a major had held his appointment for five years or so, he must give up his command in favour of another, a constant current of advancement for young officers could not be maintained. But supposing the system of purchase to be abolished, what was to be substituted for it? Some misconception existed as to the extent to which the purchase system was carried in the army. It was in reality confined within much narrower bounds than was commonly supposed. Whether they looked to army rank or to regimental and staff employments, they would find that the present practice of purchase did not materially retard the promotion of deserving officers to posts of trust and responsibility. It was true that army rank, unless in rare and exceptional cases, could not be obtained up to the grade of captain inclusive without the purchase of a regimental commission; but when once made a captain, an officer might entirely disregard the effect of purchase upon his subsequent advancement. Let him only distinguish himself by an act of gallantry, and he would earn a brevet majority or a brevet lieutenant colonelcy. After that, he had only to continue serving for a certain number of years, and then he would, as a matter of course, attain the rank of colonel, and, under the new regulations, would have all the higher emoluments and honours of his profession thrown open to him. Indeed, it had almost been made a charge against the Government that young officers now so rapidly became captains. From the rank of lieutenant colonel up to the highest position in the army, purchase in no degree intervened, promotion being in those cases given either by seniority or by selection for eminent services. Regimental employment might be obtained by purchasing a regimental commission, but certainly no staff appointments were given for any pecuniary consideration. They were bestowed solely on grounds of supposed merit. The Government's notions of merit might not always coincide with those of hon. Members, but undoubtedly they invariably did their best to single out the most deserving men for situations on the staff. Thus, therefore, there were three modes of promotion now operating simultaneously in the army—viz., purchase, seniority, and selection. If these different principles overlapped each other their working might be objectionable; but, being perfectly coordinate, they could be harmoniously combined, and had separate spheres of appropriate and beneficial action assigned to them. The adoption of either mode exclusively would be attended with great practical difficulty and inconvenience. He could not himself give a preference to seniority, for the effect of that would be that we should have officers in the line twenty-five years older than at present. Were merit taken as the sole criterion, constant complaints would be made of the Government abusing its patronage. Indeed, even the staff appointments made in a time of war under the most favourable circumstances now produced infinite dissatisfaction among a considerable section of that House. But those appointments were made under the most favourable circumstances, because they were not made at head-quarters in this country. He did not believe that of the innumerable staff appointments made during the two years which had elapsed since the army went out to the Crimea the authorities of the Horse Guards had filled up one, or had even so much as made a recommendation that a staff appointment should be given to any particular individual. On the whole, then, he was strongly of opinion that the disadvantages of abolishing the present system were very great. He must now address himself for a few moments to the economical part of the question. It had been stated that the value of commissions purchased in the army amounted to £8,000,000, and that the country would have to vote that sum in order to get rid of the system of purchase, the advantages of which, in his view, more than counterbalanced the disadvantages which attached to it. Therefore he was not disposed to counsel what he would regard as a prodigal and wasteful expenditure of the public money for the purpose of getting rid of one system of promotion, which would be replaced by another from which he anticipated no superior advantages. He thought, however, that the nature of these investments was not clearly understood by hon. Gentlemen. What was the purchase system in reality? An officer who bought a commission had a certain capital before he entered the army; he invested that capital in the purchase of his commission; and when he retired from the army he recovered his investment. The sum given for the purchase of a commission was, in fact, nothing more than a sort of caution money. The hon. and gallant General (Sir De Lacy Evans) had said, "I am of opinion that there would be no difficulty in getting rid of the system if you only provide that when the commissions which have been bought become vacant they shall not be resold;" but as he (Mr. Peel) had already stated, an officer invested a sum of money in the purchase of his commission, and on retiring from the army he withdrew the amount so invested. If an officer who retired received the price of his commission from the officer who succeeded him, of course the successor would expect to have his investment returned. The noble Lord (Viscount Goderich) had, as he understood, suggested that no commission should be sold that had not been bought, and had stated that if the Government had adopted a recommendation that was made to this effect at the commencement of the war, they would have relieved themselves, to a great degree, from the embarrassment they now felt upon this subject. It was quite true that large augmentations had taken place during the last twelve months, for, as the numerous regiments sent to the Crimea had been raised to the war establishment, a great number of additional officers had necessarily received commissions, but he (Mr. Peel) did not see how the Government could have relieved themselves from embarrassment by saying that the commissions so given away should not be sold, because, when peace was established, it would of course be necessary to reduce our war establishments, and the officers who had received commissions would be placed upon the half-pay list. The noble Lord had also said that he understood the purchase system had broken down entirely, for that at one time the Government were unable to get men to buy. That was not the case. The number of applications for commissions by purchase exceeded greatly, indeed by many hundreds, the number of commissions that were vacant. For these reasons, he trusted the House would not adopt the Motion of the hon. and gallant Member. He (Mr. Peel) felt no apprehension with regard to any inquiries that could be instituted on this subject. The commission which sat in 1850 stated that the evidence already given with reference to the question was so complete that it was wholly unnecessary for them to take any fresh evidence, and if a Committee of that House should be merely a tribunal expressing opinions without having taken evidence, he doubted whether they could safely arrive at a decision founded upon its conclusions.

LORD STANLEY said, that, as a civilian, he was scarcely capable of giving an opinion upon the details of this question, but feeling as he did very strongly upon it, he would urge upon the Government and the House the propriety of instituting such an inquiry as was now asked for. He should do so for this reason—that if the present opportunity were not taken, it was not likely to recur. The House would recollect that a few years ago the general feeling of the public about the internal administration of the army, was that of great indifference and almost apathy. Except upon the Estimates, which were criticised with an economical spirit, hardly any proposition of military reform at that time ever came before the House. And if the present occasion were let pass, when the glories and the disasters of the late war were filling the public mind, things would return to their former state, public attention would be diverted to other topics, and motions of this kind would command but very little interest or sympathy either in the House or out of it. It would even be worse than before, because we should then hear the Russian war spoken of exactly as the Peninsular war had been hitherto spoken of; every victory and every success gained by our arms would be cited as an argument for maintaining things as they were; and, although they had been gained in spite of the system, they would be used as reasons for maintaining the system intact. Now, what was this purchase system with which the House was now asked to deal. It was the buying, by a private person, of a vested interest in the public service. What was the example of our neighbours in this respect? Was there any country in the world in which any such practice existed? Not one. What was our own custom in other departments? Was there any branch of the civil or other public service in which it existed? Not one. The only parallel to it, so far as it went, was the sale of presentation to livings, and the only reason why Parliament could not deal with that abuse was, that those presentations, being in private hands, there were almost insurmountable obstacles to any interference on the part of the Legislature. In the British army we had this system, which was not accepted by any other nation, which was condemned by the example of the civil service, and which was not found in the navy. It was essentially anomalous and exceptional. It was a deviation, a departure from that rule which in every other case we acknowledged as binding, namely, that entrance into, and promotion in, the public service should not be matters of private bargain and contract. It could only be compared to what was done in France in the last century, when judicial and administrative offices were, not, indeed, exactly disposed of to the highest bidder, but put up to sale under certain conditions. But what Minister would propose or defend that system here? Yet, what was the difference? If we sold the military offices, why not also sell the civil offices of the State? If the claims of wealth were to be admitted, as entitling men to employment in the army, why not likewise in the judicial and administrative departments? But, in point of fact, the practice in question was not defended as abstractedly good, but only upon the ground of its actual existence; and it was said that to abolish it would only lead to greater evils. Now, what was the principal evil which seemed to be apprehended from its discontinuance? The money question he was disposed to pass over; that it was not insignificant he agreed, but, after all, the highest estimate which had ever been made of the value of existing commissions was eight millions, and it only amounted to half the sum which was voted yearly, in time of peace, for the naval and military service. And the country would not have to sacrifice that amount all at one time, or in one sum, but it would be scattered over a long period of years. He did not therefore think that the economical objection was much to be relied on. But the Under Secretary for War had said that this, which was called purchase, really was nothing more than caution money. What did he mean by that? He (Lord Stanley) knew what was meant by caution money, when a man entered a place of trust, and deposited a sum which he would forfeit in case he abused the trust. But how could the sum invested in the purchase of a commission be regarded as caution money? Putting aside the extreme case of a man being cashiered, and so deprived of his commission, that caution money was not forfeited except in the case of a man who did his duty, and who died in action. The caution money was not forfeited by those who neglected their duty, but only by those who died in performing it. The Under Secretary had said that unless we had this system, we should not be able to get rid of men who were disabled by age and infirmity for the proper discharge of their duties. Again, he (Lord Stanley) would ask, how did we get rid of such men in the civil service? It was done very simply, by a plan of superannuation. He anticipated the objection, that, at this moment, the system of superannuation in the civil service was not working satisfactorily. But that was because the first authors of the plan had miscalculated the amount of deductions and of the retiring allowances, the deductions being fixed at too high a rate and the allowances too low, so that in fact the civil servants did not receive the full amount of superannuation to which they were entitled. But the system was a sound one in itself, and only required to be accurately worked out in its details. There was another plan, by which, in some continental armies, the evil of having the active service list overcrowded with veteran officers was done away with. A fixed rule was laid down, which, no doubt, was an arbitrary one, and harsh to individuals in some cases, but which promoted the general interest. It was, that if a man did not attain a certain military grade by a certain time of life, he should not attain it at all. He had the option of retirement, whether upon half pay or full pay he (Lord Stanley) was not aware, or, if he preferred it, of remaining in active service, retaining the grade which at the time he happened to occupy. There was, it must be admitted, something harsh and arbitrary in this, and we should not take it except as the least of two evils; but if we must choose one of the two, it was far better to adopt a plan which at least operated fairly between man and man, than to continue a practice by which the most invidious of all tests was applied. The hon. Gentleman the Under Secretary had not been able to see what practical evils resulted from purchase. Why, was it no evil, when we passed over officers who had every qualification except the possession of money? The bare statement of the fact was enough; yet the evil done was not to be measured by the mere number of cases of individuals suffering under the system. Every such case, and they were numerous, tended to propagate discontent and ill-feeling among the circle of the officer's relatives and friends. That alone was no slight evil. Of course it might be said that the officer was aware before he entered the service of what he had to expect. Undoubtedly he was; but that defence might be used to justify any rule, any method of promotion, no matter how contrary to common sense and justice. But the hon. Gentleman the Under Secretary said that if we promoted by seniority alone there would be, and he (Lord Stanley) agreed there would be, great inconvenience to the public service; and if we promoted by selection, said the hon. Gentleman, the principle of selection by merit would be quite as invidious as that of purchase. If such a sentiment as that were entertained, it could only be left to the good sense and justice of those concerned; but surely there was such a thing as a distinction between right and wrong, a sense of what was just and unjust; and he (Lord Stanley) gave British officers the credit of being willing to waive their personal claims, and even sacrifice their individual prospects, cheerfully on behalf of one who, though junior to themselves in the service, was their superior in ability, and who, having had opportunities of gaining great distinction, had so used those opportunities as to deserve promotion. Any man of good and honourable feeling, he repeated, would be ready to acknowledge the justice of such a promotion; and if the individual who was passed over should not himself acknowledge it, the general feeling of the army would set him right, and public opinion would reprove his discontent. The hon. Gentleman the Under Secretary had asked, whether it was supposed that the army would be made more efficient by the abolition of purchase? But how could a state of things not yet existing be compared with the present state of things? When the hon. Gentleman said that the commissions of the army were at present efficiently filled, he used the same plea by which, in every profession and in every branch of the public service, all abuses had been defended. Reforming the universities had been opposed upon the ground that Oxford and Cambridge turned out such accomplished men; and when reforming the law was talked of, it was common to object, see what purity we have on the bench, and what learning at the bar, under the present system. So often had such pleas been advanced, that it was almost a parliamentary common-place now to reply, that the efficiency, so far as it went, of an existing institution could be no argument against removing the abuses by which it was incumbered. The hon. Gentleman said the army was efficient; of course it was; any army would be so whose soldiers were brave and whose officers intelligent. But if the hon. Gentleman (Mr. F. Peel) took the opinion of the army itself, of the working officers, of the men who had served in all countries for many years, and had the greatest opportunities of testing the operation of the system, he would find their judgment agree with that of the general public and the civilian part of the community, that purchase, which was not an integral part of our military constitution, but an excrescence that had grown upon it, ought to be removed. There were two questions involved in the present debate. The first was, whether purchase should be done away with; and the second was, by what particular mode it could be superseded. To the first question he (Lord Stanley) answered unhesitatingly, yes; for he believed that, whatever might be the nature of the substitute provided, it would be impossible to have recourse to one more unsound in principle or more invidious in practice. As to the second question, the precise plan to be adopted—the method of superseding this universally-condemned system, he granted there might be some difficulty, and not being himself prepared to offer a plan, he could not condemn the reluctance of others to do so. But if any plan had been prepared by Government, let them bring it forward. If not, let the subject be referred to a Committee. Let an investigation of it be made, and the opinions of able officers and of civilians be obtained. And the result, he believed, would be, if the Committee were fairly constituted, that upon the report of its members, no matter who they were, within five years from this time the purchase system would have ceased to exist.

MR. RICH said, that the noble Lord who had just spoken had so well answered the hon. Gentleman the Under Secretary for War that he would abstain from adding much to what had been said. The real question which the House had to consider was, whether the present system had or had not answered. In dealing with this point, he (Mr. Rich) would not extend his observations to the present time, because such a course would be invidious, and might probably lead to much personality. He had before him the Report of a Commission, which sat in 1838, to inquire into the state of the army and the system of promotion. That, it should be observed, was long after the war, and also subsequent to those great complaints made by military men of the want of promotion which resulted from the reduction of the war army. In order to remove those complaints, a large sale of unattached commissions appeared from this Report to have been made; for he found from the return that, between the years 1820 and 1830, no less than 1,323 original commissions and 2,124 derivative commissions were sold, thus making an addition of 3,447 to the ordinary promotions during a period of ten years. This movement in the army was so considerable that the late Lord Raglan declared it in his evidence to have been most mischievously extensive; yet we shall see how fruitless it was. During the Peninsular war the number of purchases had fallen very low, but the return of peace gave fresh vigour to the system. Purchases between the years 1815 and 1820 were to the previous period as two to one, and between 1820 and 1830 they stood as four to one. Now, what was the efficiency of the officers in the army at that time? The Commissioners, who had a leaning in favour of the existing system, reported most favourably; they said the army was in a most efficient state. But he would, however, ask the House what constituted the efficiency of an army in regard to its officers? Three qualifications were essential—first, a certain degree of education; secondly, some military experience; and thirdly, what he (Mr. Rich) might term professional adhesion, by which he meant that degree of love for the profession which was essential to the attainment of success. Certain other qualifications there undoubtedly were, without which there could be no efficiency; such, for instance, as physical power to perform duties under circumstances of hardship, danger, and difficulty. With regard to the system of education, it would be found that the only officers who received an education which fitted them for the service were those who entered it without purchase. They amounted to about one-fifth, and of these a portion was made up of cadets who had passed the examination at the Royal military colleges and had commissions given to them, and about an equal number of soldiers who, having served with distinction, received their commissions in a similar way. The fitness of these two classes was thus far tested. But for those who obtained their commissions by purchase there was formerly no test whatever. Latterly a test had been proposed rather than adopted; and of the officers belonging to the purchase class one-quarter, or say 20 per cent, failed at their first examination under this test, and 10 per cent on the second examination. This, he thought, was a sufficient proof that they had not acquired a sufficient education, and it was, moreover, a demonstration that, under the purchase system, one-quarter of the officers hitherto admitted by it were incompetent. Next, as to the question of experience. In this respect the case would be found still more serious. He believed that no country in the world had greater advantages for teaching young men their military duties than Great Britain, inasmuch as our wide-spread Colonies always afforded unusual advantages for seeing military life in large garrisons and in the field. What class of officers, he would ask, profited by these opportunities? Those, beyond all question, who seldom or never purchased; for when a regiment was ordered to the Colonies, those officers who could afford to pay the difference almost invariably exchanged with some one poorer, and so idly remained in England. Thus, by the working of the present system those officers who purchase commissions were precisely the men who do not acquire military experience. Thirdly, in respect to professional adhesion—those who purchased had less of this feeling, for many were by fortune independent of their profession, which they entered only as a temporary occupation. Others, again, with less ample means, whose ambition may have tempted them to invest nearly all their capital in their commissions, would, ere they finally sank it by becoming major generals, sell out. In this way the country lost men who bade fair to be its best generals. The purchase system had, therefore, hitherto tended to give us officers deficient in education, deficient in military experience, and deficient in professional adhesion. He next came to the physical qualifications of our officers. The Commission of 1838 reported that the average age of lieutenant colonels was forty-seven; majors, forty-three; captains, thirty-seven; lieutenants, twenty-nine; ensigns, twenty-one. But this return did not give a fair representation of the age of the working part of the army, the infantry of the line; for by certain privileges which the Guards possessed they attained the rank of lieutenant colonel at forty-two; and that, being so much lower than the general average, brought down the average age of lieutenant colonels, which, for infantry of the line, was forty-nine and three-quarters, and so in proportion for the other grades. The Commission said nothing about the ages of the generals; but from other returns he found that major generals obtained their promotion at the average age of fifty-eight and a-half before 1841, at fifty-nine in 1841, at sixty in 1851, and that the average age of the lieutenant generals on promotion was six or eight years older. A lieutenant general was supposed to command a division; a major general a brigade. Need he (Mr. Rich) ask that House whether, at the ages he had quoted, they could efficiently discharge their duties in the field? Yet this was the result of the purchase system! It had utterly failed; for when the war broke out, the whole of the generals were practically swept off the effective list, and we were forced to have recourse to colonels and lieutenant colonels to command divisions and brigades. Yet it had been said that the system worked admirably. It was, as the noble Lord had said, an anomalous system; experience had shown it to be an ineffective system, and it was, moreover, a dishonest system, for its very essence was to place money above merit. He was glad to find that the hon. Gentleman the Under Secretary for War could find scarcely any other ground for maintaining it except that of expense; but it had been wisely said that this was not a question of expense—it was a question in which the interest and well-being of our army and of our country was concerned. Even upon the point of cost there had been great exaggeration as to the expense which a change of system would entail, for a return which had been made to the House showed that the average annual cost of commissions purchased in the years 1853, 1854, and 1855 was only £500,000. The present purchase system would excite the deepest indignation, but that the feelings of the country were somewhat blunted by the long continuance of the system. At present, an officer upon purchasing a lieutenant colonelcy almost at once passed to the command of a regiment, and during war, as he had shown, even to that of a brigade or of a division. Was it to be endured that such commands, involving the support, the honour, and the lives of our men, should be trafficked for so many pounds sterling? The country would pay any amount to provide for the just claims of officers; but as to this effete, broken-down, and corrupt system, they would no longer countenance the continuance of it. The accounts of Parliamentary corruption at the beginning of the last century were startling to the present generation, but it would appear equally monstrous in the eyes of Englishmen in the next century that Parliament and a Liberal Government should still allow the sale of offices of trust, and of such perilous importance as military commands, and refuse even to grant an inquiry into the working of such a system. He hoped, however, the noble Lord at the head of the Government would see the propriety of granting an inquiry, and would accede—if not to a Committee, which was preferable—at least to a Commission, to examine into the subject.

Colonel LINDSAY said, that many of the hon. Member's observations would have been applicable two years ago, but they were not so now, as about that time an arrangement was made by which upon an officer attaining the rank of lieutenant colonel the rank of full colonel followed in due course; from the ranks of colonel and general the Government and the Commander in Chief had power to select whom they pleased to command brigades and divisions, and therefore the Government was not reduced to the alternative of appointing generals of sixty-five, as was supposed. He had listened attentively to the speeches which had been delivered in favour of the Motion, but had failed to find in them any suggestion of a practical mode of abolishing the purchase system, and at the same time of maintaining the efficiency of the army. It appeared to him that the question mainly turned upon physical efficiency, for professional attainments could be tested and secured alike under a system of purchase, or any other system of promotion and appointment. Notwithstanding the remarks of the hon. Gentleman who had spoken last, he (Colonel Lindsay) asserted that when the war began the army was in a state of general efficiency, as regards the regimental officers, with perhaps the exception of a few regiments in India or lately returned from India. He presumed the House accepted peace as the rule and war as the exception, and that therefore our system in time of peace should be to keep us in such a state of efficiency as would enable us successfully to undertake, when necessary, warlike operations. Such being the rule, it appeared to be a great object to obtain comparatively young officers in all ranks. The purchase system only applied to regiments, and during the two years of war, although the greater number of officers had obtained their rank by means of purchase, there had been no complaints of regimental inefficiency. Whether the highest talent had been obtained was perhaps not ascertainable, but the duties of the service were performed in a manner creditable to the officers themselves and advantageous to the regiment. The failure —if failure there had been—was not among those who had obtained their rank by purchase, but among those who had been appointed by selection to the positions in which it was said there had been failure. He thought that, under these circumstances, instead of abolishing the system of purchase, they should endeavour to improve it. He had always been of opinion that it ought to be tempered and checked by stringent tests. It might, perhaps, be desirable that officers should have a higher education before they entered the service, and that, for that purpose, eighteen years, and not sixteen, should be the age of entrance. After they had entered, they ought not to be allowed to rise to the position of commanding companies without undergoing a strict professional test of efficiency. The failure of the orders issued four or five years ago respecting examinations for promotion, arose from their going too far. An officer who had been eight or ten years in the service could not be asked to undergo an examination fit for a youth of twenty; but all officers should have a good foundation laid before they entered. They should have opportunity and be encouraged to improve themselves, and when the time arrived for their promotion, they should be put through the strictest professional tests that could be devised. The noble Lord at the head of the Government had incurred some amount of censure by asking, in his speech last year, what merit was. That was a question not without difficulty in time of peace. On active service merit could be easily detected; but in peace, if an officer was able to pass the examination which would have to be created, he could not be neglected without injustice. A comparison had been drawn by the noble Lord the Member for King's Lynn (Lord Stanley) between the position of the military and that of the civil service. But it was impossible to compare subalterns in a regiment with clerks in an office. Though men of forty and fifty were competent to sit at a desk and transact satisfactorily the business of an office, the case was different in a regiment, for subalterns of thirty and captains of forty were what all parties wished to avoid. Reference had also been made to a superannuation. No objection could be made to the theory of a superannuation; but he doubted whether it could be carried out practically in an army. Virtually, indeed, there was a superannuation now, because that name might be applied to the purchase system, and it cost the country nothing; whereas, if they were to create a superannuation similar to that in the civil service, they must do so at an enormous expense, and then it would become in reality a sort of retired full-pay. It was rather remarkable that no one had yet informed the House by what means he proposed to abolish the system of purchase. Could it be actually done? The Commander in Chief, indeed, might be empowered to select an officer for promotion from any branch of the service he pleased, without anybody in the regiment where the vacancy existed knowing anything about it, or from whence it would be filled. But such a system would be most dangerous; it would practically unregimentalise the army, and destroy that *esprit de corps* which now happily existed among officers. Again, was it the case that in those offices which were held without purchase no pecuniary transactions took place? On the contrary, there was a purchase, or a giving of money, in most of them. In the Indian army formerly purchase did not exist by rule, but now it most undoubtedly did, officers subscribing in proportion to their standing on the list. It was a great mistake to suppose that, because an officer retired upon full-pay, he got nothing for leaving his regiment. He himself knew one instance—and he had heard of others—in which an officer received a sum of money to retire on full-pay, having refused to go out unless he were paid for it. If the system of purchase were abolished to-morrow, nothing could prevent money being given to an officer who wished to retire to hurry him out, or an officer refusing to leave without being paid. Such, he believed, was a common practice among the surgeons. With respect to the purchase money of commissions, he thought that, if the Government were to announce to the army their intention to abolish the present system of promotion, the purchase money ought to be paid down at once, that officers might not lose the interest of the money they had invested. He did not suppose that the abolition of the purchase system would change altogether the class of men holding commissions, though it might to a small extent. A remarkable and instructive change had been going on in France for some time. One object which the Government had in supporting and increasing the military schools there was to impart a good professional education to the pupils who attended them; but another and equally important object was to induce a higher class of people to enter the service—men who from their position in life could afford to pay for education at these schools. He remembered an observation made by General Sebastiani when Commandant of Paris, that one immense advantage which the British army had over that of France was that it was officered by gentlemen. But was it correct to say that a non-commissioned officer had no hope under the existing system of rising in his profession? On the contrary, a considerable number of non-commissioned officers had been promoted since the beginning of the war, and the practice would, doubtless, be continued. There was a certain number of commissions vacated every year by death, retirement, or promotion to the staff, which went without purchase, and he thought that those and first commissions might fairly be divided between the military colleges and non-commissioned officers. It was a great mistake to suppose that non-commissioned officers were very eager for commissions. He had offered commissions, which had been refused. It was impossible for a non-commissioned officer, when promoted to a commission, to support himself upon his pay. An officer promoted from the ranks ought to have half as much pay again as the amount now given to other subalterns, in order to maintain himself in a state of respectability. He was of opinion that the system of purchase prevented jobbery. There was no interest whatever required to enable a person to obtain promotion by purchase. But if promotion was without purchase, and not by seniority, suspicions would be constantly excited that other influences were exerted besides those of merit. Great complaints were made in the debates of last year of the influences that were used to advance officers to the staff and to higher positions in the army. But all those influences were totally independent of the system of purchase. He certainly was of opinion that there ought to be some strong test of the qualifications of an officer before he was appointed to the general staff. No officer should be appointed to the position of aide-de-camp without previously obtaining a certificate from his commanding officer, that he had thorough knowledge of his regimental duty, and was perfectly fit for the appointment. For these and other reasons he thought it would not be judicious to alter the present system. That system was calculated to secure physical efficiency, and it was perfectly consistent with the regulations that mental efficiency should be secured. If the system of purchase were dispensed with, there would be no sufficient outlet for those who had been long in the service, and the army would abound with old subalterns and old captains, and would end in compulsory retirements. He did not, therefore, think it was at all desirable that the present arrangement should be abolished; he was of opinion that it would not in any degree promote the efficiency of the service, but that it might be improved; and for these reasons he should oppose the Motion.

Mr. HEADLAM said, that in the course of last Session he had made out a case of hardship on the part of the families of those officers who died when on active service, from the whole of the purchase money for their commissions being forfeited to the State. That amount was in almost every case larger than the pay which officers so dying had received during their service. Take, for instance, the case of an ensign; he paid £450 for his commission, but when killed in action the whole pay he had received would not amount to that sum. A lieutenant colonel paid £4,500 for his commission. That sum was far greater than the aggregate of the pay which he had received. Consequently, to every officer who died in active service the State was a debtor. Now, he contended that the interests of those who died in active service should be placed in as favourable a position as the interests of those who sold out. When he brought this question before the House last year the noble Lord at the head of the Government promised that the grievance complained of should be completely removed. The noble Lord said—

> "That he thought it would be right for a regulation to be made, by which it should be optional with the officer to determine in his lifetime whether, in the event of his falling in action, the family should receive the allowances or pensions, whatever they were, now given by the regulations; or whether, in lieu of that, they should receive the value of his commission—that was, the regulation value of course, not the sum he might have actually invested in it."

That promise on the part of the Government went forth to the world, and was received with heartfelt satisfaction by many an officer endangering his life for his country. A promise of this kind, made by the First Minister of the Crown in the House of Commons, was a sacred thing, and should be fulfilled to the very letter; but, so far from that being the case, the Government, by the delay in taking any step at all, and, secondly, by the form in which they had at length issued the warrant, had made the promise of no effect. First, with respect to the delay. Supposing a regulation of that kind had been established at the commencement of the present war, it would have been of great pecuniary value, not only to the families of those who died, but to every officer in the service, because it would have been the cause of saving to them heavy sums which they had paid for assurances on their lives. He was reminded that the regulation laid down in the Queen's warrant was retrospective in its operation; but what was the value of a retrospective regulation to the man who was already dead? He could never have the satisfaction of knowing that such a regulation existed. But the warrant itself, which granted to the father or mother of an officer leaving no wife or family the price paid for his commission, contained this proviso—namely, that they be not excluded by wealthy circumstances. The practical effect of this proviso was, that a large proportion of the parents of deceased officers were excluded from all benefit under the warrant, and even those who sought to obtain that benefit could only do so by going through a process so humiliating that no gentleman could be expected to submit to it. He was required to declare that he was "in distressed circumstances," and to show that he was a deserving object of the Royal charity. That was not the case with respect to an officer who sold his commission. If he were possessed of £50,000 a year, he would still have a right to receive the full value of his commission. According to private letters received by him, it appeared that the War Office had refused to give to the mother of a subaltern the value of her son's commission unless she would state that she had been mainly dependent for subsistence upon the pay of her son. Now, this was a perfect mockery, for it was well known that the pay of a lieutenant would not more than suffice for his own support. It was most desirable that the Royal warrant should be fulfilled to the very letter, and not be interpreted unfavourably to those who died in their country's service; he hoped, therefore, that the Government would take this subject again into consideration. With regard to the system of purchase, it seemed to him that the State was really in debt to the army to the full amount of the aggregate value of the commissions, seeing that it had received this money at one time or other, and applied it to State purposes. The debt had been transferred from one person to another from the time when it was contracted by the State, but the same liability continued on the part of the State, and the officer who last purchased a particular commission stood as a creditor of the State with regard to that commission. Being, therefore, of opinion that the operation of the present system was extremely unsatisfactory, he should most cordially vote for this inquiry, with a view to devise some regulations by which a better system should be established as to appointments and promotions in the army.

COLONEL NORTH said, it had been observed by the hon. Member for Richmond (Mr. Rich) that if the officers of the army were consulted they would be, at least those of the poorer class, to a man, in favour of the abolition of the purchase system. Now, he was quite confident this was an error. When our army was compared on this point with the continental armies, it must be remembered that the conscription introduced into the latter men of all classes, many of them well educated, and this naturally gave a much wider field for the choice of officers from the ranks. But his principal objection to the abolition of the purchase system was, that it would act to the prejudice of the very persons whom they were all most anxious to serve—namely, gallant and well-conducted non-commissioned officers. The sergeant major of a regiment, with 3*s.* a day, besides his rations, his beer money, and all his uniform found him, was in a better position than an ensign with 5*s.* 3*d.* a day, who must have a very expensive outfit, and was obliged to keep up a certain appearance. The inducement which led the non-commissioned officer to seek promotion was not, therefore, increase of pay, but because he looked forward at some time or other to the sale of his commission as a provision for those who were dependent upon him. During the last debate on this subject it was stated that men who had risen from the ranks were not often found to attain a high position in the service. The reason obviously was, that most non-commissioned officers were married men, and the moment they attained the rank, say, of captain, they were usually disposed to sell their commissions, the £1,800 obtained in this way, which was a small fortune to them, being applied for the purpose of making provision for their families. What could these persons do if the sale of commissions were done away with? As far as his own experience went, he believed that almost every officer throughout the army was opposed to a change in the system. Certainly, a great many officers were passed over at present; he, for instance, had been, and he admitted it was a great bore to lose promotion; but, at the same time, it had never entered into his head to complain of a system generally approved by the service. With regard to the warrant referred to by the hon. and learned Gentleman (Mr. Headlam), it had been a perfect delusion upon the whole army. It was now many months since it was announced that the families of officers who fell in action should receive the amount of their commissions; but he had been told of many instances in which the promised allowance had been refused, upon what appeared to him the most improper grounds. He was himself aware of a case in which a widow with two or three children applied for the amount of her husband's commission, he having died in the Crimea; but the answer she received was that, because she possessed the enormous sum of £300 a year, she was not entitled to it. He hoped, however, that, after the promise made by the noble Lord at the head of the Government on this subject, no time would be lost in informing the army of the real meaning of the warrant, and of the cases in which this allowance would and would not be paid. It was naturally most painful to the relations of those who fell in action to make applications of this kind and receive refusals, and he regretted that for these reasons the warrant seemed to have become almost a dead letter.

Mr. MONCKTON MILNES considered that this subject might with much greater propriety be submitted to the investigation of a Royal Commission than to a Committee of that House. At the same time, the glories and the disasters of our army had alike brought the question before the public mind, and it would be difficult for Her Majesty's Government to make out a case in favour of the present system so strong as to justify them in opposing the demand for inquiry altogether. It was impossible for any one who had heard the debate to say that a *primâ facie* case had not been made out for further inquiry. As long as the system of purchase lasted the army would always lie open to great misapprehension. The notion would get abroad that officers could attain to positions of importance by means of their wealth alone; and when he was told that no inconveniences had arisen from the existing system, he would ask, what could be a greater practical evil than that the army of this country should be regarded with dissatisfaction and suspicion? Upon the continuance of promotion by purchase depended the question of whether the army was ever to become what might rightly be called a profession. By a profession he meant a course of life in preparing for which a person devoted his youth, in which he spent the whole of his maturer years, from which he might claim to receive a fair subsistence, and in which he might reap honours, if he deserved them. But the British army, as at present constituted, did not answer to such a definition. A very large number of officers entered with the intention of spending only a few years in the service. There was no doubt that those gentlemen derived many advantages from their temporary connection with the army; but he could not conceive that such a practice was good for the army itself. It was mainly to the circumstance that it contained so many officers of this class that the English service did not possess that *esprit de corps* which was the great characteristic of foreign armies. Now, considering that the military establishment of this country must always be necessarily small, compared with those of other countries, it was surely most essential that it should be officered by men who possessed a real knowledge of their duties. He was quite ready to concur in all that had been said in praise of our regimental officers; but if those officers had been men of greater experience, he could not doubt that many of the disasters which our troops had recently experienced would have been avoided, and he was sure that at least as many glories would have been achieved. If our army was to remain in peace a nucleus round which the strength of the country might on any emergency be collected, it was especially necessary that its officers should be men who had received a competent military education. He (Mr. M. Milnes) had last year been a Member of the Committee appointed to inquire into that subject; and the impression left on the mind, not only of himself, but of all his colleagues, was that the education given at Sandhurst produced very little real effect, and that if a military collegiate course was considered necessary at all, it must be very considerably enlarged. Now he (Mr. M. Milnes) did not consider that it would be possible to combine a system of strict military education with a system of purchase, in a way agreeable to the feelings of the army, and beneficial to the country. If they made their military education as complete as had been suggested by the hon. and gallant Member for Wigan (Colonel Lindsay), if they made it really a hard matter for a man to pass the lowest examination, he did not believe that, under the present system, gentlemen would be found to submit to it. Under the present system the army paid the State money rather than received it; for after a long service a man received back less than he spent. If they made the army an agreeable and gentlemanly occupation, they would readily draw into its ranks men who were ready to sacrifice a portion of their time to its objects, but they could not expect to secure a class of officers upon whom they could safely rely in the event of an emergency. Yet that was the very element which the hon. Gentleman (Mr. F. Peel) seemed to consider admirable. At present, the moment they had obtained a good officer they sought how to get rid of him; but he (Mr. M. Milnes) did not think it was desirable to replace men of ability and experience with young and raw beginners. A great deal had been said in favour of young officers, and a great deal of sarcasm had been expended on the subject of old generals. But when a general was fit for duty —such a general as Sir Colin Campbell— it was no disadvantage, but the contrary, that he had attained to a mature age. It might be necessary, if the system of purchase were abolished, to have a very liberal retired list of veteran officers; but the Under Secretary for War was first bound to show that foreign armies were either more encumbered with aged officers, or had to resort to more objectionable methods of disembarrassing themselves of them than ourselves. It should be remembered that ours was the only spot on the civilised globe where the system of purchase existed. If they chose to talk of it as a political or social element, or as an element in our aristocratic system, connected with some necessity for officering our army with gentlemen, they might, perhaps, make out a case in its favour; but if they wished to show that the army, as an army, was the better for the system of purchase, they could not neglect to inquire into the condition of foreign armies, where this mode of obtaining commissions had been given up. Such an inquiry would no doubt greatly enlighten hon. Gentlemen who advocated both sides of the question. It would be found that the army of the Austrian empire, for instance, was of an extremely aristocratic character, even although the system of purchase did not exist in it; and he (Mr. M. Milnes) did not think that the abolition of that system in our own would lead to any material difference in the grade of its officers. By our present system, however, a large number of men were admitted who never had any purpose of becoming soldiers, but whose sole object was to spend a portion of their lives in an agreeable and honourable manner. The hon. and learned Member for Newcastle (Mr. Headlam) had shown that the present system afforded very little advantage to persons who gave up their whole life to a military career; while, at the same time, it brought utter ruin and desolation upon the families of a large number of gallant men who fell in action. Even if the Government had been as liberal and generous as he was afraid they had been the reverse, the circumstance that numbers of families in an honourable station had been thrown into a state of almost utter destitution by the simple fact that a father or a husband had fallen in the service of his country, was sufficient to arouse such an amount of indignation that neither the House nor the Government could safely resist inquiry. He trusted, therefore, that Her Majesty's Ministers would consent to the appointment of a Commission.

Colonel ADAIR did not think that if the system of purchase were abolished, it necessarily followed that there must be substituted for it the system of promotion by seniority without the power of selection; but he apprehended that there might be a judicious combination of the system of selection with the system of seniority. It seemed to him that the abolition of the system of purchase would necessarily lead to an improvement of the regimental system most beneficial to the service, and that it might be effected consistently with the maintenance of the most perfect harmony between the commanding officer of a regiment and those under his orders. If promotion in a regiment were dependent on the merits of the officers, as shown by the reports of the commanding officer, then a more direct responsibility would be placed on the commanding officer; and such an arrangement as gave him the power of rewarding merit, of which he was the best judge, would also give him a greater inducement than he had at present to bring his corps into the greatest possible state of efficiency, for he would feel that his reports were a direct guarantee to the Commander in Chief in respect to the ability of the officers serving under him. Under the system of purchase, the responsibility did not rest directly upon the commanding officer. He did not entertain the notion that favouritism would be practised, but, if any commander were inclined to act so unworthy a part, he would immediately encounter a check in the opinion of the army and of the public at large. At the present moment there was a system in full activity such as he advocated for the army. In all militia regiments, he believed, the Lord Lieutenant took the opinion, in respect to promotion, of the commanding officer as to the efficiency of the junior officers; and certainly no commander would undertake the responsibility of recommending any officer with whose efficiency and conduct he was not well satisfied. As to the objection that in corps where the system of seniority prevailed a desire was felt to introduce the purchase system, he observed that that was an endeavour, however imperfect, to avoid that congestion which occurred in the upper ranks during a period of peace; yet, under a system which placed power in discreet and determined hands to do justice to merit wherever it might be found, he believed that even those who were passed over would not complain, but would respect the rectitude of intention on the part of their superiors who had the power of selection, and recognise the advantage of the system to the service. He might remind the House of the circuitous route which the Duke of Wellington when in the Peninsula had to pursue, under the existing system, in order to employ a junior officer of distinguished merit, Captain Dickson, in the position he desired. Captain Dickson was first transferred to the Portuguese service as major general of Artillery, and only when he had thus obtained that high rank was the Duke of Wellington enabled to employ him in the manner he desired. All who were acquainted with the history of the Peninsular war knew how advantageous that officer's services were in the Peninsular war. One of the evils incident to the system of purchase was, that the regulation price was exceeded, and that the moment that was the case a contest of wealth was entered on. If for irregular advancement by purchase, limited even to the regulation price, were substituted that careful supervision and investigation, which the chiefs of the army were willing to undertake, there would then be afforded an opportunity of developing to a greater extent than at present the gallant spirit of our officers, than whom braver soldiers or more true gentlemen were not to be found; and to that character might be added efficient, scientific, and professional knowledge. With regard to the Motion he did not think that a Committee of the House was the best way to deal with a question of this sort, in which opinions as well as facts were involved. It was a matter of infinite delicacy and nicety, and, in his opinion, a Commission would be better suited for the investigation. He therefore trusted that the hon. and gallant General who had made the Motion, as well as the Government, would acquiesce in the appointment of a Commission in preference to the nomination of a Committee of that House.

Mr. SIDNEY HERBERT: Sir, my right hon. Friend the Member for Coventry never said a truer thing than when he told us that this question was so beset with difficulties that we should approach it in the most careful spirit. I believe that both of us feel those difficulties the more strongly because it has been our lot to have to deal with the subject in its details, and we have therefore had occasion to know with what delicacy they require to be handled. The efficiency of the army is at stake, and in any change which we desire to make we ought to be careful to have with us the assent of the great body of the profession. I confess that I think there would be great benefit from an inquiry if it were only on one account, that is, that there exists in the public mind great misapprehension as to the nature and effect of the system of purchase. The general belief is, that the rich man goes into the army, buys up everything before him, buys every rank, and thus passes unfairly over the heads of those who cannot purchase. In point of fact, however, the effect upon the man who is unable to purchase is very slight. The system of purchase does not make the promotion of the man who cannot purchase any slower, although it makes the promotion of those who can much faster. I will illustrate this by an example. I will take the case of the major and two senior captains in a regiment—Major Smith, Captain Brown, and Captain Johnson. Major Smith wishes to sell out, Captain Brown has not the £1,800 or £2,000, and Captain Johnson therefore buys over his head and becomes major in place of Smith. In what respect is the non-purchasing officer worse off than before? All the difference is, that the major who is before him has a younger life than the one who was before him previously. What would happen supposing that you simply abolished the system of purchase, and put none other in its place, and made the rule which now applies only to the second captain to apply to all? The major could not sell, and he would remain where he was. The senior captain would remain where he was, and the second captain also. If you make no alteration beyond simply abolishing the system of purchase, you are not only stopping the promotion of the senior officers, but of all the others also, and you will get into a deadlock at last from the age of the officers. The question for the House and for some deliberative body, but which I do not think a Committee of this House would be fit, to consider, is, what are the methods by which, if you do away with purchase, you would secure that your officers shall not become unfit for their duties from age before they retire? secondly, what retirement you would provide for them; and lastly, whether the retirement shall be forced or voluntary. Let me point out to those who argue in favour of the unqualified abolition of purchase one defect in the analogy which they have attempted to draw. The impression conveyed to my mind by their argument is, that they expect that there would be a great alteration in the class from which our officers would be drawn. For myself, I do not think this would happen, and, what is more, I do not wish to see it happen. I am not one of those who object to see men promoted from the ranks, where that promotion has been earned by good conduct and merit; but as a general rule, in a country like this, where our institutions are so free, and where you require such implicit obedience from your men, it is of importance that every assistance should be given to your commanding officers in exacting that obedience. I believe, as a general rule, our soldiers more willingly obey men whom they look up to as gentlemen than men who have risen from among themselves. There are cases, of course, of men who have risen from the ranks, who, by force of character and by the influence of superior genius, will inspire reverence and respect in the men whom they command; but such cases are rare, and, in a general way, you must give the officer who is entitled to obedience every adventitious help you can. In the navy, it is true, there is no purchase, but naval officers belong, generally speaking, to the same class as military officers. In both the middle classes are strongly represented. In some cavalry regiments, perhaps, you will find a larger proportion of men who are sons of Peers, but there are sons of Peers in the navy, and, on the whole, the middle classes are equally represented in the army and in the navy. In the navy there is a system of selection by merit, and I have always been a warm advocate of selection where you have good opportunity of knowing the qualifications of your men; but in the navy you have selection from the bottom, but not up to the top. You reverse the rule which in my opinion common sense would dictate. You select at the bottom when you know nothing of your men; at the top you take them by seniority when you do know all about their merits and abilities and the reverse. In the navy, too, you have opportunities for selection which you have not in the army. The navy is a highly scientific profession. I do not mean to say, that the army is not so too to a certain extent, but it is more particularly a fighting corps, while the navy is a scientific as well as a fighting corps. You have greater opportunities, likewise, in peace to know what naval officers are capable of, than you have in the case of army officers. Everything which the navy does in war it does in peace. Indeed, except putting shot into their guns, I believe there is very little difference between the duties of the navy in war and its duties in peace. In the army, on the contrary, nothing which is done in war is done in peace. In this country, in time of peace, though you have what you call an army, it is not strickly speaking an army; it is never formed into *corps d'armée*, into divisions, or into brigades. No officer knows what a *corps d'armée* can do, or what a brigade can do. In the same way, as they live in barracks with all the appliances and means of a civilised country at their disposal, there is no Commissariat and no means of knowing what a Commissariat should be; and I defy you to create artificial difficulties so as to teach an army what it should do to sustain itself. You have not the means of knowing what your officers can do, and you must not therefore draw an analogy from the navy in arguing in favour of a system of selection. I do not think that this applies altogether to the upper ranks. Two years ago a change was made which gave a greater power of selection in the upper ranks, and in these times a man who is to be Minister of War or First Lord of the Admiralty must have nerve enough to bear a great amount of obloquy for the most conscientious appointments. It appears to me, but I speak with great diffidence on the subject, that, looking to the necessity of purchase or of some other system in lieu of it, in the lower ranks of the army, although admitting the inconveniences of it, if you give great facilities to men to come into the army and leave it at their pleasure, you will have a class who are merely birds of passage, and who will never give their hearts and minds to mastering its details as a profession. I have great doubts whether captains ought to be allowed to become colonels merely by seniority combined with purchase, or by seniority at all. It may be argued, I know, that it is very difficult from many captains to say who is the best calculated to command a regiment; but I think that the difficulty of selection would be still greater in the lower ranks. Coming to the field ranks—and the sums paid for these ranks are those which shock the public most, I should be very glad to see purchase put an end to in every rank above that of captain. The noble Lord the Member for Huddersfield spoke of the difficulty of combining the scientific education of officers with a system of purchase. I am a warm advocate for examination in the lower ranks before a higher step can be taken. It gives you a security that a man has, at least, applied his mind to the details of his profession; but, after all, examinations are a very slight test of his efficiency as an officer. I confess there are many other tests which I should prefer. For instance, I should say that the man who had the quickest eye to see his way out of a field in which he had got pounded between two stiff fences would be more likely to make a good cavalry officer, or a good infantry officer, than the man who was a dab at mathematics, and that only. In fact, you have not the means in this country, in times of peace, of testing the qualities of your officers. What you want is, to establish a system by which no man shall rise from one rank to another without having at least made himself master of the rudiments of his profession. The hon. Gentleman the Under Secretary for War (Mr. F. Peel) contradicted the statement of my noble Friend (Viscount Goderich), that the Government had declined to pursue a plan of mine which was laid before the Committee which sat last year upon Sandhurst College. He stated they had carried out a plan which was commenced when I was in office for the education of the men and the promotion of non-commissioned officers; but I rather think the noble Lord (Viscount Goderich) alluded to a plan which I introduced to the notice of the House when I last moved the War Estimates for the instruction of officers. That plan was explained by me when I had the honour of moving the Army Estimates, and it then received the sanction of the House. I regret to see that the sum then voted has dropped out of the Estimates for the present year. I do not intend to make that a reproach to the Government, because I know that in time of war it is impossible to commence such a system; but I trust that when peace is concluded they will apply themselves to its consideration, for I believe it would confer everlasting benefit upon the army. At the same time I must deprecate the handing over of this matter, to a Committee of this House, because I do not think that we have among us a sufficient number of men conversant with the details of the subject to do it justice, and because I do not believe that the decision of such a Committee would have so much weight with the army as that of a mixed Commission of military officers and civilians. Some persons are disposed to think that when you refer a matter to a Royal Commission, it is necessarily shelved. The last Commission of which I had experience was, that which sat upon the subject of promotion, and it consisted of officers and civilians in about equal numbers. The members of that Commission were men of very different opinions. I had the assistance of many civilians; among others, of the right hon. Gentleman the Member for Coventry (Mr. Ellice), Lord Panmure, and my right hon. Friend the Member for Droitwich (Sir J. Pakington). There were also on the Commission some very eminent officers; among them, Lord Seaton, Lord Hardinge, Lord Cathcart, Sir John Burgoyne, and General Knollys. That Commission made greater changes in the system of promotion than had previously been made during the present century. It introduced the system of promotion by selection for distinguished services without regard to seniority; to a great degree it did away with the preference given to the Guards and with promotion by brevet, which, when combined with purchase, was the most gambling and mischievous system in the army, and introduced instead a steady stream of promotion. I therefore believe that a Commission, fairly and justly appointed, may decide this question with perfect impartiality, may disabuse the public mind of some of its false impressions as to the nature and extent of the existing system, and may devise some means by which, if not abolished, it may, to a great extent, be modified and rectified. I trust, therefore, that the Government will appoint such a Commission. Should they undertake to do so, I shall, if it be necessary—which I apprehend will not be the case—divide against the Motion of the hon. and gallant General.

VISCOUNT PALMERSTON: The question which we are now considering is one which has occupied the attention of the public at large, and must have been seriously considered by all those who have turned their attention to matters relating to the army. I confess, for my own part, that my own opinion is, in the abstract, against the system of purchase. It is an anomaly. It is a system which nobody would propose to establish in an army about to be created for the first time. It is a system which exists only in the British Army. It does not obtain in the Navy or in the Artillery. It does not exist except by a sort of evasion in the army of the East India Company; and it does not exist in any other army in the world. In the abstract, I say, therefore, my predisposition is against the continuance of such a system. But, on the other hand, it must be admitted that a system which has existed so long as the system of purchase in the British army—which is so interwoven in all the arrangements of that great establishment—is one which, if you desire to abolish, will require great consideration as to the mode in which you attempt and endeavour to accomplish your purpose. You must naturally expect to meet with great difficulties. Independently of that, it cannot be denied that the system, whether good or bad in itself, has, in process of time, become associated with advantages in some degree to the army in which it exists. The evil which is always felt in an army where promotion goes by seniority is, that there are accumulated in the higher ranks of that army a great number of men who, from age and other circumstances, are unfitted for the active duties which belong to their station; and in order to avoid that difficulty in most of the continental armies, regulations have been established for putting on the retired list officers who have attained a certain rank or who have arrived at a certain age. Unless that is done, the army becomes clogged by a great number of persons in each rank unfitted for the active duties of their profession. This is the evil which you have to guard against in every army in which promotion by purchase does not exist. As my hon. Friend the Under Secretary of State for the War Department (Mr. F. Peel) very clearly explained, the operation of the system of purchase is, to relieve the army of a number of persons who, from age or infirmity, are incompetent to discharge active duties, and it accelerates promotion by sending younger and more active men to fill the higher ranks. If purchase is to be abolished, various difficulties of this sort will occur. In the first place, some other system must be established, by which the same effect shall be produced—that is to say, some other system or arrangement must be devised, by which officers who, by age or infirmity, have grown unfitted for the active duties of their profession, shall be removed, of course under conditions appropriate to the services which they have performed. That, of course, will involve a certain expense to the country; but I am persuaded that the country would not begrudge any reasonable charge which might be necessary for such a purpose. Then, again, all those officers who have purchased their commissions must, some time or other, be enabled to obtain compensation for the commissions which they have bought; that, again, I must observe, would be an arrangement attended with very considerable expense to the country. I do not mean to say that that expense might not be distributed over a lengthened period of time, or that this House or the country would be disposed to refuse to incur that expense, if they should be satisfied that the change would contribute to the efficiency of the army. I must say that I think some of the arguments which have been used to-night have been a little overstrained. I do not see why a system of purchase attended with examination as to the qualification of officers to discharge the duties which they have to perform should not be introduced. I cannot, for my life, understand why you should not require an examination from an officer who buys his ensigncy, as well as from the officer to whom you give an ensigncy. Neither do I think that the system of purchase, if continued or amended, would, in any material degree, alter the character or position of those persons who compose the officers of the army, and I entirely agree with my right hon. Friend (Mr. S. Herbert), and there is no use in attempting to disguise my opinion, that I think it extremely desirable that the British army should be officered by gentlemen as a rule—though, no doubt, there may be cases in which persons raised from the ranks may, by singular merit and distinguished services, deserve to be promoted to the higher ranks of their profession. I think, speaking plainly, that in all armies it is the higher classes who lead the lower classes, and it seldom happens that the persons belonging to the lower classes can rise, with comfort to themselves, to a position for which they were not originally destined. I think, however, that the House will agree that the matter is one which ought to be inquired into, with the view of ascertaining whether some change cannot be made consistently with the interests of the service. I agree with my right hon. Friend (Mr. S. Herbert) that a Committee of this House is not the best instrument which can be used for conducting such an inquiry. In the first place, the inquiry ought not to be limited to the practice of the British army, or to considerations connected with our own arrangements; but it ought to be extended to the practice of other European armies, and I think such an inquiry would be better conducted by a Commission than by a Committee of this House. My hon. and gallant Friend (Sir De Lacy Evans) seemed disposed, if I understood him rightly, to waive his own proposal for a Committee, if Her Majesty's Government would consent to the appointment of a Commission. I am quite ready to accede to that course; and, therefore, if my hon. and gallant Friend consents to withdraw the Motion which he has made, I will undertake, on the part of Her Majesty's Government, to promise that a mixed Commission, consisting of civilians and military men, shall be appointed to pursue this inquiry. Indeed, such an inquiry was commenced by the former Commissioners, but it was not continued, not strictly coming within their powers. I hope, therefore, that after the discussion which has taken place, the hon. and gallant General will be content with the feeling which he has succeeded in producing in the House, that this is a subject which ought to be inquired into, and that he will allow the inquiry to be pursued by a Commission which the Government are ready to appoint.

SIR DE LACY EVANS said, he felt that he was not at liberty to do otherwise than accede to the proposition of the noble Lord, to whose speech he had listened with extreme satisfaction. He entirely concurred also with the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert), in deprecating any rash or unpremeditated movement on a question of such importance. He had never advocated a sudden or sweeping measure of reform on this subject; but he was of opinion that it would conduce to the interest, both of the country and of the service, that, especially as regarded the higher regimental ranks of the army, the present system should be abolished as soon as possible. With the wish expressed by the noble Lord that the same classes which now officered the army should continue to do so, he was not disposed to differ. He had a high appreciation of the noble spirit and gallant bearing of the officers of the British army, and had nothing to object to them except that they were not sufficiently professional. While in the army they did their duty nobly and gallantly, but they did not make their profession the business of their lives. Under the present order of things, it was scarcely to be expected that they should. A gentleman with a reversionary interest in an estate, for instance, of £5,000 per annum, held a commission for a few years, and then retired in favour of another gentleman equally favoured by fortune. To gentlemen so affluently circumstanced, their profession was not a primary object; but the evils complained of would cease, by substituting for money or interest, merit and tests of professional education. The aristocracy would do honour to themselves by sanctioning such an improvement, for, by so doing, they would show that they preferred to rely on honourable exertion and merit rather than on the *prestige* or influence of rank. The benefit to the service would be incalculable, for, with the courage and spirit for which British officers were now so deservedly distinguished, would be combined science, scholarship, and professional skill.

Motion, by leave, *withdrawn.*

TITHE COMMUTATION RENT-CHARGE BILL.

MR. ROBERT PHILLIMORE moved for leave to bring in a Bill to declare the effect and operation of the Act 6 & 7 *Will.* IV., for regulating parochial assessments, and to make provision for the juster and more uniform rating of tithe commutation rent-charges to the relief of the poor. He said the object of the Bill was to remedy a great injury which had long existed, and was continually increasing, and the existence of which had been acknowledged by some of the highest authorities in the country. All who had looked into the question had admitted that the working of the power of appeal, under the Assessment Act, was contrary to the intentions of those who framed the statute, and that its operation was felt severely in regard to the rating of tithe commutation charges. The Bill was not intended to give any new privilege, or to confer any favour whatever upon the parochial clergy or lay tithe holders. He therefore hoped that the Government would not object to its introduction.

MR. BOUVERIE, on the part of the Government, would not object to the introduction of the Bill, but guarded himself against being understood to give any assent to its principle, which there would be ample time to discuss hereafter.

MR. HADFIELD complained that railway proprietors especially were made to suffer by the present system, inasmuch as they were improperly assessed on their profits, which no other subjects of Her Majesty were, and then refused the right of appeal to the higher tribunals.

Leave given.

Bill *ordered* to be brought in by Mr. ROBERT PHILLIMORE and Lord ALFRED HERVEY.

Bill read 1°.

BLEACHING, &c., WORKS BILL.

LORD JOHN MANNERS, on behalf of Mr. I. Butt, moved for leave to bring in a Bill to regulate the employment of women and young persons in bleaching, &c., works. The noble Lord observed that the Bill was substantially the same as that introduced last Session.

MR. BAXTER thought that, considering the great importance of the subject, the House ought to have been favoured with an explanatory statement as to the provisions of the Bill, in order that the parties interested might have a full opportunity of considering them. If the Bill were to be the same as that of last year, he, for one, should not be disposed to assent to the second reading, unless upon the understanding that it was afterwards to be referred to a Select Committee.

Leave given.

Bill *ordered* to be brought in by Mr. ISAAC BUTT, Lord JOHN MANNERS, Viscount GODERICH, and Mr. CROOK.

Bill read 1°.

THE TEA DUTIES.

MR. MACARTNEY said, he was induced to ask for a Select Committee of inquiry in respect to the payment of a very large amount of duty upon tea under the following circumstances. On the 20th of April last—in the evening of which day the Chancellor of the Exchequer brought forward his Budget—between the hours of two and a quarter past three no less than £50,000 duty had been paid upon teas by three parties in London and four parties in Liverpool. The result was, that very heavy labour was suddenly thrown upon the clerks in the Custom House, and various remarks made the next day as to the cause of this extraordinary proceeding. In consequence of a communication made to him by certain persons in the trade, he had moved last Session for certain returns upon the subject, but those returns were produced at so late a period of the Session that he had no opportunity of calling attention to them. He, however, considered that the character of the public service was involved in the matter, as it was generally supposed that the information of the intentions of the right hon. Gentleman on the evening of the 20th of April, in respect to those duties, had been improperly conveyed to several parties extensively engaged in the tea trade. He, therefore, felt it his duty at the earliest moment of the present Session to place his notice upon the paper of the House. The returns for which he had moved were for the amount of duties paid upon teas during the fourteen corresponding days in 1853, 1854, and 1855. In 1853 the duty stood at 2*s.* 2½*d.* per pound; in 1854 it was reduced to 1*s.* 6*d.*; in 1855 it was 1*s.* 6*d.*, with the law in its favour for its further reduction to 1*s.* In March, however, the right hon. Gentleman the Chancellor of the Exchequer gave notice of a Bill to arrest the decline of the duty, and to keep it at 1*s.* 6*d.* On the 8th of April that Bill passed. The trade generally considered that it was fair under the circumstances to stop the further decline of the duty, and they were under the impression that there would be no more interference in the duties during that year. But on the 20th of April, the Chancellor of the Exchequer propounded his Budget, by which he added 3*d.* per pound additional to the duty upon tea. In 1853 the total amount of duties paid during the fourteen corresponding days in April was £58,351, being, on an average, £4,062 for each day. In 1854, during the eleven corresponding days, the amount of duty paid was £136,074, giving a daily average of £12,098. In 1855, during the eleven days, including the 19th of April, the amount paid was £148,301, giving a daily average of about £13,000 paid each day. In referring to the returns of three houses in London who paid those duties, he found that during the eleven days of April, 1855, their payment did not exceed £2,786, yet the duty paid by the same houses between the hour of half-past two and a quarter past three o'clock, on the 20th day of April, when the Chancellor of the Exchequer announced his Budget, was £24,787. It was supposed that the information was communicated at the same time to Liverpool, for he found that one house there, whose daily average of duty paid for the eleven days to which he had referred was from £291 to £300, upon the 20th of April paid no less than £10,000, and some hundreds. Three other houses in Liverpool availed themselves of the same information, and paid duties on the same day to a similar enormous amount. In London the sum of £43,000 was paid by three houses. Under these circumstances the character of the revenue department of the Treasury was to a certain extent at stake, because if the merchants had received any information as to the Chancellor of the Exchequer's intention, it must have been communicated by some person or persons in that department. For the sake of the character of those parties, he hoped the inquiry asked for would be granted.

Motion made, and Question proposed,

> "That a Select Committee be appointed to inquire into the circumstances attending the payment of the very large amount of Duties paid upon Teas, on the 20th day of April, 1855, by certain parties trading in the ports of London and Liverpool, and thereby evading the increased Duties proposed by the Chancellor of the Exchequer in the Budget the same evening, in order to ascertain whether such parties were enabled to do so in consequence of previous information, communicated by some persons connected with the Revenue Department of the Treasury, and thus obtaining an undue advantage over others engaged in the same trade, and depriving the Revenue of the increased Duty."

THE CHANCELLOR OF THE EXCHEQUER said, the course taken by the hon. Gentleman was, as far as his Parliamentary experience went, quite unprecedented. At the end of last April he had proposed an increase of the duty upon tea as well as upon certain other articles, particularly sugar and spirits. It was well known at the time that numerous dealers in spirits and in sugar, and a few dealers in tea, anticipating the increase, had taken out of bond large quantities of those articles. Operations of this kind with respect to spirits were so extensive that he submitted to the House a Resolution, charging the increased duty upon spirits in the hands of the dealers as well as of the distillers; but, as the Resolution was not supported by precedents, he was obliged to abandon it. Numerous dealers took spirits out of bond during the week or two preceding the imposition of the increased duty, and twenty or thirty houses also took out large quantities of sugar in anticipation of the increase. He believed that only two houses anticipated the increase in the tea duty, but no doubt the hon. Gentleman had correctly stated the operations which had taken place. They were, of course, alluded to in the newspapers at the time, and shortly afterwards the hon. Gentleman moved for a return, which, he believed, was presented in May or June. [MR. MACARTNEY: Not till the 6th of August.] Well, there was time between the 6th of August and the end of the Session to call the attention of the House to the subject, the facts being notorious. [MR. MACARTNEY: I put a notice on the paper.] But what had the hon. Gentleman done? At the end of the Session he placed upon the books of the House a notice of a Motion which imputed serious blame and breach of confidence—what must be called, in fact, pecuniary dishonesty—to the department of the Treasury; and that notice remained, attracting attention during the whole of the recess, the persons against whom these grave accusations had been brought having no opportunity of defending themselves. He had fully expected to hear that the hon. Gentleman was in possession of some distinct and specific evidence to support the serious charge he had brought against a department of the Government; but the hon. Gentleman merely stated facts which were well known to the public, and which had been made the subject of comment in the newspapers last Session. If the hon. Gentleman would bring forward anything beyond bare suspicion, beyond the mere juxtaposition of dates and quantities, if he would refer to the evidence of any credible person in support of his charge, he (the Chancellor of the Exchequer) would not oppose the Motion, but would give every facility in his power to an investigation. But he protested against the course of throwing out imputations against departments of the Government calculated to bring them into discredit, upon mere suspicion, and unsupported by the slightest distinct and specific evidence.

MR. MACARTNEY, in answer to the right hon. Gentleman's charge that he had repeatedly put off this Motion, explained that he had embraced the earliest opportunity offered to him for bringing the subject under the notice of the House. As to the alleged absence of evidence in support of his Motion, surely the simple fact that the transactions to which he had referred took place between two and half-past three o'clock on the day that the new duty was declared furnished a sufficient ground for an inquiry into the circumstances. But he should be wanting in proper respect for the House, if when he saw such an array of Members ready to vote with the Government, he troubled it to go through the formality of dividing.

Motion *negatived.*

ANNEXATION OF OUDE.

Sir ERSKINE PERRY, before moving for certain returns of which he had given notice, observed that, although he was conscious of the impatience with which the House habitually listened to adverse criticisms upon the theory and practice of annexation to our dominions in India, he yet could not refrain from warning them against the monstrous doctrines broached on this subject by the press of that country, and also of England. The principle of annexation was objectionable, as the returns to which his Motion referred would show, even in a financial point of view; but he was anxious to learn what possible ground of right could be alleged for our most recent transaction of this kind—namely, the annexation of Oude? The Indian press openly asserted that India existed for the sole benefit of the British, and that whenever any native ruler was found to abuse his functions, we were perfectly justified in absorbing his territories. Would the President of the Board of Control lend any sanction to such monstrous doctrines? The leading journal of Europe also applauded the annexation of Oude, supporting that act by gross exaggerations, and at the same time suggesting the most immoral motives for the conduct of our Government. Impartial witnesses, acquainted with the state of Oude, testified that, in regard to the condition of its peasantry and the cultivation of its soil, it would not suffer from a comparison with the adjacent territories under British sway. To talk of the native Sovereign of that State, as though he were equal to a Caligula, and to represent the misgovernment of his dominions as being only paralleled by that of the Lower Empire, was wholly fallacious. His system of administration might, indeed, be far from the best that could be devised, but that was hardly a sufficient justification for despoiling him of his dominions. He (Sir E. Perry) therefore hoped that the outrageous principles to which he had adverted would be authoritatively repudiated on the part of the Home Government by the President of the Board of Control.

Lord JOHN MANNERS asked the right hon. Gentleman (Mr. Vernon Smith), before he answered the hon. Member's question, whether, in the dispatch which had been sent out to Lord Dalhousie, relative to the settlement of the disturbances in Oude, the annexation of that province formed any part of the instructions of the Governor General?

Mr. VERNON SMITH thought the speech of the hon. and learned Gentleman (Sir E. Perry) most uncalled for, as the returns for which he moved could alone furnish the information required to enable the House to form a correct judgment on the question he had so prematurely introduced. In the course of last summer Lord Dalhousie sent home for the opinion of the Court of Directors and the Government as to the best mode of dealing with the affairs of Oude, which had long occasioned apprehension and disquietude to the Government of India. After much deliberation the home authorities forwarded to Lord Dalhousie a dispatch, detailing different methods of proceeding to be resorted to according to his own discretion; but he (Mr. V. Smith) must forbear entering further into the question until the whole of the papers relating to the subject were ready for presentation to Parliament. A premature expression of opinion on the part of that House might instigate the King of Oude to throw difficulties in the way of a satisfactory adjustment. With regard to the articles to which the hon. Member had alluded as having appeared in the newspapers of India and this country, he could only disclaim responsibility for any opinions that might have been promulgated through such channels, and the more especially so if those opinions were really of the "monstrous" character imputed to them by the hon. and learned Gentleman. At the same time the maladministration of the Government of Oude was a question which had been agitated for years, and it was impossible for any Government calling itself civilised to permit such a state of things to continue. In answer to the question put by the noble Lord (Lord J. Manners), it would be a mere play upon words for him (Mr. V. Smith) to deny that the alternative of annexation was implied in almost every one of the modes recommended by the Home Government in their despatch for dealing with the difficulties of Oude. He had no objection to the production of the returns moved for.

Mr. OTWAY protested against the course we were about to pursue in annexing Oude. He wished to ask the right hon. Gentleman whether, having borrowed several millions from the King of Oude, which we coerced him into lending us, and for which we forced him to accept in exchange a worthless bit of territory belonging to the Rajah of Nepaul, the East India Company were going to repay the King of Oude that money? The question had been put as a mere money question, but he believed it would be found that the new territory would be an increased cost to us, since we should have to employ troops to collect the revenue. The people of Oude had no wish to come under our dominion. It was essential that this question should be discussed, and an opportunity given for the House of Commons to say whether such immoral acts should be carried on in the name of the people of England.

Mr. KINNAIRD had great confidence in the judgment of the Governor General, who had so ably conducted the affairs of India for eight years.

Motion *agreed to.*

Return *ordered—*

"Enumerating the several Territories which have been annexed, or have been proposed to be annexed, to the British Dominions by the Governor General of India since the close of the Punjáb War, stating the grounds of annexation or proposed annexation, with the cases in which the assent of the Court of Directors has been withheld, and stating the area, population, gross and net revenues of such territories, so far as the same have been estimated or ascertained:"

"And, like Return giving an abstract of the revenues and charges of India, including the charges disbursed in England for the years comprised in the first Return, and showing the surplus or deficit in each year, so far as the same has been estimated or ascertained."

DWELLINGS FOR LABOURING CLASSES (IRELAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Colonel GREVILLE recommended the hon. Baronet to postpone it till after Easter, when, he said, there would be a better chance of having its provisions fairly discussed.

Mr. WHITESIDE said, it was a very good and a very simple measure.

Viscount PALMERSTON hoped the House would agree to the second reading of the Bill. Any objections to it could be dealt with in Committee.

Mr. KENNEDY objected to the measure entirely. The principal provision of this Bill was, that the dwellings in question should contain one window and one chimney to two rooms. It was a Bill which reflected shame on the landed aristocracy. Was it a measure which the House ought to legislate upon in the absence of Irish Members? Was it a measure which English Members were prepared to extend to England? No, it was not. It was a measure which he should resist to the utmost; and if he was supported by only one Member of the House, he would resist it in all its stages, and by every expedient the forms of the House would allow. He moved the adjournment of the debate.

Sir WILLIAM SOMERVILLE said, he perceived, from the course taken by hon. Gentlemen opposite, that it was quite impossible that the Bill could be read a second time that evening.

Motion made, and Question put, "That the debate be now adjourned."

The House *divided:*—Ayes 11; Noes 104: Majority 93.

Question again proposed.

Mr. M'EVOY then moved that the House do now adjourn.

Motion made, and Question proposed, "That the House do now adjourn."

Colonel GREVILLE did not think the Bill was calculated to benefit the labouring classes; it was rather intended to add to the power of the landlords. It was applicable to every house in the country not built of mud, or of which the rent came to 15*s.* a month, and a tenant under it could be turned out at a week's notice. The power of appeal was destroyed by the Bill, and under its provisions the whole of the labourers of the country were liable to be turned out at a moment's notice. It was true that the Bill provided compensation for growing crops, but what compensation could supply the place of the labourer's half-acre of potatoes, upon which his existence depended? He objected to the measure being pushed forward at so late an hour, with so thin a House, and so few Irish Gentlemen present.

Mr. CHICHESTER FORTESCUE would vote for the second reading of the Bill, without pledging himself to its details. He could not consent to stop a Bill the sole object of which was to improve the habitations of the labouring classes.

Sir WILLIAM SOMERVILLE, not being connected with the Government, had no choice of time to bring forward this measure, and, therefore, could not consent to postpone the second reading. Last year he had obtained the concurrence of the House to the principle of the Bill, and he appealed to hon. Members opposite then to proceed with the Committee upon the clauses, to which no objection could be raised, but his appeal was ineffectual. He must, under these circumstances, ask the House to agree to the second reading.

Mr. DE VERE did not think the measure would answer the purposes for which it was intended. It conferred additional powers of ejectment, and if cleanliness were not observed the tenure was forfeited. He did not think such powers would induce landlords to build good houses for the poor. The way to produce a demand for good dwellings was, to improve the social condition of the people. He admitted the houses of the labouring poor were disgraceful, but this was owing to the extreme poverty of the occupants. The Bill was not calculated to afford employment, and it would not, therefore, create a demand for improved dwellings. He also objected to it further, because it tended to localise labour and place the labourer at the mercy of his employer. He felt it his duty to oppose the Bill, but still he would not advise his hon. Friend to divide.

Mr. KENNEDY objected to the Bill upon principle. There ought not to be separate legislation for the people of the two countries, except when the ends of justice demanded it.

Mr. P. O'BRIEN thought this debate would be differently regarded in Ireland than it was in this country. Public opinion in that country was adverse to this Bill, and it ought to be postponed till a day could be got for its consideration.

The SOLICITOR GENERAL for Ireland said, the objections which had been urged to the Bill were such as could be considered in Committee, and he, therefore, appealed to hon. Members to allow the Bill to be read a second time.

Mr. M'EVOY asked the noble Lord at the head of the Government whether he could give a day for the discussion of the Bill?

Viscount PALMERSTON thought hon. Members might well accede to the proposition of his right hon. Friend, who intended, if the Bill were read a second time now, to fix the Committee towards the end of April, when the principle might be considered before going into Committee, and the details in Committee.

Question put, and negatived.

Main Question put, and *agreed to*.

Bill read 2°.

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT BILL.

Order for Second Reading read.

After a few observations from Mr. Murrough,

The ATTORNEY GENERAL said, that hon. Members were aware that under the Act of last year new vestries were elected, and the question had arisen whether the words "existing vestries" applied to them only, or to the old parochial vestries also, and it was thought preferable that Parliament should decide the question, rather than the parishes should be involved in legal expenses by any contention between the two bodies.

Bill read 2°.

The House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, March 5, 1856.

Minutes.] Public Bills. — 2° Church Rates Abolition; Dissenters' Marriages; Consolidated Fund (£26,000,000).

CHURCH RATES ABOLITION BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Sir WILLIAM CLAY: Sir,—I rise to move the second reading of the Bill for the abolition of church rates. In so doing, it will, of course, be my duty to explain the provisions by which that abolition is to be effected and accompanied. My task will be the easier inasmuch as the Bill on the table is, except in one particular, identical in scope and character, and almost in terms, with the Bill which I had the honour of introducing last session, and which was read a second time.

Before entering on this explanation, however, I would entreat the House to consider with me for a moment the actual state of this important question—important not merely from the amount of annual taxation it involves, but yet more so from its bearing on the great principles of civil and religious liberty. It will be well that we should look at the stage at which it has arrived—well, also, that we should glance at the actual state of the country under the law as it at present exists. In taking this review I have no intention of asking the House to enter again on the wide field of debate which the long contests on this subject have opened,—nor of adverting to the arguments which have been urged for or against abolition. In fact discussion was exhausted even before the memorable decision of the House of Lords in the Braintree case had in so great a degree altered the aspect of the question, and deprived of their importance many of the main points formerly in dispute. It is of no importance now to inquire whether church rates be a charge on land or a tax—since it has been authoritatively decided that they can only be legally imposed by a majority of those by whom they are to be paid. It is of no consequence whether there be or be not an obligation by common law on the inhabitants of a parish to maintain the parish church, since there is no process known to the law by which that obligation can be put in force. There is yet another and a conclusive reason for abstaining from all further discussion as to whether we should maintain or abrogate the existing law. Upon the substantial merits of that question the verdict of public opinion has been unmistakeably and irrevocably pronounced. That verdict is recorded in the constantly growing interest taken throughout the entire country on the subject—in the great and increasing preponderance of opinion in favour of a change of the law, which renders that change not only inevitable but impending. What evidence indeed is wanting of the state of opinion on this matter, whether within or without the walls of Parliament? Of Parliamentary admissions of the necessity of change we have, not to go further back than the last two or three years, in the House of Peers the Bill brought in by the Archbishop of Canterbury; in this house the Motion for leave to bring in a Bill to alter and amend the laws respecting church rates by the hon. and learned Member for Tavistock—the Bill brought in last year and again this Session by the hon. Member for Leicestershire, and the Bill almost brought in by the hon. and learned Member for Cardigan. Without the walls of Parliament the extent and earnestness of the feeling in favour of abrogation of the law is a matter of such notoriety as to require no proof. Last year there were presented to this House 1,500 petitions from 1,500,000 persons, and from 3,000 churches and congregations, urging the abolition of church rates; and if this year there have been no petitions, or next to none, with the same prayer, their absence is even yet more significant than would have been their renewal. It is widely felt that the decision of the House on the second reading of the Bill of last Session settled the main question of abolition, and as to the mode in which it is to be carried out, those who formerly petitioned have been content to trust to the wisdom of Parliament. That the interest felt in this matter has not slackened, I might appeal, I believe, to the personal experience of every Member of this House, to whatever party belonging. Yet more striking, perhaps, is the language of the petitions emanating from those who were until recently opposed to all change. Of the petitions, up to this time, of the opponents of abolition I find, by the last Report of the Petition Committee, that three only, with 154 signatures, are absolutely against abolition; while 171 with 7,644 signatures, are against abolition without equivalent.

It may be assumed, indeed, I believe without fear of contradiction, that the desire of a change in the law at least is all but universal, whether among Churchmen or Dissenters. How, indeed, could it be otherwise? The state of the existing law respecting church rates, sufficiently embarrassing before the final decision in the Braintree case, has since become intolerable. By that decision, as the House is aware, it is now settled that there cannot be a good rate without the assent of a majority of ratepayers. In parishes, therefore, where there is a majority against the imposition of a rate, the parishioners feel that church rates are legally as well as virtually abolished. The consequence is that different portions of the country are as completely living under different laws in this respect, as if the kingdom were resolved into its original elements, and the Heptarchy re-established. In many portions of the country, comprehending, almost without exception, all the districts most remarkable for population, wealth, and intelligence, church rates have absolutely ceased, the law is no longer in existence. In other parts of the country, in the majority undoubtedly of the parishes of the kingdom, looked at numerically, the law is still in existence, in many such parishes contest also exists—over all it is, of course, pending. Hence, unseemly discord, strife, and angry feeling among those, who, being neighbours, ought also to be friends. Wherever there are Dissenters there is resistance to the rate; thence follow divisions in the vestry, with all the incidents and excitement of party conflict. Sometimes the rate is defeated, and then, with every demonstration of joy, a great triumph over the Church of England is announced. Sometimes, on the other hand, there is a majority for the rate, and then, some clergyman of the Established Church thinks it wise and seemly to publish to his parishioners and the world—much in the terms that the battle of Inkerman might have been announced—"The supporters of the Church had not the slightest idea of any approaching contest, but when the rate was thus put to the issue they manfully met the question, and carried the rate in a way so singularly triumphant as to set to all true and conservative churchmen throughout the land a noble example, which they would do well to copy and follow." Disastrous victory, which creates on the part of the victors a feeling of exaltation so unseemly—in the vanquished sullen discontent, and an abiding sense of oppression and wrong! But are these dearly-bought victories advantageous to the Church, even in a pecuniary point of view? I hold in my hand a return from 238 rural parishes, taken without selection in different parts of the country during the last few months. In 109 parishes no rates were proposed—leaving of parishes where rates were proposed, 129; rates were carried in 99, but refused to be paid in 66. Out of the 66 cases of rates refused, payment was enforced only in 14, leaving cases of rates carried and levied 47. Nor is such a result as I have stated to be wondered at. There may well exist a reluctance to enforce the law when the popular feeling is universally in favour of those by whom it is resisted. Instances of resistance to the collection of a rate, even when legally levied as having the assent of a majority of the vestry, are of constant occurrence. Here is the account given by a local paper of one of the most recent. The goods of a respected inhabitant of Neath had been taken in distress for non-payment of rates.

> "On this, as on previous occasions, porters were hired; but they evidently did their work most reluctantly. The trophies borne off from Mr. Ree's dwelling were four arm-chairs. These the porters carried for some distance amidst the gibes and hootings of the crowd, accompanied by the firing off of pistols and small guns. On reaching the market gates, the porters fairly abandoned their load in pure disgust. At least half an hour now elapsed before the police could find any party to convey the seized goods to their destination. The furniture taken from Mr. Ree's premises was six chairs, some handsome dish covers, and a copper tea kettle. They must be sold by auction, but the difficulty will be to find an auctioneer, as we have been informed that more than 'one man of business' in that line has positively refused to have anything to do with the matter. Let the auction come when it may, we expect a rich scene."

Sir William Clay

Do I commend the conduct of those by whom the law was thus set at naught? On the contrary, I strongly disapprove it, but I yet more strongly deprecate the continued existence of a state of things, in which the instinctive sense of justice of the people leads them to take part, not with those who support, but with those who violate the law.

Assuming then, and I believe the House will join me in the assumption, that a change in the law is inevitable, it remains to be considered what should be the nature of that change. Shall it be a change only in the mode of collecting church rates and the object to which they are applied, or shall it be abolition, and if abolition, with or without equivalent? Of the various schemes which have been propounded for settling this painful question (they have been suggested to me in great abundance, and to my right hon. Friend below me, in tenfold greater abundance, probably), all may, I think, be comprehended in categories of which the several measures submitted to this and the other House of Parliament may respectively be considered as exponents. It will be well to consider them in order, deferring for a few moments the consideration of the Bill I have myself introduced. We have, then, first the Bill of the Archbishop of Canterbury. It proposes that in parishes where for two years there has been no church rate, the churchwarden shall, on monition from the ordinary, summon a vestry to consider a church rate, and if it refuse a rate, a second. Both refusing, citation is to issue from the Ecclesiastical Courts to the parochial authorities, to show cause why the Act should not take effect in the parish. No sufficient cause being shown, the Act will apply, and the parish be thenceforward for ever relieved from church rates. To the other provisions of the Bill I need not now refer. The Bill of the Archbishop therefore proposes, as the House will observe, abolition, total in character but partial in application; the Bill of the hon. Gentleman the Member for Leicestershire, on the contrary, contemplates partial abolition—a remission, that is, of a portion of the tax—but its renewed and universal application.

The hon. Gentleman proposes to give up that portion of the tax devoted to the expenses incident to the performance of divine worship, retaining that levied for the maintenance of the fabric and "fittings," whatever that may mean, of the church. The hon. Gentleman at the same time provides for a more prompt and summary mode of collection. The rates are to be levied as poor rates are levied, with appeal to the Quarter Sessions. Almost, or entirely identical with this plan, is the scheme recommended by a Committee of Convocation appointed last year to consider this subject. The scheme of settlement proposed by the hon. and learned Gentleman the Member for Tavistock, proposed to relieve Dissenters, declaring themselves to be such, from payment of church rates, but inhibiting them at the same time from taking any part in the Government of the Church, and depriving them of the right of requiring the performance of the services of the Church from its ministers.

Now, in dealing with these several modes of settlement, it seems to me that a moment's consideration will suffice to induce us at once to eliminate the two last—namely, those propounded by the hon. Member for Leicestershire and the hon. and learned Member for Tavistock; both are in the highest degree inexpedient, and one impracticable. The plan of the hon. and learned Gentleman—the relief of Dissenters only, upon their registering themselves as such—has been more than once before this House and the public, and has never been received with favour either by the Church or the Nonconformists. It has been described, and justly, as it appears to me, as a premium on fraud and hypocrisy, whilst it is open to the yet graver objections of depriving a large portion of the people of those ministrations to which, if they think fit, on payment of legal dues, they are entitled; of separating the nation—ostensibly and by formal acts—into distinct, and, perhaps, hostile camps as regards religious belief and observance, and thus widening and exacerbating those differences which it should be the aim of a wise legislation to obliterate or soften. It would, moreover, reopen the question of church rates in those numerous and populous districts where it has been long set at rest, and where, I believe, the reimposition of a rate would be almost as distasteful to the Churchmen on whom it would be inflicted as on the Dissenters who would be excused. With regard to the plan of the hon. Gentleman the Member for Leicestershire, it is simply impracticable. To divide the church rate—remitting a portion but leaving the remainder—to provide for the recovery of the portion retained by a more summary and stringent process, and to renew the collection of the tax thus modified throughout the kingdom—such is the proposition of the hon. Gentleman and of the Convocation. That such a plan should have emanated from Convocation is not surprising, it is sufficiently in harmony with what certain historical recollections might have led us to expect from that body; but that it should for a moment have been conceived practicable by a Member of the Legislature—a man necessarily mixing with the world and cognisant of the actual state of public affairs, does indeed astonish me. Does the hon. Gentleman really believe that a Bill could be carried through this House for reimposing this tax, however modified, with summary powers for its recovery—distress of goods and chattels for instance—in Leeds, Manchester, Birmingham, Nottingham, and all the great towns where for years it has ceased to exist? If Parliament could be induced to pass such a law, does he believe that the whole power of the Executive could carry it into effect? It is unnecessary, I am satisfied, to enlarge on this point. The Bill introduced by the Archbishop of Canterbury deserves far more respectful consideration, both for the principle it embodies and the quarter whence it emanates. It is an event of no slight significance, that a measure brought forward by the Primate — the highest dignitary of the Church of England—with the assent, as I understand, of his suffragans, should frankly acknowledge the fact of the cessation of church rates in certain cases, and propose to sanction, even conditionally, and extend that cessation. I believe this recognition to be as wise as it is becoming, and to indicate a spirit which, should it become prevalent in the Church, will by no means lose its reward. But to this plan there exists, as I think may be easily shown, a fatal objection. It will do nothing or next to nothing towards settling the question. Hereafter as heretofore, were the measure propounded by the right rev. Prelate to become law, there would be strife in every quarter of the land, and the more excited and violent, as by the law it would be only through strife and conflict that peace would be to be obtained. Adjoining parishes, all but identical perhaps in character and social condition, would be subject to laws diametrically different. In one parish, 501 members of vestry might be for a church rate, and 499 against the rate would be a goad; and, the numbers remaining the same, the parish would be for ever subject to church rates. In the next parish the numbers might be reversed; 499 only might be for, 501 against a rate, and for ever after that parish would be freed from the impost. Need it be asked, whether such a state of things would be tolerable? The truth is, that the proposition at this time of day to vest in the majority of the vestry the power to refuse or grant a church rate, proceeds in a misconception of the principle on which Government by majorities proceeds, and the limits within which the submission of minorities can be claimed. In free countries, questions, as the general rule, can only of course be decided by majorities; but the very basis of this rule or principle is the assumption, that in the object under consideration the majority and minority have an equal interest, the difference being only as to the mode of arriving at it. Government by majorities would be tyranny not freedom, if a majority could tax a minority for its own especial benefit. Suppose the majority of the Members of this House being from the south of Trent were, in voting the Army Estimates, also to vote that the whole sum raised should be devoted to the defence of the part of England they represented, leaving the rest of the kingdom, while paying its share of the general taxation, to provide also its own armament? Suppose again, the majority of a vestry, in voting a rate for gas-lighting, should also vote that only that part of the parish should be lighted in which the members of that majority resided? But such are the exact parallels of the case of a majority voting a church rate, for objects in which the minority has no interest. When all were of one faith, when all had a common interest in the matter in hand, then it was just and reasonable that the levying a church rate should be decided by a majority of votes, the only questions at issue being the amount of rate and the time of levying; to leave a like power in the hands of a majority, when the common interest has ceased, is as absurd as it is unjust.

But if, as is on all hands admitted, the present state of things cannot continue, if some change of the law be inevitable—if, as I venture humbly to think, I have shown that there exist insuperable objections to every other form of change, I may then be permitted to ask of the House to agree to that which I propose, and which is embodied in the Bill now under our consideration, the leading provisions of which it is now my duty briefly to explain. It is scarcely necessary, perhaps, that I should state that the main object of the Bill, that stated in the first clause, is the abolition of the compulsory rate. The second clause provides for a continuance of the rate where it has been under any existing law mortgaged for money borrowed, or applied to paying the stipends of ministers or others—in the former case until the liquidation of the debt, in the latter until the legal avoidance of the offices so paid. There are likewise provisions for affording facilities for the application to the purposes to which church rates are at present applied of those voluntary contributions, which I am quite sure the Church will not ask in vain, from the members of her communion.

The Committee on the Bill will afford the fitting occasion for explaining their provisions in detail. I may now, however, state their general scope and character. My object has been to interfere with existing laws to the smallest extent compatible with the change—a great change, I admit—which I propose. I do not touch, except in one particular, the rights or constitution of vestries. I do not abridge the powers and privileges, or change the character of the office of churchwardens. These officers are amongst the oldest known to our constitution; they are entrusted with important functions apart from the maintenance of the fabric of the church—they are the representatives of the lay portion of the congregation, and its organ of communication with the ordinary. I only propose, therefore, such an enactment as will ensure their status being the same under the new as under the old system, and give them the like powers, and subject them to the same responsibilities in dealing with a voluntary, as they now have in dealing with a compulsory rate. I have been told that such a provision is unnecessary, and that they already possess such powers. I believe that to be doubtful—at all events, there can be no inconvenience in such an enactment, if it be even merely declaratory. Again, I have been told that by committing to the churchwardens the administration of a voluntary rate, while I leave them to be elected as at present by vestry, I incur the risk of leaving in the hands of those who may be the enemies of the Church the power of dealing with funds contributed solely by her supporters. I do not admit the reality of this danger. The Bill provides that one churchwarden may administer the funds raised, and the cases are rare in which one churchwarden is not named by the incumbent. There are cases, no doubt, in which the vestry by custom names both churchwardens, but assuming (and the presumption seems to me preposterous), that, church rates having ceased, Dissenters would, where they had the power, nominate persons from the mere wanton love of mischief, to mismanage funds to which they had not been called on to contribute, it must be recollected that persons so acting would not only be subject to all the punishment to which churchwardens are now liable for malversation, but that, secondly, they could take no step without the concurrence of the auditors, for the appointment of which the Bill provides. These auditors, although chosen by the vestry, must be members of the congregation, or, at all events, Churchmen. One may be named by the incumbent, the others must be taken from among the following persons or classes—the incumbent or his curate or curates, the owners or occupiers of pews, and adult male communicants. With regard to the latter category, I have adopted it as a mode of ensuring the auditors being members of the Church communion, as a test of being a member of the Church is both known to our laws and is adopted in the Bill of the Archbishop to which I have referred; but I have no especial preference for it, and would readily take in its stead any other test which might be considered more secure or desirable.

There are some other points, not unimportant, involved in the several provisions of the Bill, but it is not necessary that I should now allude to them. Such is the Bill before us—differing in one important particular only from the Bill of last Session—in the omission, namely, of any provisions enabling parishes to make pew rents available for the purposes to which pew rents are now applicable. I confess that I regret this omission, which has not been in accordance with my own judgment. My opinion remains unchanged, that pew rents would, in many cases, and to a considerable extent, form a good substitute for compulsory rates—that they are not objectionable in principle—that they have repeatedly received the sanction of Parliament, and are widely adopted in practice. I found, however, that the proposed enactments with regard to them were unfavourably received by friends whose scruples I was bound to respect, and as the omission did not affect the principle of the Bill, I thought it better that the clauses relating to pew rents should not form part of the Bill as introduced. If the House should, on further consideration, however, be of opinion that provisions of this character would form a useful part of the measure, I shall not object to the reinsertion of the clauses in Committee. I ought to add, perhaps, that the Bill contains no provisions for providing from any extraneous source a substitute or equivalent for church rates. I myself have sought anxiously for such an equivalent, and formerly proposed to seek it where alone it could be found—in the surplus expected to arise from the better management of episcopal and capitular estates. I have latterly become inclined to consider it as at least doubtful whether to avail ourselves of this resource, however consistent with sacred principle, would be expedient or desirable. There is, I think, a growing opinion that any surplus, if it exist, may be more usefully employed in the moral and religious instruction of the people, and that there is no sufficient reason why the fabrics of the Church should not be maintained by their frequenters, and the expense of her religious services defrayed by those who participate in them. Such, then, as I have briefly described it, is the Bill, of which I trust that the House will consent to the second reading. The plan it embodies has no pretension to ingenuity of contrivance; but I claim for it this merit, that it will settle this long-contested and most painful question. It will give contentment to those for whose relief it is intended—it will substitute peace for strife—where strife is most hateful—where religious feeling mingles in the contest. And what are the evils to be apprehended from its adoption? Is there danger that our churches will go to decay? I do not, in the very smallest degree, share this apprehension, but it is at least an intelligible fear, capable of being appreciated, however easy to be dissipated. With regard to some other assertions which have done duty as arguments in this matter, I pass them by as idle words, having no clear or definite meaning, scarcely worthy, therefore, of serious reply. It has been said, the Established Church is a national church, and its fabrics, therefore, should be maintained by the nation. But it is not a national church in the sense which could alone justify imposing a tax on the whole nation for its maintenance—in the sense in which it was a national church when church rates were first levied and when the whole people belonged to its communion. It might then be truly called a national church—can it be gravely stated to be so now—when one half of the people—one half at least of those who attend divine worship, are no longer members of its communion? No, the Established Church is a great and venerable institution of our country—but no defence of a claim which time has rendered obsolete and unjust must be made for her, on the ground that she is the Church of the nation. As to any danger of the fabrics of the Church going to decay were this measure to pass, I have said, I was willing to consider it—for I believe it an apprehension of the mind to be by many persons conscientiously entertained; and, yet, so chimerical does it appear to me that I confess I cannot but believe that there lurks at the bottom of this fear another feeling in the minds of those by whom it is entertained. Unconsciously, perhaps, to themselves, they are actuated by that reluctance to part with power which is one of the most deeply seated feelings of the human heart—even when that power is useless to the possessors; wide has been the prevalence—great the strength of this feeling—but it is as dangerous, as it is strong, for never yet—as history shows us, in unnumbered instances—has it failed to have disastrous effect on the fortunes of a people whose councils it had been permitted to influence. But what is the real amount of this apprehended danger—on what facts, on what reasoning does it rest? Is it that there exists no love or zeal for the Church among the members of her communion? But we are told, that in the vast majority of parishes church-rates are not only not resisted, but that they are popular—eagerly paid—are we to be told in the same breath, that these eager contributors require coercion? It is said that five-sixths or four-fifths—I know not what proportion of the rate is paid by churchmen—will they refuse to pay what they now pay for the maintenance of their places of worship, unless they have the pleasure of compelling a contribution from those by whom those fabrics are never entered? From what would you infer this want of zeal—this determination to do nothing without extraneous aid on the part of the members of the Church? Is it from her recent history? But is it not notorious that it was only at the beginning of this century the Church awoke from the slumbers of a hundred years and manifested signs of renewed vitality? Are not the facts with regard to Church extension and maintenance for the last fifty years equally notorious? I have before referred to those facts, but they are so significant, so full of instruction, that I may be pardoned for again calling to them, for a moment, the attention of the House. From 1800 to 1830 inclusive, there were built 500 churches, costing £3,000,000, whereof from the State 35 per cent, or £1,152,044; private sources, 65 per cent, or £1,847,936; from 1831 to 1851 both inclusive, were built 2059 churches, costing £6,087,000, whereof from the State, 8⅓ per cent, or £511,385; private sources, 91⅔ per cent, or £5,575,615. Thus the zeal, the energy, and the voluntary efforts of the members of the Church have been in an inverse ratio to the extraneous assistance she received. And this is true in a yet higher degree than appears on the face of the figures, for Church extension proceeded at an accelerated rate during the latter portion of the period, from 1831 to 1851; when in point of fact, the last Government grants were exhausted. I am aware of no return bearing on this subject since 1850, but it is sufficiently notorious that the movement has not slackened since that period, that, on the contrary, it has increased in activity and range. Again, there are now very many portions of the kingdom in which church-rates have ceased to be collected; can one single instance be cited, not only where a church has fallen to decay, but where the church has not been better maintained than before the abolition? It is needless to trouble the House with any statistics on this point, for the facts are not contradicted. In Liverpool you have the two systems in instructive juxtaposition; by the compulsory system two churches, affording accommodation for 2,600 persons, are maintained with difficulty, and at the price of constant heartburning and strife, while fifty-six churches providing accommodation for more than 60,000 persons, have been built and are maintained by voluntary contributions. In London itself—the whole metropolis, that is—I believe, and I should underrate the relative proportion of churches dependant on rates or on voluntary aid, if I estimated one-half of the London churches to have been built and maintained by subscription. It is but a few days since I received from the churchwardens of a parish church at Plymouth, having a congregation of between 2,000 and 3,000 persons, a statement that for twenty-two years there had been no church rate levied, but that the church had been kept in repair by pew rates voluntarily paid, and that there had always existed, in consequence, a state of good feeling in the parish.

I need not, however, trouble the House with any statistics on this point—the statement will not be denied—that in no case where rates have been abolished has there been the least difficulty in providing for the maintenance of the Church. But it is said that in poor and rural districts there may be found difficulty in obtaining, by voluntary contributions, funds for this purpose: but how are such funds obtained now? when any considerable repairs are needed—anything beyond the small annual sum required for the expense of divine service? Is it not from the voluntary contributions of churchmen throughout the kingdom, by means of a Queen's letter, that aid is solicited, and would not such appeals be more readily responded to when by the abolition of compulsory rates, the spirit of self-reliance in the members of the Church was more effectually aroused?

There can be no doubt, in fact, that through the instrumentality of Diocesan Societies and machinery of a like kind, the amplest means would be forthcoming to render assistance in all cases where, from poverty, a substitute could not be found in a voluntary for a compulsory rate.

To suppose otherwise, to believe that the members of the Church of England, the richest aggregate of individuals in the world, will permit the sacred buildings in which their fathers have worshipped to go to decay, unless compelled by law to maintain them or permitted to draw a miserable pittance from those by whom they are not used, is an insult to the members of the Church. Far from us be so unworthy a fear. For myself, a member of that Church, I cannot forbear from saying, that if such dangers were real, the Church of England ought to fall, for she would have shown that she was without hold or influence on the respect and affection of her children.

Before I conclude, I am tempted to advert for a moment to an objection to the Bill before us, and, indeed, to any plan for the abolition of church rates; which, although of a very serious and sweeping character, I have yet not noticed on the present or any former occasion, and which I should not now notice but for the circumstance to which I am about to allude. No less grave a charge is brought against the abolitionists of church rates than this —that their scheme is but the first step in the contemplated destruction of the constitution in Church and State. If they succeed, it is said, in the abolition of church rates, they will proceed to attack tithes, to subvert the Church, to destroy the aristocracy, and, finally, to overturn the monarchy itself. To these formidable charges, which were repeated on a late occasion by the hon. and learned Gentleman the Member for Bridgewater, I should not have thought it necessary now any more than formerly to offer any reply, had they rested solely on the authenticity of the hon. and learned Gentleman. An experience—not now of the shortest—in public life has rendered me callous to the prophecies of evil with which every project of reform has been met for a quarter of a century by the party of whose opinion the hon. and learned Gentleman was, on the occasion to which I refer, the exponent, and which, fortunately, have always been falsified by the result. Unhappily, however, he was enabled to cite in support of his opinions the language of one from whose lips no words fall unnoted by this House or the people of England. I allude to the noble Lord the Member for the City of London. In his speech on the Motion for going into Committee on my Bill of last Session, the hon. and learned Gentleman quoted from *Hansard* the following passage from a speech made in the previous year by the noble Lord:—

> "We have a National Church—we have an hereditary aristocracy—we have an hereditary Monarchy—and all these things stand together. My opinion is, too, that they would decay and fall together. * * * I must therefore oppose this Bill, as, in my opinion, tending to subvert one of the great institutions of the State."—[3 *Hansard*, cxxxix. 754.]

I listened to this language, I confess, with equal surprise and regret—language, I think, little to be expected from one whose whole career furnishes such ample illustration of the utter groundlessness of such apprehensions. Why, in the opinion of the hon. Gentleman opposite, the noble Lord himself has destroyed the British Constitution more frequently than any one living man, or indeed, than all other living men put together. He destroyed it by repealing the Test and Corporation Acts, and, without his help, it could not have been destroyed again in 1829, by the emancipation of the Catholics. In 1830 he destroyed it very completely and effectually by the Reform Bill, and yet found means to destroy by the reform of the municipal corporation whatever had been left undestroyed in his former work of destruction. Not to mention his assisting in the destruction of British agriculture and throwing all the land of England out of cultivation, by the repeal of the Corn Laws (which was also to be followed by the destruction of the Constitution) and his complicity in the establishment of Free Trade and the destruction of British shipping. To the Cassandra-like rationalisms by which, on each of these occasions, the noble Lord was met—he might well reply —look around—from each of those bold measures, from which you foreboded evil, the State has derived renewed vitality and stability, and all our great interests increased in vigour and prosperity. The British Constitution is a plant of hardy growth, deep-rooted in the affection of the people, and only thrives the better for the amputation of a decayed or useless member.

> "Duris ut ilex tonsa bipennibus,
> Nigræ feraci frondis in Algido,
> Per damna, per cædes,—ab ipso
> Ducit opes animumque ferro."

Great, indeed, will be my regret, if this important step in the development of those principles of which the noble Lord has so long been the eloquent exponent, the earnest advocate, should be gained without his aid, yet greater if the triumph should be won against his opposition. For myself, I am more disposed to imitate the noble Lord's former courage than to partake his present fears. Profoundly convinced that the reform I proposed is based alike on policy and justice, I have no fear of its ulterior consequences– they must be good. Right cannot be made stronger by coupling it with wrong; we shall not be the better enabled to defend what is just by adhering tenaciously to what is unjust. As to the Church—so far from believing that the change I contemplate is dangerous to her, I believe it is fraught with incalculable advantage to her dearest interests. Instead of stripping her of armour which defends, it will relieve her from shackles which restrain the freedom of her action and retard her progress, and enable her to start forward on a fresh career of prosperity and usefulness. In conclusion, I would respectfully remind the House that by admission of all men the present state of things cannot continue. Some step must be taken. The time for compromise is past. What remains but the measure I propose? It will at least have this advantage—it will settle the long-disputed and painful question. Through the length and breadth of the land it will restore religious peace, and leave between the ministers of a common faith no other grounds for rivalry than who best shall discharge the sacred and honourable duty of elevating the religious, moral, and intellectual condition of their fellow-citizens.

LORD JOHN MANNERS:* I never rose, Sir, with greater confidence in the justice of my cause, than I now rise to ask the House to withhold its assent from the second reading of this Bill; a Bill introduced, indeed, under the specious auspices of "civil and religious liberty," but which, based upon a fictitious foundation, as I shall endeavour to show, proceeds to legislation upon principles diametrically opposite to those of justice and good faith. Now, at the outset let me ask the House to consider for a moment, what is the nature of this "grievance," of which this Bill complains, or ought to complain, and for which the clauses it contains propose a remedy. It is not that church rates are either a new impost or an old one; it is not that they are popular or unpopular, light or heavy, levied with ease or with difficulty; but it is this, and simply this, that "whereas certain classes of persons who dissent conscientiously from the doctrines and discipline of the Church of England, and the mode of the celebration of her services, are compelled by law to contribute towards the maintenance of the fabrics, and the sustentation of the services of worship of the Church of England; they feel their consciences aggrieved by being so compelled to contribute to a Church from which they dissent." That is really, in fact, the only grievance that ever has been, or ever can be alleged against church rates, and yet this Bill does not set forth in its preamble that it has been introduced as a remedy for that grievance. The House has heard the right hon. Baronet, who has introduced this Bill, endeavour to explain away as best he could the extraordinary, and, to me, very significant absence of any petitions in favour of this measure; and I must confess that I have found myself placed in circumstances of no small difficulty and perplexity in my endeavours to meet some of the arguments adduced in favour of the Bill, by reason of the remarkable fact of the absence of any such petitions. I have been able to discover only one or two such petitions, and in those I find that grievance stated. One of those petitions comes from certain persons styling themselves the "Baptists of Great Grimsby;" that petition was laid upon the table of the House a few days ago, and the ground upon which the petitioners state that they pray for the passing of the Bill is, "that your petitioners believe that such a measure is imperatively required to relieve the consciences of a very numerous portion of Her Majesty's subjects."

Assuming then, as I consider I am perfectly justified in doing, that such is the only grievance complained of, and for which this Bill has been proposed as the remedy, I beg the House to remark, that if such be the only grievance complained of, this Bill does not provide any remedy for it, and that therefore the Bill does not deserve its approbation. I am aware that great differences of opinion do exist as to the reality, reasonableness, and extent of the grievance complained of, and I will therefore at once avow that I base my opposition to this Bill upon the fullest, the frankest, and the broadest acknowledgment of the existence of the grievance complained of in the petition, the prayer of which I have just stated to the House. With regard to the nature of this "grievance" itself, the hon. Baronet (Sir W. Clay), who has introduced this Bill, is at perfect liberty, at least so far as I am concerned, to depict it in the blackest and most startling colours which his fervid imagination can supply; he may call it, if he pleases, with the Attorney General last year, "an intolerable grievance," and one amounting to even a degree of "persecution" against such Dissenters as may have been called upon to pay "church rates;" but even admitting all this, and admitting also that for that very reason I should be most desirous to see that grievance removed, still, I beg leave to declare to the hon. Baronet and to the House, that I shall all the more strenuously give every opposition in my power to the passing of this Bill. And why? I will tell the hon. Gentleman. Because I consider that from the very first paragraph of the preamble of the Bill to the very last clause of the enacting portion of it, not one sentence can be found by which to show that any real substantial grievance whatever is complained of, or proposed to be redressed. It is not my intention, upon the present occasion, to give any expression of my own opinion upon the broad principle of the general question; neither shall I be induced to involve myself in any of the various arguments which have been put forward, in favour of, or against, applying any, and what, remedy for the existing state of things; all I propose to do upon the present occasion is, to point out in the first place what is the only logical remedy for the only admitted grievance, and in the second, to discuss the merits of the measure now before the House, for those are the only questions the House has now to deal with. Well, then, begging the House to bear in mind that the only grievance complained of is, that those who dissent from the forms and ceremonies of the Church of England, are required to contribute to its support; then I say that the only logical remedy would be, that those Dissenters should cease to pay church rates, and at the same time be entirely debarred from claiming, as of right, the services of the Church, the ministration of its clergy, or the management of its funds, all of which they have at all times been found but too ready to do.

Now, of course, there may be objections to such a course; some may be of opinion that such an exemption of Dissenters would be an unjust premium upon dissent, and might prove fatal to the relations which have hitherto subsisted between Church and State; while others may think that, accompanied with the conditions which justice demands, very few Dissenters would avail themselves of it. I am not now concerned to show how far such fears on one side or the other are well or ill founded; all that I contend is, that if the hon. Baronet, who has introduced this Bill, were to have fully and fairly and candidly stated the whole case, he could not logically have come to any other conclusion. I now come to consider the nature and provisions of the Bill. In the first place, the hon. Baronet, admitting the justice of what was pressed upon him in former debates—namely, that he should find some substitute for the £700,000 which is now raised throughout the kingdom by church rates for the maintenance of church fabrics and the providing of public worship, and which he proposes to abrogate—in the title of the Bill describes it as "a Bill for the abolition of Church

Rates" (and that it most undeniably is, to the fullest extent), and "to make other provisions in lieu thereof." Now, let me ask, what does the hon. Baronet mean by the words "other provisions?" For myself, I can only say that I have always regarded the word "provisions" to mean something which we can see clearly and distinctly beforehand, and which may be calculated upon with certainty; but will the hon. Baronet say that voluntary contributions and charitable subscriptions can be characterised as such, or that they can be calculated upon with certainty? Therefore, I contend that the very title of the Bill is a misnomer; but, further, I say that I have never heard of any measure, the "provisions" of which have been fenced round with so many and such extraordinary safeguards as the "provisions" of this Bill, as I shall show when I come to those clauses. It is quite clear, then, that the hon. Baronet has in his present Bill abandoned his old and the only ground upon which such a measure could be brought forward, or upon which the House could be called upon to legislate; but I now proceed to show that the present Bill for the abolition of church rates is based upon fictitious grounds. Just let the House look at what the preamble of this Bill sets forth. It states that there exists a necessity for this legislation upon two distinct pleas; the first of those pleas states simply this fact — namely, that church rates have long since ceased to be enforced or levied in certain places. Well, then, if so, I say that fact *pro tanto* is a reason why this Bill would be unnecessary for those places, because in places where church rates had long ceased to be levied, Dissenters had long ceased to feel them as a grievance. In all such cases the churchmen had undoubted grievances to complain of, because of the church rates not having been levied, and, therefore, they would have a good ground for coming to this House and asking for relief, and demanding that a substitute should be provided; and from this first clause of his preamble one might imagine that the hon. Baronet means to propose a substitute for the rates in those districts where the levy of them has for some time ceased to be enforced; but certainly that was no case in which Dissenters could be said to be entitled to ask for relief. I then come to the second plea which has been put forward as an excuse for this piece of legislation; and that plea is, that it would be desirable to abolish those church rates, inasmuch as there were many other parishes in which those rates had been attempted to be levied, and that the result has been to give rise to "litigation" and "ill-feeling." Now, let me ask if the House can consider that because the endeavour to enforce the payment of church rates in certain parishes has led to "litigation and ill-feeling," that that is to be considered as a valid reason or justification for the introduction of a Bill which proposes to abolish at once and for ever an institution which from time immemorial has secured to every man throughout every part of this kingdom the free and unbought worship of Almighty God? I say unhesitatingly and fearlessly, that such cannot be regarded for a single moment by this House as such an amount of grievance as would call for such legislative interference.

Sir, I am quite free to admit that the levy of church rates has, at different periods, during the last half-century, given rise to some cases of litigation in this country, and that ill-feeling has often been mixed up with those cases; but I should like to know what law or impost may not be impugned upon such grounds as those. Are church rates the only legal source of litigation and ill-feeling? Look at almost any one of our public establishments or institutions—let us consult our laws or imposts, and I think it will be found that almost every one of them has proved a fruitful source of "litigation and ill-feeling." Litigation! Take the laws which have been passed affecting the provision for, and settlement of, the poor; the mortmain laws of 1736; the laws by which labour in our factories and mines is regulated, or our Excise laws, and tell me if church rates, which have existed before there was a King of England, have produced in a thousand years a tithe of the litigation which any of these comparatively modern laws have given rise to? Ill-feeling! No man will attempt to deny, that whenever a measure for the taxation of the public has been considered necessary, and has been decided upon by the majority in a free and a civilised country, of course the result will be, must be, the calling into existence of some ill-feeling, more or less, on the side of the minority; but such a state of things ever has been, and ever must be, an inseparable characteristic of self-legislation. A great many other sources of "litigation and ill-feeling" could be enumerated as originating in the management of our local affairs; but will that be alleged as a good reason for the total abolition of that system of local self-government? Let me ask, can the hon. Baronet, or any other hon. Member of the House, point to a more fruitful source of "litigation and ill-feeling" than those continually called into existence by the elections for Members to sit in this House? Where can be found such a constant cause of "litigation and ill-feeling" as those contested elections; and yet is it to be said that they should be put an end to for that reason? Neither have we yet heard of the intention of any hon. Member to propose some measure for the abolition of municipal elections. Yet, let me ask, have no "litigation and ill-feeling" arisen out of those elections?

But, now, just let me call the attention of the House for a moment to a very recent case. It will be in the recollection of the House, that so late as last year the hon. Member for Dumfries (Mr. Ewart) introduced a measure, for which he was so very fortunate as to secure the approbation and support of every philosopher in this House; that was a Bill which conferred upon people the power of taxing themselves for the establishment of free libraries. Well, of all the stormy and uproarious public meetings I have ever heard of (excepting, of course, railway meetings, which I would, by the way, commend to the especial attention of the hon. Baronet), that held in the great City of London, not many weeks since, for the purpose of discussing the expediency of establishing a free library for the City, was, beyond all question, the most stormy and uproarious. I can only say, that if harsh words and strong language be any indication of "ill-feeling," then has this new Act stirred up plenty of ill-feeling. Ought the hon. Member for Dumfries, therefore, to repeal an Act which has been the cause of such a vast amount of "ill-feeling?" No! Clearly in all such cases we must balance the good against the evil, and not, for the sake of obviating a little ill-feeling, sweep away a law, or a system, which in the main subserves the good of the community. Well, the hon. Baronet having abandoned in his preamble the only plea for his Bill—the grievance of conscience—and having set up in its place this one of litigation and ill-feeling, I think it becomes the duty of the House to discuss the merits of the measure upon those pleas, and on those pleas only. But I must be permitted to tell the House that it is not upon such pleas as these that we are to be called upon to abrogate and abolish for ever an ancient and immemorial law, which has been the means of producing for centuries past, and which still continues to produce, in nineteen parishes out of every twenty in this country, a great, an inestimable boon—that of establishing free and open churches throughout the land, wherein the people can have afforded them the unbought celebration of Divine service for the worship of Almighty God. I say that the House ought to consider the measure in this way—namely, by balancing nicely, and at the same time fairly and impartially, the great amount of good against the small amount of evil which must be admitted to have arisen out of a system which this Bill now prepares to abolish. I say that such is the rule by which the House should be governed in deciding this question; and, therefore, I have no hesitation in calling upon the House to affirm, by its decision, that the amount of evil, be it what it may, which has been alleged to have sprung from the existence of church rates, is far and away outbalanced by the enormous amount of moral and religious advantages which these rates have been the means of conferring upon the great majority of the people of this country. Sir, I will not trespass further upon the time and attention of the House by dwelling on the pernicious effects of this Bill, but I will, with the permission of the House, proceed at once to examine in detail the provisions of the various clauses of the Bill. I was somewhat amused at the hon. Baronet having suggested that some hon. Members on this side of the House would probably be disposed to quarrel with the form of the first clause of the Bill. I can only say, that if church rates are to be abolished, Clause 1 abolishes them as neatly and concisely as any clause that could be framed by legal ingenuity.

The clause provides, not that Dissenters are to be exempted from the payment of these rates *in toto* in future, but it absolutely prohibits all Churchmen throughout the whole length and breadth of the land from levying rates upon themselves for providing for the proper maintenance of the fabrics and other expenses connected with the Church of which they are members; or, in other words, the hon. Baronet actually asks the House to pass a measure which shall prevent people continuing to fulfil the duty with which their property has been immemorially charged, and from which they have no wish to be exempted. The House has had before it no instance whatever of any desire on the part of the laity of the Church of England, that is to say, of those who pay these rates, to call for the interference of the hon. Baronet, or upon the House to abolish these rates. The very contrary is the fact; for there have already been laid upon the table of the House some 200 petitions, every signature to which was the signature of one who paid these rates, and, what is still more strange, every one of those petitioners prayed to be allowed to continue to pay them! But the House has heard it stated by my noble Friend the Member for King's Lynn (Lord Stanley)—and that statement has not been contradicted—that out of the £700,000, the amount annually raised by church rates, no less a sum than £600,000 is paid by Churchmen, and those are the very men upon whose behalf, the House will bear in mind, no allegation whatever has been made, to the effect that they consider those rates a "grievance," and yet the hon. Baronet proposes, in the name of "civil and religious liberty," to relieve the property of those men from the further payment of those rates which they are anxious to continue to pay. Is this honest? Is this just? But as he drew near the close of his speech, the hon. Baronet endeavoured to point out what he, no doubt, regarded as the inestimable advantages which he proposed to confer on Churchmen, by the remaining clauses of his Bill. The hon. Baronet said, in effect—"It is true, that by Clause 1 of this Bill I propose to abolish church rates throughout the length and breadth of the land; but observe in Clause 3 what most excellent provisions I substitute for them, and how I devote the rest of my Bill to devising means for enabling those provisions to be worked satisfactorily." Well, perhaps the hon. Baronet may consider them as such; but he will excuse me if I say that I doubt very much indeed if the Churchmen of this country will feel as grateful to him as, perhaps, he may imagine they ought, for conferring upon them the inestimable advantage and privilege of being at liberty to subscribe to support their Church, if they should think proper to do so. Now, being unlearned in the law, I have always laboured under the delusion, as the hon. Baronet tells us it is, that any Churchman who chose to do so, was at perfect liberty to contribute to the support and maintenance of his own Church; but if I am to judge from the statement made by the hon. Baronet, it would appear that grave doubts exist in his mind as to the legality of any Churchman subscribing to the support of his Church at present, and that it has at length become necessary to frame an Act of some eight or nine clauses, as a means by which to legalise "voluntary contributions." I really must be excused by the hon. Baronet, if I say that this pretext, thus alleged for this part of his Bill, appears to me to be such an extraordinary attempt upon the credulity of the House, that he must allow me to look elsewhere for the real reasons which have induced the hon. Baronet to propose these extraordinary clauses.

Now, with regard to the third clause of the Bill, I beg to assure the hon. Baronet and the House that I have read that clause most attentively and carefully, and, coupling the proviso at its conclusion, and the subsequent clauses, with the remarkable manner in which the Bill of the hon. Member for Tavistock two years ago was rejected by the dissenting Members of this House, I think I can easily discern the real reason for this apparently gratuitous and unnecessary legislation on the part of the hon. Baronet. After giving Churchmen liberty to contribute voluntarily to the expenses connected with the maintenance of their Church, the hon. Gentleman proposes, as he says, to leave the "churchwardens" intact. The hon. Baronet has stated that he does not propose to meddle with churchwardens at all, or with their privileges or immunities. But, let me ask the House to mark that, notwithstanding that declaration, Clause 3 of the hon. Baronet's Bill proposes that the churchwardens shall distribute the funds which are to be placed in their hands, subject to the control of certain "auditors" without whose consent Clause 4 enacts that not a farthing of those voluntary contributions shall be expended, and whose numbers and powers are settled by the following clauses. Now, considering the constitution of most of the rural parishes in this country, I do really think that any unfortunate gentleman, who may have had the misfortune to have been once elected auditor in such parish, would be very much inclined to exclaim—if he knew Latin—in the language of the perplexed and bewildered poet of ancient days—

> "Semper ego auditor tantum? nunquamque
> reponam?"

Here, then, let me call upon the House to pause for a moment, and having arrived at this result of legislative wisdom, admire, as the House is in duty bound to admire, the marvellous ability with which this army of auditors is about to be constituted. We are about to have no less a number than five auditors in every parish throughout the land. Why, Sir, that number would make those auditors a force equal in numerical strength to the whole embodied militia of the country. It is an army that for the future must be known to us as the "army of auditors;" and it ought to be drilled and organised, and a uniform provided for it. Now, let me just ask, what the duties of this army are to be, and for what reason it is constituted? The purpose for which this army of auditors is intended, would be to check the operations of those very churchwardens in whose praise the hon. Baronet has been so eloquent; their duty would be, as far as I am aware, to check, control, interfere with, and to embarrass the performance of those duties which have been well performed hitherto by the churchwardens of the country. Five auditors in every rural parish in the kingdom! Why, any one conversant with the rural parishes can only laugh outright at such a proposal; but I entirely exonerate the hon. Baronet from the charge of having the rural parishes for one moment in his view. On the contrary, I believe that this Bill, like all its predecessors, has been drawn up with a view to suit the meridian of the Tower Hamlets and other large towns exclusively. And believing that such is the case, I will now ask the House to follow me in an examination of the powers and qualifications of those auditors, whom the hon. Gentleman is about to create. The powers which would be conferred by the fourth and sixth clauses of this Bill on this army of auditors are to be enormous, for not one halfpenny of the money which would be raised, not, be it remembered, by a public rate, but by private contributions, could be expended, unless it were in accordance with the wishes and determination of a majority of those five auditors.

Now let me ask, how are those auditors to be elected? Are they to be elected by the persons over whose funds they would possess such an absolute power and veto? Are they to be elected in accordance, as the right hon. Baronet would say, with the elementary principles of civil and religious liberty? On the contrary, it is clear, that in framing the clauses of the Bill, no such thing was meant. When the hon. Baronet came, in the course of his speech, not remarkable for brevity, to explain and defend this part of his Bill, he endeavoured to slur over the fatal flaw which he ought to have seen ran through those clauses; the hon. Baronet must either have been very ignorant of the provisions of his own Bill, or, if he were conversant with its provisions, he failed in that speech to convey to the House the real purport and effect of them. For, under the guise of maintaining intact the venerable institutions of churchwardens and vestries, the hon. Baronet virtually abolishes the immemorial rights and powers of churchwardens, and perpetrates a grievous injustice and hardship upon Churchmen.

Now, let us see what is the nature of the provision contained in the fifth clause of the Bill. Under that clause it is proposed that the auditors, who are to exercise absolute control over the charitable contributions of Churchmen, are to be elected by the majority of the vestry; but let me ask the hon. Baronet whether, in many populous places with which he is acquainted, and to suit which I strongly suspect and contend that the Bill has been mainly drawn, Dissenters do not constitute the majority of the vestry; and would not the auditors have to be elected by those men? The hon. Baronet, in the course of his speech, went so far as to say that, under the sixth clause, no power could be given to elect a Dissenter as auditor. Now, let me beg to ask the House to look attentively at this clause. The fifth clause, having provided that one auditor shall be elected by the incumbent, and that four auditors be elected by the majority of the vestry, in many instances a Dissenting majority, the sixth clause defines who those auditors may be; they must all be ratepayers. Furthermore, they must also be holders or occupiers of a pew. Now, I speak with great diffidence as to this matter; more especially when I find myself in the presence of so many gentlemen who are well learned in the law. But, I must say, that for my own part, I certainly think that, under the provisions of this clause, a considerable amount of litigation is likely to be excited.

The expression in the clause, "the owner of a pew," is, I apprehend, a very doubtful definition; it cannot certainly by any possibility mean to exclude a Dissenter. Does the hon. Baronet imagine, that by saying a man must be the owner of a pew in the church' in order to be an auditor, that he thereby can in any way exclude the Dissenter? If the hon. Baronet thinks so, I, for one, must say that he labours under a very singular mistake; for I happen to know of one case, in my own immediate neighbourhood, of a very large and ancient parish church, in which for many years two great pews were retained—not that they were ever used, but locked up—by two dissenting gentlemen who reside in the parish. It is true that they never made any use whatever of the pews themselves, but then, by locking them up, they took good care to prevent the possibility of allowing anybody else to use them. Under the sixth clause of this Bill, then, these two gentlemen may at any time become—and if the Dissenters should become a majority in the parish, they very likely would be made—auditors for the purpose of carrying out the provisions of this Bill. My right hon. Friend (Mr. Walpole) has been pointing out to me that this clause is even worse than I have described it; for instance, any man who even occupies a seat may be an auditor; but he need not, by any construction whatever which can be put upon the law, be a member of the Church of England. In fact, this clause will admit every variety of Dissenter to be eligible for election as an auditor; and for my own part, I am quite satisfied that the object of the Gentlemen who have been concerned in the drawing up of this Bill—I do not allude in any way to the hon. Baronet himself—is to preserve this most unjust privilege in all populous places. But the hon. Baronet has said, that in his opinion the great safeguard against the intolerable injustice of this clause would be found in the peace, and good-will, and harmony which would be produced in all parishes by the total abolition of church rates. Well, for my own part I must say that, if that be the opinion of the hon. Baronet, I certainly envy him the very high estimate which he has formed of the amiability, the self-command, and the self-denial of human nature. We have had, however, some experience, which will be a guide to us in reference to this question.

It is not long ago since there was a church-rate contest in the town of Banbury. In that case the Dissenters and opponents of the rate were successful, and the voluntary contributions of Churchmen had to be called in to act as a substitute for the church rate. One of the many charges which had to be defrayed out of these voluntary contributions of Churchmen was the salary of the sexton. In process of time the old sexton died, and a new sexton had, of course, to be elected in his stead. The Churchmen, who were the only persons that in any way contributed towards his salary, very naturally imagined that they ought to have the privilege of electing any man they chose to be the sexton. But in the name of "civil and religious liberty," the "inalienable rights of man," and in vindication of the sacred privileges of the vestry, all the Dissenters in the parish rushed to the rescue, and started an opposition dissenting candidate. Now, then, let me ask, what security can we expect to have—certainly there is none that I can see under the provisions of this Bill—that, so long as human nature is human nature, Dissenters will never act upon the principle, which I maintain they have enunciated throughout all these discussions—namely, that of refusing to contribute even one farthing towards the sustentation of the Church, whilst, on the other hand, they will continue to exact, at all times, as at present, under the penalty of fine and imprisonment, the services and ministrations of the Church, and to exercise the control which these clauses will give them over the voluntary contributions of its members. Can I be said to be wrong, then, in insisting that the whole scope, object, and result of this Bill in populous places will be, to impose upon Churchmen the entire burden of maintaining the fabrics of the Church, and the services of the Church; while by these clauses the power will be given to Dissenters of vexatiously interfering in every arrangement which shall be connected with those services, and in every distribution of the funds which shall be contributed by Churchmen, and of continuing to exact the services and the ministrations of the Church? Such being the scope and object of the measure, and seeing plainly that its necessary result will be to remove from the real property of the country the duty which it has heretofore discharged, and from which its owners do not in any way desire to be relieved, namely, of obtaining a church which is free to the poor of the land, I most earnestly address myself to all parties in this House, and entreat them to refuse a second reading to this Bill. To those who are Churchmen I say, that it is no party or polemical question, but a question which most deeply affects the social, the moral, and the religious well-being of all the poor of this land. I appeal, then, to the Churchmen who sit on both sides of the House, and I very respectfully, but earnestly implore of them to dismiss any little difference of opinion which they may entertain as to the best manner in which this grievance—if it be one—can be met, but in the meantime to show a firm and united resolution to oppose, in every way they possibly can, a measure which I think I have justly characterised as one of spoliation and confiscation, of injustice and of wrong.

I will also appeal to the Dissenters in this House, and ask them, whether, setting aside all consideration of justice and fair play, they think they really are in any way advancing the equitable settlement of this long-agitated question by pressing upon the House a measure which is so obviously unjust, and to which I am sure the Dissenters would never consent to be made subject. I presume I may look upon the hon. Member for Rochdale (Mr. Miall) as a fair exponent of the true views of the whole dissenting body; and I find, in a speech which was delivered by that hon. Gentleman, on the 26th of May, 1853, a very fair statement of this question. Now, all I ask of the dissenting interest in this House is, that they will be satisfied to abide by the opinion of that hon. Gentleman, who, in the speech to which I allude, says—

> "They were asking how the fabric, and the services of the Church could be maintained. That was no matter of difficulty whatever with the large number of Dissenters—nothing could be at once so simple and so just, as that the Churchman should pay for the fabric and the service of his own Church, in the same way that the Dissenter was both willing and able to pay for the support of his Church and his minister."

The House is aware of the manner in which the Dissenter pays for the support and maintenance of his chapel and his minister. But the House well knows the Dissenter is not at any time subject to have the accounts of his chapel called over, settled, and controlled by auditors elected by a majority of Churchmen. Again, let me ask, has the dissenting minister this grievance to complain of—is he liable to be called on by every Churchman who chooses to send for him, and is he bound to obey that summons under pain of fine and imprisonment? Now, let me ask, is the dissenting minister in that position at this moment? If the dissenting minister be not in the position I have named, is the position which the Churchman will henceforth assume under this Bill—he alone contributing to the maintenance of the fabric of his Church, and the sustentation of her services—in any degree analogous to that in which the Dissenters find themselves? I therefore claim the votes of all conscientious Dissenters in this House against this Bill, upon the very ground adopted by the hon. Member for Rochdale. Perhaps the House will have the goodness to allow me to illustrate this argument, by reference to a possible—but only a possible—position, in which my hon. Friend the Member for Warwickshire (Mr. Spooner) may, at some time or other, find himself.

My hon. Friend has for many years past most conscientiously and laboriously advocated the disendowment of the College of Maynooth. Well, we will just suppose my hon. Friend's efforts have been crowned with success. Let us suppose that the College of Maynooth has been disendowed, and that in the Bill effecting that disendowment my hon. Friend caused to be inserted a clause, enabling all Roman Catholics in Ireland to contribute by voluntary means to the future support of the college. What would any Roman Catholic Gentleman in this House say of the conduct of my hon. Friend, if, after having achieved the object he had in view, namely, that of having thrown the college entirely on the voluntary contributions of the faithful in Ireland for its support, he would nevertheless insist that all his family should receive a gratuitous education within its walls? Yet this case is precisely the position in which the Dissenters of England would be under this Bill. They would insist upon throwing the entire support of the Church entirely upon the voluntary contributions of her people, and at the same time they would insist upon having all the services of the Church celebrated for them on pain of fine and imprisonment. The Dissenters would also insist upon being allowed to dictate, whenever they had an opportunity of doing so, the mode in which every farthing of the voluntary contributions of Churchmen should be expended; and they would insist, also, upon having an absolute control and veto over all internal arrangements of all the parish churches in England. Lastly, I now appeal, but with very great doubt and hesitation, to the bench immediately opposite to me, and I most sincerely trust that we shall not on this occasion witness a repetition of the unseemly and deplorable spectacle of last year, when we saw one or two Cabinet Ministers, the foremost men in the House, discharging personally their duties and voting against a measure so fraught with injustice, while their colleagues and subordinates, headed by a reckless Attorney General, rushed headlong into the opposite lobby, and carried all the weight and influence of the Government along with them. I earnestly entreat the noble Lord (Viscount Palmerston) to reflect, that this is no light or trivial matter which is now being introduced for the first time to the consideration of the House, and upon which the subordinate Members of the Government may rightly entertain any, or no opinions whatever. I beg leave to assure the noble Lord that it is a grave, a most difficult, and a most serious question. And I firmly believe that I am only expressing the unanimous opinion of the Members of both sides of the House, when I say, that this is a question which can only rightly and safely be settled by the Government themselves. I will here, then, venture to make not only a strong and an earnest, but I will add, a personal appeal to the noble Lord at the head of Her Majesty's Government.

Two courses, and two courses only, are open to the Government in reference to this measure. Supposing the Government had, beforehand, maturely considered and decided upon the course which they ought to adopt, for the just and equitable settlement of this long-agitated question, then I would invite and earnestly entreat the noble Lord to produce and propound his scheme to the House, and I can most safely assure him, on behalf of hon. Gentlemen on this "the Opposition" side of the House, that any such measure, which may be conceived in such a spirit, and which is animated by such a desire, will receive their most candid and favourable consideration. If, on the other hand, the Government should continue to be of the opinion which was last year expressed in no ambiguous terms by the noble Lord at the head of the Government, that it was utterly impossible that the question could be settled by legislation, and that, consequently, it must remain in the position in which it now stands, I would then most earnestly entreat the noble Lord to do his duty manfully to the Sovereign whose confidential adviser he is, to this House, who look to him for guidance, and expect it from him, at all events, that he should be the leader of his own Government, and to the country; and that he would carry with him the united influence of that Government in opposition to this measure. I cannot for a moment believe that a third course, of which I certainly heard a rumour, since I came into this House to-day, can by any possibility be seriously contemplated by the confidential advisers of the Crown. I really cannot bring myself to believe that a measure containing such provisions as I have now described, and the sole object of which appears to be, first to repeal and abolish church rates altogether, and secondly, to impose resolutions of a character the most unjust and oppressive upon all Churchmen, can possibly receive, in its principle, the support of Her Majesty's Ministers. But I am told that they are going to support the second reading of this Bill, reserving to themselves the power to amend it in Committee.

But let me ask, can it be possible that a Bill which has for its object the total abolition of church rates can be amended in Committee? I therefore dismiss as unworthy of belief all rumours of that kind; and I now most earnestly make this final appeal to the House to mark its sense of the gross injustice this measure would inflict, by summarily rejecting it; and I call upon the Government to state at once to the House, frankly and fairly, the conclusion to which Her Majesty's Ministers have come with reference to this most important question. I appeal personally to the noble Lord the First Minister of the Crown. I tell him, that if Government merely propose to postpone the evil day, if the principle of "total abolition of church rates" is to be accepted now, in order to be abandoned or incumbered with restrictions in Committee, then it is my deep and earnest conviction that the Government will have failed in the discharge of one of the most solemn and most important of their duties. I now beg to move that this Bill be read a second time this day six months.

Sir STAFFORD NORTHCOTE seconded the Amendment, and said, that in opposing the Bill, he felt it to be due to himself, and to those who thought with him on this subject, to observe, that they did not undertake to say that there were no grievances in connection with the present state of the law in relation to church rates. They did not attempt to deny that there were grounds for an alteration in the law as it at present stood; all they intended to maintain, and which they believed they could maintain, was, that the measure before the House was not the proper mode of getting out of those difficulties, either in an effectual or a legitimate manner. There were two classes of grievances which were stated, and which to a certain extent they admitted to exist. There were grievances to Dissenters in certain cases where, being in a minority, they were compelled to pay church rates, and particularly rates for the maintenance of the church services, at whatever violence to their conscience and feelings; and there were grievances to Churchmen in those cases where—the Dissenters, or the opponents of church rates, being in a majority—they were deprived of the means which the law professed to give them of maintaining the fabrics of their churches. These were undoubtedly grievances, but the Bill under consideration did not attempt to get rid of them at all. That it did not attempt to meet the case of the Churchman's grievance was clear. He thought he could show that it did not meet the case of the grievance arising from conscientious scruples. One of the clauses which the noble Lord (Lord J. Manners) had omitted to notice—namely, the fifteenth—provided that the Act should not extend to Scotland or Ireland; but if the measure were brought in on the ground that it was desirable to exempt a minority from the oppression of a majority—if the principle on which the measure proceeded was that which the hon. Baronet (Sir W. Clay) laid down when he said that a Church which comprehended a numerical majority, or near about that, of the people of this country, was not so far a national Church as to have a right to tax a minority; if that were the principle of the measure, then he could not conceive how the hon. Baronet could have passed over a far stronger and more grievous case of oppression which was practised in Scotland—not by a majority over a minority, but by a minority over a majority. The hon. Baronet said his object was to produce peace. Well, the law in Scotland had produced peace, for it was a strong and powerful law, but the peace it had produced might be almost termed a solitude. The position of the law in that country was, that a church rate, and a parsonage rate as well, might be imposed on the heritors or landholders of any parish, not by themselves, but by the ministers of the Established Church of Scotland. The ministers might of themselves make out an estimate of the expense of repairing their churches, and having done so, it was competent for them to serve upon the heritors or landholders an order to provide the necessary funds; nor had these persons practically any means of evading the burden thus thrown upon them for the support of a Church which, though called "the Establishment," did not comprise more than one-third of the population of that country. As the hon. Baronet did not propose to touch that state of things, the obvious inference seemed to be that the object of his Bill was not to provide for religious freedom, but simply to enforce what he described in his speech as "a permanent, universal, and complete peace." But it would have no such effect. On the contrary, it was a measure which more perhaps than any other that had ever been introduced would promote dissension and animosity, aggravating discord in localities where it already existed, and introducing it for the first time into rural parishes where, happily, it was now unknown. The hon. Baronet concluded that because the church rates were now acquiesced in, the voluntary system was sure to meet with a ready acceptance; but that was by no means so certain. The voluntary system was hard to be worked, and one great difficulty attending it was, as all who had had practical experience of the matter were well aware, the objection which people had to give anything, because they did not think that their neighbours had given enough. And how much would that difficulty, which was serious enough between members of the same communion, be increased upon a question in reference to which Dissenters would come into collision with members of the Church of England! But he would take another point—the bearing of this measure on the principle of local management. It was sometimes asked tauntingly, "What, are you members of the wealthy Church of England so dependent upon a miserable church rate that you cannot, if church rates be abolished, support your Church out of the abundant wealth she possesses?" Now, they were not in that position. They did not, therefore, feel the force of the taunt. They held, that if church rates were done away with, the wealth of the Church would at once be forthcoming to maintain her fabrics; but how would that be? Not in the parish itself, which might be torn with feuds between Churchmen and Dissenters, and between liberal and illiberal contributors, but probably by means of some great central society in London, to whose funds wealthy churchmen would be called upon to contribute; and they might rely upon it that such an association holding the purse-strings would naturally have great weight and authority in the application of the funds, and domineer over the parishes which required its aid. This measure had been stigmatised as denationalising the Church of England; and he contended that, if they took the repairs and the conduct of the services of the Church out of the hands of the ratepayers, and put them into the hands of central societies, they would take a great step indeed towards denationalising the Church; not in a technical sense, but in this respect—that they would thereby shake the affection and the confidence of the parishioners in a Church in the management of which they had not a voice, but which was managed for them by some central association in the metropolis. Moreover, he objected to the idea of submitting voluntary contributions to the control and direction of any body of men who might apply them to purposes altogether alien to the intentions of the donors. A man who gave his money on the understanding that it should be devoted to the maintenance of the Church or of its services, might feel indignant on finding that it had been applied to the erection of ornamental clocks or such like matters, and yet, if his contribution had been handed over to an arbitrary and irresponsible association, he would have little chance of redress. Gentlemen on the other side of the House had been very fond of the saying that property had its duties as well as its rights. Now, take a case in which the property was in the hands of Dissenters—take a case in which a whole parish was in the hands of a Roman Catholic. He was acquainted with a case of the kind, where the inhabitants of the parish, with few exceptions, were members of the Church of England and Dissenters, whilst the landlord was a Roman Catholic gentleman. Of course, either out of his own pocket or through the medium of his tenants, for the expense fell entirely in the last resort upon the landowner, that gentleman was at present supporting the fabric and services of the parish church for the Protestant population. But what would be the result if the system of church rates were abolished, and voluntary contributions substituted in its place? Why, that the landowner would not grant a sixpence; and thus the poorer members of the Church of England in that parish would be left unprovided for by any other means than the most uncertain of all—namely, voluntary contribution. He objected altogether to the principle of the Bill. If churchmen were called upon exclusively to support the fabric of the church and its services, then he contended that they should not be interfered with as to the way in which they might choose to expend the money. He did not deny that public feeling was ripening for some satisfactory settlement of the question; and all he would say, in conclusion, was, that if the Government would come forward with some well-digested scheme it would be received—he would not say with approval—but, at all events, with a greater desire on all sides to consider it dispassionately and fairly than would have been possible a few years ago.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR GEORGE GREY said, that, independently of the appeal which had been made to the Government by the noble Lord opposite, who moved the Amendment, and the hon. Baronet who seconded it, he felt that the House had a right to expect that they should be informed as to the course which the Government, after the fullest consideration, proposed to take with regard to the second reading of the Bill now before the House. In considering this question, perhaps he might be allowed to suggest that it was surrounded by difficulties enough in itself, and he hoped that the House would not be led into a discussion upon the state of the law of Scotland, which provided, under a totally different state of circumstances, for the necessary repair of the fabric of the national churches in that country. Confining himself, therefore, exclusively to the question of church rates, which had been so much discussed of late years, he might say that the noble Lord (Lord J. Manners) had entirely overlooked the unsatisfactory state of the law, as it now existed under the decisions of the highest legal tribunals. He had listened attentively to the noble Lord, and it appeared to him that the noble Lord was quite satisfied with the existing state of the law of church rates, except as regarded the grievance of which Dissenters complained, in being compelled to pay church rates. The noble Lord was willing to exonerate the Dissenters from paying those rates, coupling the exemption, however, with certain disabilities to which Dissenters were to be subjected. But was the noble Lord's a fair statement of the case? If it was the law that all property was liable to church rates, without any option in the matter, there might be some reason in the noble Lord's talking of spoliation as applicable to their abolition. In that case, also, there might be some colour for what he could not but regard as the injudicious language of certain persons representing themselves as friends of the Established Church, who said that church rates and tithes were on the same footing, and that if church rates were abolished the link between Church and State would be dissevered, and the Church would be no longer national. There was a manifest difference between tithes and church rates, and even if church rates were to be abolished, as they had been in Ireland, the Church would still be a National Church, and there were still ties strong enough to connect the Church and the State, which could not be dissolved by the abolition of a voluntary church rate. What was the state of the law at the present moment? It might be that it was incumbent on the ratepayers of a parish to provide for the preservation of the fabric of the Church, and also, although that was not so clear, for the performance of Divine service; but what was the law with regard to enforcing that obligation? The law, as laid down by the highest Court of Judicature in the kingdom—setting aside any means that might be resorted to through the jurisdiction of the Ecclesiastical Courts—was, that there was no power of enforcing that obligation, and that it was competent to a majority of the ratepayers to refuse a rate, and that the churchwardens could not enforce a rate against the opinion of the majority of the ratepayers in vestry assembled; and by the operation of the law so declared, in many parishes church rates were practically abolished. The noble Lord seemed to have overlooked the large number of cases of parishes, in which church rates had for years ceased to be levied, owing to the refusal or indisposition of vestries to make them in the absence of any means to enforce their payment. He said, "in the absence of any means to enforce them," because, although they might be told that ecclesiastical censures might be visited upon the inhabitants of any parish refusing to grant a church rate, it could hardly be seriously maintained that such an expedient afforded a practical remedy for the matter complained of. That was not a practical remedy, nor were there any means, even through the agency of the Ecclesiastical Courts, by which a parish, deciding, as it was now by law entitled to decide, that it would not make a church rate, could be compelled to do so. We had a great portion of the populous towns and cities of the kingdom exercising that power, and refusing to make a church rate. In the case of Leeds, he believed that, for twenty-five years past, as the result of a previous contest which lasted ten or fifteen years, church rates had been discontinued by the common consent of Churchmen and Dissenters, in the interest of religion and of the peace of the community; and ample provision had been made by voluntary contributions for maintaining the fabric of the Church and providing for the other necessary expenses. The same had happened in many other large towns and cities of the kingdom. And that would bring him (Sir G. Grey) to another important consideration, that of the various schemes which had been suggested for the modification of church rates. He need hardly say that the subject had received great attention from the Government, and that a variety of suggestions had been offered from various quarters friendly to the Church, and anxious to save what could be saved of the church rate, by adopting some modification of it which should render it possible to enforce the collection of the rate. But in almost all those suggestions there was this radical defect—that it was assumed by those who made them that we might go back, with regard to those towns and cities in which the contest had ceased for years, and in which, by common consent, other arrangements had been made alike satisfactory to Churchmen and Dissenters—and that we might reimpose a rate there, for some limited purposes, or to some limited amount, or to be destined to some specific application, by which it was expected to reconcile Churchmen and Dissenters, but which he (Sir G. Grey) believed would tend only to revive the contests between them which had now happily ceased, and which, if sanctioned by Parliament and made compulsory on the parishes, would give rise to renewed strife and dissensions. Any legislative attempt to render church rates compulsory in those populous places in which the unseemly contests for which they long afforded the battle ground had happily ceased, could only tend to revive strife and dissensions, which must not only prove injurious to the interests of the Church, but bring scandal upon the cause of religion itself. Whatever might be said of the facilities enjoyed by a Government in dealing with this vexed question, Her Majesty's Ministers were of the opinion that the introduction of a measure to give legal enforcement, contrary to the will of the majority, to the obligation of imposing church rates in places where they had already been practically abolished, could only serve to rekindle the flames of religious discord where they had fortunately been extinguished, without being attended, on the other hand, with any advantage that would at all compensate for so deplorable an evil. Church rates, in fact, were practically abolished, without, as he believed, the hope or the possibility of their being revived in any shape, in those cities and towns that he had alluded to. That was one part of the state of facts under the existing law, which the Government had to deal with. Now with regard to all those parishes which were thus circumstanced, the Government were of opinion that any Bill which was to be proposed must, he would not say, abolish church rates in those parishes, but must assume the abolition of church rates to be an accomplished fact. They must recognise and sanction the abolition of the church rate throughout those parishes. To the principle, therefore, of the abolition of church rates to that extent, Her Majesty's Government would accede; and they would take that course not without high authority, to which he would presently advert. But it had been urged, and he must say the argument was entitled to great weight, that because there were a certain number of parishes, the most important in the kingdom for their population, but few in number as compared with the number of the parishes in the whole country, in which church rates had practically been abolished, and in which any attempt to revive them would be sure to fail, there was yet no reason for dealing in the same manner with the large number of parishes, many thousand probably, throughout the country, parishes with a rural population, in which church rates were acquiesced in, and in which sums were levied annually by a church rate, certainly not very large in amount, but extremely useful in providing the means for the necessary repairs of the Church, and conducting its services with decency and order. It was said to be unreasonable that Parliament should say to the latter class of parishes, whose will and disposition it might be to continue the practice, that they should be debarred from doing so, because the former class of parishes had, in the exercise of their power, practically abolished the church rate, and because, with regard to them, it was now proposed to sanction and legalise the abolition. He considered that it would be hard to say that, for the future, it should not be lawful for the rated inhabitants of such a parish, by a legal majority, or even by the common consent of all the inhabitants, to impose a church rate upon themselves, small in amount, but useful for its purpose, and in the aggregate of such parishes large. It would be hard for Parliament to deprive them altogether of the means of doing that which they were willing to do, and which, if they did willingly, would be beneficial. The Government felt the full weight of this objection, and were not prepared, therefore, to sanction the immediate and total abolition of church rates throughout the kingdom. But they would agree to sanction the abolition of them throughout those parishes in which church-rates had been discontinued for a limited time, that time being long enough to indicate the settled will of the inhabitants not to exercise the power vested in them by law, of imposing a church rate. The Government would also propose, not that periodical Bills should be laid before Parliament from time to time embracing other parishes, in which the same course might be taken; but that it should be provided that where, for a certain consecutive period, the expression of the inhabitants' opinion was, that church rates should cease to be levied, there should be a limit to the strife in those parishes, and they should be exempted afterwards from the obligation to provide by means of a church rate for the maintenance of the church. [*Murmurs.*] The right hon. Member for the University of Cambridge (Mr. Walpole) seemed to be alarmed at this. He (Sir G. Grey) would therefore call the hon. Gentleman's attention to the authority to which he had before referred, and which he surely would not cavil at or despise, an authority for the adoption of the very principle on which the Government proposed to act. Allusion had been made by the hon. Baronet (Sir W. Clay) to the Bill introduced by the Primate of England last year in the House of Lords as indicating a disposition to come to a fair settlement of the question. The right hon. Member for the University of Cambridge appeared not to have read that Bill. If he did read it, he would find that the principle which he (Sir G. Grey) had just stated was embodied in it in the clearest and most specific terms. Let the right hon. Member, therefore, turn to the Bill laid by the Archbishop of Canterbury on the table of the House of Lords last Session, and which the Archbishop brought forward not in his own individual capacity, but as emanating from a majority of the Episcopal bench, on whose behalf he spoke. In that Bill it was distinctly provided that where church rates should have been discontinued in any parish for two years, there should be a certain process—a process which he (Sir G. Grey) doubtless thought would be objectionable, but which was only a part of the machinery for working out the principle; by which, after several monitions, the will of the parish might be unequivocally expressed; and there was in that Bill a clause which stated that after it should be clear that the parish was not willing to comply with the monitions of the Ordinary, no church rate should then be made on the parishioners at large, and that the parishioners should be released from the obligation to which they were now liable, of making a rate for the repairs of the church, and for the other purposes to which a church rate would be applied. That was the principle laid down by the heads of the Church, last year, in the Bill which they presented to the other House, dealing with facts as they were, as sensible men should do, and recognising the impossibility, under the existing law, of enforcing the church rate where a parish had indicated its deliberate decision that a church rate should not be adopted. To that principle Her Majesty's Government adhered, and they thought it was the best way in which the question could be settled—abolishing the church rate absolutely in those parishes where the rate had been already discontinued, and providing for its abolition in other parishes if the inhabitants chose to discontinue it for a certain time, but in parishes where the inhabitants still thought it could be usefully levied (and he thought there were many such parishes), leaving it to themselves to do so. It had been said that the parishioners, although they might be willing to levy upon themselves a certain amount uniformly by a church rate under the existing law, would not be equally ready to subscribe the same amount voluntarily, some of them contributing much, and others little or nothing, if the rate were abolished; and he believed that there was some truth in this remark, and that, therefore, it would be injurious absolutely and at once to deprive the inhabitants of those parishes of the power of making a rate. But in parishes where the rate was refused, not from any accidental cause arising in any one year, but for a period of time sufficient to indicate the settled opinion of the parishioners, as indicated in the Bill of the Archbishop of Canterbury, there should not be a perpetual strife and contention about it, but the rate should be abolished. But it had been said that in those parishes where the rate was continued it might be carried by a small majority; and that the grievance to the Dissenter would in such cases be continued, because there was no doubt of the legal obligation upon every individual to pay the rate when it was once made, and there were sufficient means of enforcing it. Now, the noble Lord (Lord J. Manners) and the hon. Baronet who seconded his Amendment (Sir S. Northcote) had stated that they were quite prepared to exempt Dissenters from the payment of church rates, and that they thought the Dissenter had a grievance in being compelled to pay for the maintenance of a church which he never frequented. That subject had been frequently discussed, and to a limited extent he (Sir G. Grey) was prepared to accede to that view. He thought there would be grave objections to proposing that the inhabitants of a parish, who on account of their dissent wished to exempt themselves from the rate, should be called on to register themselves as members of particular denominations, and that there should be a religious census taken as it were, by which the religious divisions of the parish would be made more manifest and permanent. But he could see no objection to adopting the principle, and allowing any ratepayer to claim his exemption from the rate by a simple declaration to be submitted to the churchwardens, and duly signed, that he was not a member of the Church of England. To that extent he did not think any reasonable objection could be made to the principle, and it would be certainly free from the objections to which he had referred. But then he found, coupled with the proposal to exempt Dissenters, in the speeches of the noble Lord and the hon. Baronet, and also in a similar provision contained in a former Bill of the hon. and learned Member for Tavistock (Mr. R. Phillimore), a proposal to subject Dissenters to certain disqualifications, which he could not approve. To a certain extent a disqualification ought to follow any such claim made by a Dissenter; and he thought any Dissenter claiming to be exempt from the payment of a rate made by the majority of the parishioners had no right afterwards to take any part in the vestry with regard to the imposition of a church rate in any future year, or with regard to any matters relating to the application of that rate, such as the election of auditors, if auditors should be appointed, or any other matters essentially connected with the church rate, or with the maintenance of the church fabric and church service. He thought it would be unreasonable, after such an exemption, to leave the person who had claimed it equal power with that which was legally exercised by those who bound themselves to the payment of the rate. But he found in the speeches both of the noble Lord and of the hon. Baronet, as well as in the Bill of the hon. and learned Member for Tavistock, something not very distinctly and clearly expressed, but which indicated that they would go much further. They appeared to desire, if a Dissenter did not pay the church rate, and claimed exemption from it, to shut the doors of the church against him, to deny him any participation in the ordinances of the church, to deny him the right of marriage in the church, to deny him the baptism of the church for his children. [Sir S. NORTHCOTE and Mr. PHILLIMORE : No, no.] The noble Lord the Member for Colchester did not say "No." The noble Lord had said that those who refused to pay church rates should be excluded from the offices of the church ; and as he (Sir George Grey) had repeatedly heard it insinuated rather than avowed, he wished to know whether he was right in presuming that to be the intention of those who had urged the imposition of some disqualifications in return for the non-payment of the rate. He thought nothing could be more suicidal than such a proposition being carried into execution on the part of the Church. The object of the Church, if it had any confidence in the truth of its doctrines and purity of its worship, was to invite all men to come within its portals; but such a proposition as that was, to quote an expression he had heard used, to station at those portals an angel with a flaming sword, to warn Dissenters from entering, instead of the ministers of the Church as inviting them to come in, and, as ambassadors of God, entreating all men alike to join in its worship — admitting them to bring their children for the holy rite of baptism—admitting them to receive the sanction of the Church to the rite of marriage—admitting them, if they so desired, to bring within the precincts of the Church the bodies of their departed friends, that the burial service of the Church might be read over them; and instead of saying to any man, "You have declared yourself a Dissenter, you have not paid the church rate, and therefore I will not let you be married in the Church, nor let your child be christened here, nor let you bury with the service of the Church your father, mother, or child," — the Church ought thankfully to admit any Dissenters to partake of its ordinances, rather than exclude them from Church privileges because they had not contributed to the support of the fabric. Admitting, therefore, the principle of immediate abolition with regard to the class of parishes to which he had first adverted, and admitting the principle of a prospective abolition at the expressed will of the majority of the inhabitants in any other parish, Her Majesty's Government were prepared, notwithstanding the taunts of the noble Lord opposite, to affirm the principle of the abolition of church rates, by voting for the second reading of this Bill. And they intended, if the Bill went into Committee, to propose Amendments in it to carry out the views which he had already explained. The noble Lord (Lord J. Manners) had commented upon certain provisions of the Bill, and objected to that of a mixed body of Churchmen and Dissenters controlling the application of voluntary contributions. He had shown satisfactorily, he (Sir G. Grey) thought, that in many country parishes five auditors would be too many, and that such a number even could scarcely be found to discharge the duty. He (Sir G. Grey) certainly did not see that there was any reason for having five auditors ; but setting the details of the arrangement aside, he would ask whether his hon. Friend had not endeavoured, he did not say successfully, to provide against the objection which Churchmen might entertain as to the appropriation of their voluntary contributions? The hon. Baronet (Sir S. Northcote) seemed to think that no such provision would be necessary. He would allow any landowner to subscribe any sum he pleased for the repairs of the church, or for the beautification of the Church, or for the services of the Church, to be conducted absolutely according to his own taste and predilection. But take the instance of a Roman Catholic proprietor, who might be the only person in the parish to contribute anything. Was he to be allowed to take the church into his own hands, and at his own expense to alter the form of its fabric, its decorations, and services, in such a manner as would without doubt offend the feelings of the Protestant inhabitants? Or take the case of a dissenting landowner, which was also possible. Should he, without the control of some authorised body, be allowed to apply his own contributions to reducing the church, which might be a beautiful fabric of ecclesiastical architecture, to the ordinary form of a dissenting chapel? Some defects in the Bill there might be, but they were faults of detail; and he could promise that any suggestions of the noble Lord opposite or of the hon. Baronet for the remedy of those defects should be received with a favourable consideration. The noble Lord had said that if church rates were abolished, it would be necessary to make not a casual, but a sure and permanent provision for the Church. But he was not entitled to ask that, since church rates themselves did not fulfil that condition. It was clear now, that they could not be calculated upon with certainty, that they were a most uncertain provision, and in many cases were absolutely dispensed with, and in all cases it was in the power of a majority of the inhabitants at any time to dispense with them. But as a substitute for church rates, he did not think any compulsory provision should be made. What Parliament had to do was to encourage, as far as possible, voluntary contributions, which it was desirable should not depend upon annual subscribers, to be given one year and recalled another; but a power might be given, which no doubt in many cases would be exercised, to the owners of land, who had been hitherto subject to church rates, if they pleased, to charge their estates, within certain limits to be fixed by Parliament, with a sum to be applied to the same purposes as the church rates were. He believed that the Statutes of Mortmain, at present, stood in the way of such an arrangement; and, if so, he should propose a relaxation of them for this purpose. He should now propose that the Bill be read a second time, and provisions might be afterwards introduced into it with a view to facilitate permanent endowments of that kind, which would, in many parishes, make up the deficiency caused by the failure of church rates. There was another provision, which his hon. Friend the Member for the Tower Hamlets (Sir W. Clay) had omitted. In the Bill of last year, power was given to raise funds by rents for letting a certain number of the seats in the church. He (Sir G. Grey) was inclined to think it would be better to restore that provision to the present Bill, and he would remark that the noble Lord the Member for Woodstock (Marquess of Blandford) had introduced a clause into his own Bill of this Session by which, with reference to all those churches which were not entitled to the benefit of any church rate—namely, the new district churches, power would be given to raise funds for the maintenance of the church, by charging a rent for a limited number of the pews, of course that power being entrusted to competent hands. It was a great anomaly in the law, that only the parish churches, exclusively so called, should be entitled, even when a church rate was levied, to any benefit from the rate. In the parish of St. George's, Hanover Square, for instance, and in many another parish of large towns or cities, the original parish church would be found to have been multiplied tenfold or more; there were district churches all round it in which the services of the Church of England were performed, and which were the strength and ornament of the Established Church, yet which were not entitled to a farthing of the funds provided by a church rate. In a country parish it was different, because there probably the parish church was the only church in the parish. If the Bill were read a second time, the Government would propose their Amendments, leaving sufficient time to consider them before going into Committee. In taking that course, fortified by the authority of the Bill of the Archbishop of Canterbury of last year, they had, he conceived, the best prospect of a satisfactory settlement of the question. He could not see that any of the schemes which had yet been proposed afforded such a prospect. Every attempt generally to reimpose church rates to a limited amount, or for special objects, he believed would fail. He therefore trusted that the House would give its impartial consideration to the Amendments which the Government intended to propose.

MR. DRUMMOND said, he thought the Amendments which the right hon. Baronet the Home Secretary had indicated were so exceedingly unlike the Bill before the House that it would be only fair for the Government to reject the measure of the hon. Baronet the Member for the Tower Hamlets altogether, and bring in a new one of their own in its place. Several Bills on the same subject had been that day alluded to, and it was some gratification to him (Mr. Drummond), obliged, as he was, to differ from a great deal that had been spoken in the debate, to be able to agree, at least, in this much—that he equally disapproved them all, whether it was the measure of his Grace the Archbishop of Canterbury, or those proposed by hon. Members on either side of the House. Let them only observe what had happened in that House but the other day. The right hon. Gentleman (Sir George Grey) introduced a most admirable measure to extend the provisions of the police law throughout all the towns and districts in England; and what then occurred? Why, immediately uprose those populous cities of which they a moment ago heard so much, and raking up an array of musty old charters, they straightway put in a claim for prescription—they pleaded Royal grants, and brought forward their receipts for moneys paid—for valuable consideration given! But he defied any one of the whole mass of those corporations to produce the least evidence of such undoubted prescription as the Church could assert in support of its rates. Why, those rates were as ancient as the establishment of Christianity in that country. Our churchwardens, whom the hon. Baronet (Sir W. Clay) meant kindly to continue, after he had relieved them of all their functions, dated from as remote a period as the year 1147. But, then, the hon. Baronet asked the extraordinary question—"What is a National Church?" In every nation in the world the Sovereign of the country had found it to be his absolute duty to provide the means of public worship for his people. Those means necessarily were public buildings, but the hon. Gentleman seemed to think it a perfect answer to the asserted existence of a National Church that there were some persons in these kingdoms who dissented from her communion. Was there ever a nation on earth in which there were no Dissenters? The Greek Church had its heterodox sects who dissented from the orthodox creed, by having their ritual translated into the Sclavonic tongue instead of being confined to the Greek; and even among the Mahomedan Turks and the people of Persia conflicting religious opinions prevailed. The National Church of a country, however, was that church whose faith the Sovereign professed. [*Murmurs.*] Would hon. Gentlemen who demurred to that assertion adduce an instance in which the fact was otherwise? The first obligation of a State was to provide the means of worship for the people; but this country was not possessed of those means; and why? Because of a dereliction of duty on the part of our bishops. Why were our churches not filled with worshippers? Because we had allowed them to be monopolised by being divided off into pews. Why, it was the bishops themselves who had forced the people into the ranks of Dissent by shutting them out of their parish churches. Moreover, it was an error to suppose that the Dissenters have ever been the enemies of the Established Church. Its real enemies were the bishops, its own spiritual heads. It was very strange that the hon. Baronet who brought forward the question, now for the third time, and evidently understood it, had invariably omitted to mention this one little circumstance, that in every single instance in which money was collected by a rate no option was given to the ratepayer to pay, or to decline to pay. It was left to no man's will whether or not he should contribute towards a lighting rate, a paving rate, or a poor rate. The case might be different in regard to the fixing of the amount of any impost that should be payable; but no power was ever granted to any one to refuse to contribute at all. Now that very thing had been often tried to be done by the right hon. Member for Manchester (Mr. M. Gibson), but the Government had always found that it would not work—that it was utterly impossible to support our county gaols, our police, and other institutions, if such a discretion were vested in the ratepayers. Why, then, were church rates to form an exception to an otherwise inflexible rule? The right hon. Baronet (Sir G. Grey) said that church rates were an uncertain and imperfect provision as the law now stood; but why could they not reckon up what was wanted, and then take the amount whatever it was? "Oh!" it was replied, "the Braintree case has settled the question." Well, so it had—there could be no doubt of that. The Lords came down, as the Earl of Derby described in his speech only a few nights since, and upset the decisions of all our courts of law, going also directly in the teeth of the judgment of the law Lords on this matter. The Peers would not allow the Lords' House to be repaired, and now their own House was on the eve of being pulled down about their ears. But hon. Gentlemen in the assembly he was addressing were constantly proclaiming their object to be the moral and religious elevation of the people. They wished to embue them with a taste for the fine arts. They had their schools of design, their public lecture rooms, their circulating libraries, and all sorts of appliances of that description. They also wanted the working classes to go on Sunday to inspect the fragments of religious temples which had been brought home from Egypt, from Babylon, and from Greece; and yet, at the same time, they called upon them to let their own religious edifices crumble to ruins. Their religious buildings were, *par excellence*, the true monuments of the fine arts. Really, some hon. Gentlemen did not seem to know what the fine arts meant. Painting, sculpture, and architecture were but different modes of representing, by material forms, sentiments that could not be expressed by words. If we fancied that we could inspire true feelings of devotion in any other places so well as it could be done in our venerable cathedrals and parochial churches, we made a sad mistake. But we had gone on reducing the whole of our ancient ritual, until we had left a mere residuum of intellectual philosophy; and yet some innocent people were astonished at the spread of schism, and even of infidelity, while murder and crime were on the increase daily. Every householder in England had taken his house subject to the charge of church rates, and was that rate to be allowed to go into the pockets of the landlords? Rather than that it should be paid into the Exchequer, which was not a little in want of it, and this universal plunder should not be permitted to go on. The Archbishops' Court—a great authority in theological matters—had just decided that there was no such thing as an altar in the Church of England. If that Church had no altar she had no priesthood, for priests were a portion of the clergy set apart to worship at an altar. If that church had no priests she had no bishops, who were a portion of the clergy set apart to consecrate priests, and if the Church of England had neither bishops nor priests, what right had she to tithes? Tithes were paid, not to deacons, but to priests, and if the Church of England had no altar she had no right to tithes. He would strongly recommend this subject to the attention of the Chancellor of the Exchequer, who, as the Exchequer, as he had previously stated, was not at present very rich, might be able to turn the intimation which he (Mr. Drummond) had given to some account. His noble Friend (Lord Palmerston) had been recommended to take the matter into his hands, and he had no doubt that if the noble Lord acted upon the suggestion he would deal with the subject in his usual bold and dashing manner. The noble Lord did not often meddle with ecclesiastical affairs, but when he did, there was no reason to doubt that he would settle them with his usual ability. Some time since a certain old gentleman in Rome bothered himself about the immaculate conception of a woman who had been dead for centuries, but since his noble Friend had answered for the immaculate conception of all the babies in Romsey, he doubted not that his noble Friend would settle the church-rate question also. In his (Mr. Drummond's) opinion, if the views of the Government were carried out, they would see a sweeping measure of Church spoliation, and a total separation would be effected between Church and State.

The ATTORNEY GENERAL said, he should not have thought it necessary to address the House on the question before them had he not been informed that, in his absence, the noble Member for Colchester (Lord J. Manners) had thought proper to make what he could not but regard as a most uncalled-for and unprovoked personal attack upon him. That noble Lord, he understood, had been pleased to say that, on the last occasion when this question was debated in the House, certain Members of the Government, headed by what he termed a "reckless Attorney General," went into the lobby in favour of the Bill. He did not know whether the noble Lord who had made this attack upon him in his absence, and who when he (the Attorney General) rose to answer that attack immediately left the House, meant by the terms he had used to refer to his general conduct, or to his conduct with reference to this particular question. He had now been for some years a Member of that House, and a Member of the Government, and he thought he might safely and fairly appeal to the House whether his conduct in either capacity justified the imputation of recklessness which had been applied to him by the noble Lord? He did not know whether the noble Lord had meant to refer to the part he had taken in former discussions on the subject, but he would confidently appeal to hon. Gentlemen who recollected the debate of last year, whether he had not then addressed the House in favour of the measure in the most conciliatory spirit. He had, on that occasion, spoken with the most profound respect of the Church of England, and stated that, if he could bring himself to believe that the abolition of church rates would involve the destruction or decay of those venerable edifices which were associated with some of their most hallowed recollections, and their earliest ideas of happiness and peace, he for one would not support such a measure. He took the liberty of saying, however, that he did not think the abolition of church-rates would have any such effect, and that he believed the provision which his hon. Friend (Sir W. Clay) proposed to make for the maintenance of the fabric and of the services of the church would be found fully adequate for those purposes. He also expressed his conviction that the members of the Church of England would not allow their churches to fall into decay, or their worship to be discontinued for want of sufficient means for their support. On the other hand, he had said there was no question that the payment of church rates was felt by Dissenters to be a very serious grievance. That was admitted on all hands, and also by the noble Member for Colchester himself; but, though the noble Lord admitted the grievance, he proposed no remedy for it. Now, if such a grievance existed, surely it was desirable to endeavour to grapple with it, and ascertain whether it could not be removed. It was true that the payment of church rates was an imposition which had attached to the possession of real property from immemorial times, and that such property had been acquired by its present possessors subject to that impost; but Dissenters said that, when the imposition was first annexed to the possession of land and real property, the Church of England was the Church of the whole population of this Realm, whereas now the Dissenters constituted a very large proportion of that population, and they contended that, while they had to provide for the maintenance of fabrics for their own worship, it was only fair that the property held by them should be relieved from an imposition which fairly and properly attached to it when the whole population were one in religious opinion. He (the Attorney General) believed they could never overcome the conscientious scruples of Dissenters, or remove the sense of injustice they entertained, by reminding them that the church rate was an imposition which had from time immemorial attached to all real property. Did any one believe that the imposition of church rates could be continued for any considerable period? He did not believe they could, and he therefore thought it desirable that, as early as possible, they should endeavour, in a spirit of conciliation and peace, to arrive at a just settlement of the question. It was upon these grounds that he had offered to give his support to any measure which appeared to be practical, with the object of removing this cause of heartburning and strife between Churchmen and Dissenters. He asked the House, therefore, whether there was anything in those views to justify the noble Lord in personally attacking him in his absence. He did not mean to deny that he felt attacks of this kind, but his sensitiveness was proportionate to the weight and importance of the persons by whom such attacks were made; and, although he did not wish to say anything personally offensive to the noble Member for Colchester, he must observe that he did not think there was anything in the noble Lord's position in that House, or in his general reputation for sagacity and wisdom, that should cause him (the Attorney General) to feel very deeply the attack which had been made upon him.

LORD JOHN RUSSELL: I have listened, Sir, with great attention to the speech of my right hon. Friend the Secretary for the Home Department, and I had hoped that, when there were measures before the House on the subject of church rates, my right hon. Friend might have been enabled, on the part of the Government, to indicate some course which, if it did not meet with general or universal assent, might at least have satisfied the majority of this House, and have smoothed the difficulties which attached to the question before us. That there are difficulties connected with this question I certainly must be one of the foremost to admit, because, having often endeavoured to frame a measure which would satisfy others as well as myself, I cannot, however, say that I have ever been successful in the attempt. With respect to the proposal which my right hon. Friend the Home Secretary has made on behalf of Her Majesty's Government, he has chosen the inconvenient course, as I think, of not bringing into this House a measure founded upon the principles he has indicated; but while proposing to sanction by his vote and by the votes of his colleagues a Bill framed in a very different spirit, he holds out the hope that he will be able to introduce in Committee, not some simple alterations merely, but material and somewhat complicated provisions. I must say that, however, I may object to the Bill introduced by my hon. Friend (Sir W. Clay), I think the course he has taken and the proposals he has made are in themselves very intelligible. I have understood my hon. Friend and other hon. Members, whose names are upon the back of his Bill, to have said repeatedly that they think it is a great hardship to compel Dissenters from the Church of England to contribute to the maintenance of the fabric of a church which they do not attend, and to pay for the support of a form of worship from which they conscientiously dissent; and that from such a hardship Dissenters ought to be relieved. Now, Sir, I for one do not agree in that proposition; but the proposal, I willingly confess, is in itself a perfectly clear one, and one that I should be prepared, if necessary, to argue at this moment with my hon. Friend. But then comes the Secretary of State for the Home Department, who makes, on the part of the Government, a proposal which places us in this position—that we must consider whether it would be advisable to accept, as it at present stands, the Bill of my hon. Friend, to which, as I have said, I object; or to accept the proposal of my right hon. Friend the Home Secretary; or, lastly, whether it would not be better, rather than accept either of those proposals, to leave the law in its present state, even admitting that state to be unsatisfactory. I conceive that the case as it stands at present is this:—Here is an ancient law, declared to be so by the most eminent Judges of the land, which imposes on each parish the legal obligation of repairing the fabric of the parish church and providing for the celebration of divine worship in that church. Chief Justice Tindal and Lord Truro, among other learned Judges, have maintained that this legal obligation exists; but they have said at the same time that it is an obligation which could not be enforced against the will of a majority of the parishioners. They have asserted, not that the obligation ceased, or that the law was abrogated, but that the obligation is one that can be evaded. Well, it appears to me that the persons who have a grievance on this subject are, in fact, the members of the Established Church; because they may say—here is an ancient law imposing an obligation, which was confessedly intended for and necessary to the sustentation of the Established Church, but that obligation cannot be enforced. Some persons may say, as my right hon. Friend (Sir G. Grey) has said to-night, "If we were to attempt to give force and validity to the law, and to compel persons to fulfil the obligation, which great Judges have said attaches to them, we should disturb the peace of the country, we should create a great deal of ill-feeling, and we should provoke hostility to the Church itself." Now, Sir, I think the Church may fairly answer, "That is a question for Ministers of State; we accept your allegation; we are willing to acquiesce in what you say; we will not attempt to enforce obligations, which, in your opinion, might affect the peace of the community; but do tell us in what other way you propose to provide for the maintenance of the Church." Well, Sir, does my right hon. Friend comply with that which he thinks is a fair demand on the part of the Church; a demand not insisting, observe, upon the literal enforcement of the law, but only asking that the necessary purposes should be provided for? Why, my right hon. Friend says in the first place, that that which was admitted to be a practical evasion—that which was admitted to be a successful defeat of the law—they now propose to legalise by Act of Parliament, and thereby to say that that resistance shall receive the sanction of the Legislature. In my opinion, this proposal increases the claim of the Church to some substitute for that which you propose to take away; but does my right hon. Friend go on to propose that substitute? Does he attempt to do what the hon. Member for the Tower Hamlets (Sir W. Clay) proposes to do, and I have no doubt sincerely believes he will accomplish, though I think he may fail—with the view of effecting complete and universal peace on this subject? My right hon. Friend (Sir G. Grey) does no such thing. I understand that he proposes to continue this impost in parishes where the majority of the ratepayers choose to carry the law into effect, but he says to the opponents of the impost:—"If you can get a majority; if, by contest, by repeated agitation, by discussions in the vestry year after year, by hot and vehement and even riotous debates you can make it unpleasant to Churchmen to attend the vestry, and so gain a majority against the rate, then you will have your reward, and church rates in your parish will be put an end to." Now, Sir, I ask the House, is this proposal one that is likely to satisfy the Church? Is it one that will meet the claims of those who allege their conscientious objections against the payment of this impost? Is it one that is likely to establish peace? I venture to say that it will do no one of these three things. If we give up the rights of the Church, let us satisfy the Dissenters and gain the peace they promise us. If we refuse to satisfy the Dissenters, then let us in some way or other provide for that which is a fair claim for the Church. But that a Government should do neither of these things, but should in the midst of a conflict interpose with a measure which would not still the waves, but add fresh violence to the storm, is a course which I think will hardly receive the sanction of this House. My right hon. Friend, in order to make the matter still more complicated, proposes that those persons who object to paying church rates, and who, being the minority in the parish, might be coerced by the vote of the majority into such payment, shall be at liberty, when the rate-book is carried round, to state their objections thereto—

SIR GEORGE GREY: Will the noble Lord allow me to state that they must not be members of the Church of England.

LORD JOHN RUSSELL: I was coming to that. When the rate-book is carried round they are to say, not that they are Dissenters of a particular persuasion, or Roman Catholics, but that they are not members of the Church of England, and thereupon they may claim exemption. Now this proposal seems to me to embarrass the question still further. I have on former occasions stated my objections to such a proposition, and I certainly think that the exemption of persons who merely say that they are not Churchmen would have a tendency to create great discord in parishes. I may be forgiven, perhaps, for saying that upon this subject I have always been afraid of two classes of men. The first class are those who, saying very fairly that they object to an Established Church, and that they do not think it right that the Church of a portion of the people should be called a National Church, wish to resort to the voluntary system and propose to attack this outwork, namely, church rates, thinking it to be, as it certainly is, much weaker than the citadel, in the hope that in time they will carry the citadel itself. Then there is another class of men to whom I fear that most rev. Prelate the Archbishop of Canterbury has listened rather too much, who, being not only Churchmen, but very high Churchmen, are most anxious to separate the clergy and laity of the Established Church from the community in general, to cut off those who are Protestant Dissenters, and whose doctrines they do not deem orthodox, from any concern in the affairs of the Church; and thereby in the end to create a sectarian Establishment, which I think would not long maintain the dignity, the property, or the possessions of the national Establishment. My right hon. Friend proposes that men shall be exempt from the payment of church rates because they are not Churchmen, and that such persons shall not have a voice in the parish vestry whenever any question arises in which a vote is taken. I think this proposal, which would fix a mark on these persons, and, in all probability, on their children and descendants, as not belonging to the Church, is calculated to give a sectarian character to the Church of England, which I trust will still continue to be the National Church of the great mass of the people. There is many a man who, at one time of his life, does not much like the Church of England, who entertains objections to the church services, and who will not attend church, but who, perhaps, some three or four years later forms different opinions, who becomes an attendant at church, and who maintains his right to attend the vestries. Now, I think it is not desirable to put a mark on these men, or to alienate them from the Church. I am desirous that they should attend the vestries, and take such part in the proceedings as they think proper, and I, therefore, object to that part of my right hon. Friend's measure, which might affect their right to do so. But, let us consider this rate, in itself of very trifling amount, in the light in which it is regarded by the farmers in country parishes. They say, that this rate is levied by a very ancient law; that the fabric of the church is much respected, and that everybody who has property should pay towards the repair of that fabric. The rate may be a halfpenny, a penny, or perhaps three halfpence in the pound, and it is paid by the great majority of the farmers; but then they are told that farmer Such-a-one and farmer Such-another, and the baker and the tailor in the village, have all objected to pay the rate, on the allegation that they are not Churchmen, without making any particular declaration of faith; and that therefore the payments of those who contribute to the rate will be proportionately increased. Of course, if there are 200 persons in the parish liable to the rate, and fifty object to its payment, it will fall so much more heavily on the other 150; and in this way you will cause fresh dissension in parishes. I have had letters without end, from different parts of the country, from persons conversant with this subject, who say that there has hitherto been no quarrel or dissention about church rates in their respective localities, but that the rates have been peaceably ordered and collected ; but when you have a certain number of men objecting to the rate, and thereupon released from its payment, do not expect that peace will any longer prevail. Instead of leaving in their present state, parishes, where no rates are paid, but where peace exists, and other parishes where rates are paid, and where harmony likewise prevails, my hon. Friend proposes to introduce a new element of dissention and disunion, and, in fact, to disturb that very peace which now exists, and which it is the object of any measure on this subject to promote. For these reasons I do not think the proposition which has been submitted to the House by my right hon. Friend the Home Secretary on the part of the Government is likely to lead to a satisfactory settlement of this question. I should be very glad if I were able to point out to the House any plan for its immediate settlement which, in my opinion, would be satisfactory. I have stated, on former occasions, that church rates are a charge upon the land, and that I think they ought to remain chargeable upon the land. In my opinion, if landowners were to consent to the immediate abolition of church rates, although they might make some immediate pecuniary saving, they would adopt a very short-sighted policy. I, therefore, most unwillingly, but very decidedly, must give my vote against the second reading of this Bill, because I think it will not mitigate the evil which it seeks to remedy. In so doing I must say, however, that if this Bill really carried into effect the object professed in its title, "to abolish church rates and to make other provisions in lieu thereof," and, if such substitute could be found and such other provision were made, I should be ready to vote for its second reading and to consider its details in Committee. I find, however, as the noble Member for Colchester (Lord J. Manners) has well pointed out, that the Bill will only place the alms and voluntary offerings of members of the Church under the control of persons who may or may not be members of that Church. Suppose any member of the Church of England were to say—"I think there is great danger lest the chapels of Protestant Dissenters should fall into decay for want of adequate repairs, and I therefore propose a Bill which will place the voluntary offerings of Dissenters under the control of certain persons, to be elected and to be called auditors, who shall see that no abuse takes place, but that the money be properly applied to the maintenance of Dissenters' chapels ;" I think the Dissenters would not thank the Gentleman who made such a proposal, but would say—"As you, the State, contribute nothing to us, and as we have the means of building and repairing our chapels, we beg you to leave us alone." I say, then, with regard to those parishes in which church rates have been abolished, that Churchmen will be better off if you leave them alone than if you meddle with them, as you propose to do by this Bill. With respect to other parishes in which church rates are collected, it may be necessary in some cases to provide that the contributions of Churchmen should be applied to the purposes for which they were given ; but the incumbent and the churchwarden appointed by him might take care that such funds were properly applied, and this object could be effected by a much less complicated scheme than that proposed by the hon. Baronet (Sir W. Clay). I am exceedingly sorry that we do not seem much nearer than we were to the settlement of this long-vexed question. Certainly I for one cannot assent to the principle put forward by the Protestant Dissenters, that, as a matter of conscience, church rates ought to be abolished. That is a somewhat new scruple on their part. When it was proposed in former days that Dissenters should not be compelled to attend church, and that they should not be prevented from having chapels of their own, it was very properly argued that it was a principle of religious liberty that they should be allowed to worship God according to their own forms; but it was not then contended that they should not be compelled to make any payment to the National Church. That claim has arisen in more modern times. It seems to me to be a part, but only a part, of the voluntary principle; but I cannot believe, with my hon. Friend the Member for the Tower Hamlets, that complete and universal peace would follow the enactment of the Bill which he proposes. On the contrary, I believe that having carried this measure, having sanctioned the abolition of church rates without providing a substitute, fresh attacks would be made; and, not being willing to countenance or favour those attacks, I shall oppose the second reading of the Bill.

VISCOUNT PALMERSTON: Sir, after the censure my noble Friend has passed upon the course which Her Majesty's Government have, upon full consideration, determined to pursue with reference to this subject, I feel it my duty to address some observations to the House. This question I fully admit is one surrounded by the greatest possible difficulties. If that had not been the case it would long since have been settled by some legislative enactment. Having seen the various plans which have been proposed by different Members of this House with the view of effecting a settlement of this question, and having fully considered a great variety of suggestions which have been made to us from other quarters, we prepared that scheme which my right hon. Friend the Secretary for the Home Department has to-night explained. Our opinion was, that this plan would be most conveniently submitted to the consideration of Parliament by being proposed in Committee as an Amendment to the Bill of my hon. Friend the Member for the Tower Hamlets. Now, although my noble Friend (Lord J. Russell) has been abundant in his censures and in his condemnation of the course we are prepared to follow, I did not discover from his speech that he could suggest any other plan which he thought more deserving of the approbation of Parliament. My noble Friend maintains that the church rate is the property of the Church by ancient prescription and by the law of the land; but when he endeavoured to show that the existing law of the land enabled the Church to avail itself of this property, he utterly failed in doing so, for he was obliged to confess that the law, as now declared by the highest authorities, is impotent for his purpose, and that practically the church rate is a voluntary contribution in each parish of the kingdom. I say "a voluntary contribution," because, according to the law as it has been declared to stand, it depends upon the voluntary act of the ratepayers in each parish whether they will or will not raise this particular rate. It is, then, a mockery to tell the Church that it possesses a property of which it is unable to avail itself, of which it may be deprived by the vote of a majority of the ratepayers, and from which we know that in a great number of the most populous parishes of the kingdom it has been unable to derive any benefit. The course we intend to pursue is, to recognise the existing state of things in parishes where church rates are levied, and to provide another arrangement for those parishes in which a different set of circumstances has arisen. But my noble Friend says that that part of our plan lays the foundation of perpetual strife. Now, sir, what is the present state of the law? Why, you are liable to have in every parish every year that battle in the vestry which my noble Friend wishes to avoid—that struggle whether a rate shall or shall not be imposed, and the recent decisions of the courts of law are an encouragement to the continuance of such contests. Unless some other arrangement is therefore adopted, it is perfectly plain that the peace and harmony which it is the object of my noble Friend, and I trust of every Member of this House, to establish cannot by any possibility be expected to prevail. Then I say that the course which we propose to pursue is one which in reason ought to recommend itself to the approbation of Parliament. What says authority on the subject? My noble Friend, indeed, disdains authority. With all his respect and veneration for the Church, he throws over, without the slightest hesitation, the opinions of the head of the Church, sanctioned by the dignitaries of the Church, and formally proposed to Parliament in the shape of a Bill submitted for the consideration of the other House. We have heard, on the Continent, of people who were more royalist than the King. My noble Friend is a greater Churchman than the head of the Church himself. I think the House will be more disposed to give its favourable consideration to a measure which, upon full deliberation, the leaders of the Church have thought not inconsistent with the interests of the Church, than it will be to listen to the arguments of those who want things to remain in their present state. We have been brought into a condition in which there is no alternative between that which hon. Gentlemen opposite wish to do—to make the levy of church rates compulsory upon every parish and upon every ratepayer in every parish —or coming to some arrangement such as that which we have thrown out for the consideration of Parliament. To revert to that which was believed anciently to be the law, is what I do not think, in the present state of opinion, this House will be prepared to do. In the present state of religious differences the House will not, I am sure, adopt a measure to make a church rate compulsory—compulsory upon every parish to levy, and compulsory upon every parishioner to pay. That is entirely out of the question, and if anybody were rash enough to propose it, there would not, I am confident, be the slightest chance of such a measure receiving the assent of Parliament. What, then, are we to do? Shall we allow things to remain as they are? That would be to sanction the abolition of church rates in a great number of parishes, and to lay the foundation of discord and strife—to use the words of my noble Friend—in all those parishes in which they have hitherto been levied. I believe, Sir, that the course which we propose to pursue is the only rational and safe one. We propose that where the rate has not been levied, or where it shall not be levied, there it shall be voluntary in one sense of the word—that is to say, those who do not regard themselves as members of the Church of England shall not be liable to have the rate forced upon them; but, on the other hand, we provide for an organisation for the proper application of those sums which, either by voluntary contribution or by the payment of a rate, shall be available for the repair of the fabric of the church and the maintenance of divine worship. That is a plan which, I am sure, the more it is considered the more hon. Members will feel it to be admirably calculated to obviate the difficulties of the case. If any hon. Gentleman can suggest a better, we shall be ready to consider it; but I feel that a strenuous and sincere effort should at length be made to settle this question, to which we have given the best consideration in our power. We believe that the arrangements which my right hon. Friend (Sir G. Grey) has explained will be calculated to accomplish the object in view, and we shall be prepared, when the Bill goes into Committee, to lay those arrangements in greater detail before the House. We are told that we ought to have brought in a separate Bill; that we ought to have rejected the measure now before the House, because it went further than we were prepared to go, and that we ought to have gone into the same lobby with those who differ from us as widely as hon. Gentlemen opposite do, for the purpose of voting against a Bill which in part we approve, in order afterwards to bring in a measure of our own. That course would not have been at all consistent with the purposes we have in view. We agree with the present Bill in regard to those parishes in which church rates have hitherto not been levied. We agree with the principle of the Bill as applicable in future to parishes in which the rate may be refused. It would, therefore, have been inconsistent with the opinions we entertain to simply reject the Bill. We believe that we can make it a good measure, and I flatter myself that when our alterations and amendments shall have been submitted to the consideration of Parliament, they will meet with general approbation.

MR. MIALL, who rose amid loud calls for a division, said, he was sure the House would not be guilty of the injustice of coming to a vote without listening to one of those Dissenters whose interests were chiefly affected by the Bill. The noble Lord the Member for Colchester had professed to discern in the Bill a machinery intended to encroach upon the liberty of Churchmen to manage their own affairs. He could assure the noble Lord that the Dissenters were not only willing to give up the entire machinery, but would prefer to have the two abolition clauses pure and simple. That machinery was constructed by an eminent member of the Church of England, not with a view to please the dissenting body or to accomplish their objects, but to remove certain legal obstacles which were referred to in debate two or three years ago by the right hon. Gentleman the Member for the University of Oxford, and to provide for the application of voluntary contributions in the safest and most practicable manner. He must be permitted to refer to one fallacy which ran through the entire argument of the opponents of the Bill now before the House, and which was not only popular in that House, but prevailed widely out of doors. To talk of "our Church," contributions made to "our Church," property settled on "our Church," was to speak as if the Church of England were a community separate from the nation at large. He did not understand that. He stood there on his right as a British subject to regulate a national institution in which he was as much interested as any other Member of the House; and although he might sustain the disadvantage of being unable to avail himself of the religious services of the Church, yet he claimed all the rights and powers with respect to the maintenance and regulation of the national Establishment which belonged to the strictest Churchman in the country. ["Oh, oh!"] He understood those cries of "Oh;" they meant how was it that he desired, holding such views, to escape from a national tax for the support of the Church? That was a fair argument, but one easily answered. The members of the Established Church, unlike the Dissenters, enjoyed the free use of all the churches throughout the country, and it was only fair that they should be asked to maintain them in an efficient state of repair. [*Cries of* "Divide!"] He knew that hon. Gentleman opposite were anxious to go to a division, and he, too, was desirous that the question should be decided by a vote before the House adjourned; but he thought that upon an occasion like the present, when all previous speakers had been members of the Church of England, some indulgence should be extended to one who wished to express the sentiments of a very large portion of Her Majesty's subjects. The noble Lord the Member for the City of London had stated that, if he saw any substitute for the church rate, he would be willing to vote for the second reading of the Bill. It had amused him—it would amuse any Dissenter acquainted with the operations of the voluntary principle—to witness the perplexity of noble Lords and hon. Gentlemen to find a substitute for the church rate. It reminded him of the old lady who searched every room in the house for her spectacles, and found them at last on her nose. He would tell the friends of the Church that they had an excellent substitute, if they would only avail themselves of it, in the zeal and liberality of their own members. In Wales, a poor country, the Dissenters maintained all their own chapels, and in Ireland, a poorer country still, the Roman Catholics did the same. It was only in England, a rich country, where the great body of the landowners belonged to the Established Church, that any difficulty was felt in providing for the sustentation of religious edifices and the maintenance of divine service. But he believed that if they were to open the vein of liberality and benevolence which he had indicated, the result would astonish themselves; and certain he was that if the Bill were carried it would do more to advance the Church in its spiritual power and influence than all the rates ever levied.

LORD JOHN MANNERS: I am informed, Sir, that, having left the House for a few minutes, the hon. and learned Attorney General commented on my absence, and expressed himself displeased with some expressions which he alleged had fallen from me in debate. I can assure the hon. and learned Gentleman that I had not the faintest wish in any way to offend him, and if any expressions dropped from my mouth which did hurt his feelings, I am most anxious to retract them. I beg leave, in conclusion, to assure him that, whatever opinion he may entertain of me, I entertain towards him no feeling but one of the highest respect.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 221; Noes 178: Majority 43.

List of the AYES.

Acton, J.
Adair, H. E.
Adair, R. A. S.
Agnew, Sir A.
Alcock, T.
Anderson, Sir J.
Antrobus, E.
Bagshaw, J.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Ball, J.
Barnes, T.
Baxter, W. E.
Beaumont, W. B.
Bell, J.
Bellew, T. A.
Berkeley, hon. H. F.
Berkeley, G. C. L.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Black, A.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Brand, hon. H.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Bruce, H. A.
Buckley, Gen.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cavendish, hon. G.
Challis, Ald.

Chambers, T.
Chaplin, W. J.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Cowan, C.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Cubitt, Ald.
Currie, R.
Denison, J. E.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Divett, E.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, F.
Dungarvan, Visct.
Dunlop, A. M.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Ewart, W.
Ewart, J. C.
Fenwick, H.
Ferguson, J.
FitzGerald, Sir J.
Fitzgerald, J. D.
FitzRoy, rt. hon. H.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Gallwey, Sir W. P.
Gardner, R.
Gibson, rt. hon. T. M.
Gifford, Earl of
Glyn, G. C.
Goderich, Visct.
Gower, hon. F. L.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hadfield, G.
Hall, rt. hon. Sir B.
Hankey, T.
Hastie, Alex.
Hastie, Arch.
Headlam, T. E.
Heathcoat, J.
Heneage, G. M.
Herbert, H. A.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hindley, C.
Horsman, rt. hon. E.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Johnstone, J.
Johnstone, Sir J.
Keating, H. S.
Kennedy, T.
Kershaw, J.
King, hon. P. J. L.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Laslett, W.
Layard, A. H.
Lee, W.
Lewis, rt. hon. Sir G. C.
Lowe, rt. hon. R.
Luce, T.
MacEvoy, E.
Mackie, J.
Mackinnon, W. A.
M'Cann, J.
Maguire, J. F.
Mangles, R. D.
Marjoribanks, D. C.
Martin, J.
Martin, P. W.
Massey, W. N.
Milligan, R.
Mills, T.
Milner, Sir W. M. E.
Moffatt, G.
Monck, Visct.
Moncreiff, J.
Morris, D.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Murrough, J. P.
Napier, Sir C.
North, F.
O'Connell, Capt. D.
Oliveira, B.
Osborne, R.
Otway, A. J.
Palmerston, Visct.
Paxton, Sir J.
Pechell, Sir G. B.
Pellatt, A.
Perry, Sir T. E.
Pigott, F.
Pilkington, J.
Pinney, Col.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Power, N.
Raynham, Visct.
Reed, J. H.
Ricardo, O.
Rice, E. R.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Russell, F. C. H.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Seymour, W. Digby
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Somerville, rt. hn. Sir W.
Stanley, Lord
Stanley, hon. W. O.
Steel, J.
Stirling, W.
Strutt, rt. hon. E.
Sullivan, M.
Swift, R.
Tancred, H. W.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tomline, G.
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Warner, E.
Watkins, Col. L.
Wells, W.
Whatman, J.
Whitbread, S.
Wilkinson, W. A.
Willcox, B. M'G.
Williams, W.
Willoughby, Sir H.
Wilson, J.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Clay, Sir W.
Miall, E.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Annesley, Earl of
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Bagge, W.
Bailey, Sir J.
Baillie, H. J.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Bennet, P.
Beresford, rt. hon. W.
Bignold, Sir S.
Blackburn, P.
Blakemore, T. W. B.
Bond, J. W. M'G.
Bramley-Moore, J.
Bramston, T. W.
Buck, L. W.
Buck, Col.
Bunbury, W. B. M'C.
Burroughes, H. N.
Butt, G. M.
Cecil, Lord R.
Chelsea, Visct.
Child, S.
Christy, S.
Cobbold, J. C.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Corry, rt. hon. H. L.
Davies, D. A. S.
Davies, J. L.
Davison, R.
Deedes, W.
Dering, Sir E.
Disraeli, rt. hon. B.
Drummond, H.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Estcourt, T. H. S.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
Floyer, J.
Follett, B. S.
Forester, rt. hon. Col.
Freshfield, J. W.
Gilpin, Col.
Gladstone, rt. hon. W.
Gladstone, Capt.
Goddard, A. L.
Gooch, Sir E. S.
Gore, W. O.
Graham, rt. hon. Sir J.
Graham, Lord M. W.
Greene, T.
Guinness, R. S.
Gwyn, H.
Haddo, Lord
Hale, R. B.
Halford, Sir H.
Hall, Gen.
Harcourt, G. G.
Harcourt, Col.
Hardinge, hon. S. C.
Hardy, G.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Herbert, Sir T.
Hildyard, R. C.
Holford, R. S.
Hotham, Lord
Hume, W. F.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Jones, Adm.
Jones, D.
Kelly, Sir F.
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Langton, W. G.
Legh, G. C.

Lennox, Lord A. F.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lockhart, A. E.
Lovaine, Lord
Lushington, C. M.
Lytton, Sir G. E. L. B.
Macartney, G.
MacGregor, James
Maddock, Sir H.
Malins, R.
Manners, Lord G.
March, Earl of
Meux, Sir H.
Miles, W.
Milnes, R. M.
Michell, W.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, Robert
Palmer, Roundell
Parker, R. T.
Patten, Col. W.
Peacocke, G. M. W.
Peel, Gen.
Percy, hon. J. W.
Philipps, J. H.
Phillimore, R. J.
Portal, M.
Powlett, Lord W.
Pritchard, J.
Robertson, P. F.
Russell, Lord J.
Sandars, G.
Seymer, H. K.
Sibthorp, Major
Smijth, Sir W.
Smith, W. M.
Smith, A.
Smyth, J. G.
Smollett, A.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stracey, Sir H. J.
Stuart, Capt.
Thesiger, Sir F.
Tollemache, J.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Waddington, D.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Warren, S.
Welby, Sir G. E.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Wyndham, Gen.
Wynn, Lieut. Col.
Wynne, W. W. E.

TELLERS.

Manners, Lord J.
Northcote, Sir S. H.

MR. WALPOLE said, that the division having been mainly taken upon the Amendments announced by the Government, he would be glad to know when those Amendments would be laid on the table?

SIR GEORGE GREY: Some day before the Easter recess. I would beg to remind the right hon. Gentleman, with reference to his remark, that last year the majority for the second reading of the Bill, when no such Amendments were announced by the Government, was considerably smaller than upon the present occasion.

MR. KER SEYMER said, he wished to inquire whether the Bill would now be regarded as a Government measure, and taken on Government days, or left to take its chance as the Bill of a private Member?

SIR GEORGE GREY replied, that it was not a Government Bill, and could not take precedence of Government business. But the Government would in future give facilities for its discussion in case its introducer, as a private Member, should be unable to effect a satisfactory arrangement himself. When the House went into Committee the Government would be prepared to submit their Amendments.

MR. DISRAELI: I do not intend to enter into the comparative statistics of different Sessions; but as the right hon. Gentleman has referred to the division of last year, I may as well remind him that on that occasion I believe he voted with those who now sit on this side of the House.

SIR GEORGE GREY: Allow me to state that the right hon. Gentleman is mistaken. I was not in the division, but I stated, in reply to a question, that the Government did not feel themselves in a position to support the Bill, because they had not any Amendments prepared.

MR. NEWDEGATE said, whatever doubt there might be as to the way in which the Home Secretary had voted last year, there was no doubt that the noble Lord at the head of the Government had both spoken and voted against the Bill. He confessed he was somewhat surprised at the result of the division which had just taken place. There would, however, be other opportunities of trying the principle of the Bill. With the elements which the Government had introduced into the discussion the division could hardly be regarded as a division on a Bill proposed by a private Member.

MR. ROEBUCK said, that the comparison between the division of last year and that which had just taken place, showed that they were progressing in the question.

Main Question put, and *agreed to.*

Bill read 2°.

DISSENTERS' MARRIAGES BILL.

Order for Second Reading read.

MR. PELLATT said, he would now beg to move the second reading of this Bill, which was almost identical with a Bill which had passed the House last Session. Its object was to remove the objections felt against what were called "workhouse marriages;" and it would do that by substituting an advertisement to be put up in the Registrar's Office for the notice now read before the board of guardians. It also proposed to allow a marriage by a licence, procured from the Registrar, to be celebrated one day, instead of a week, after the granting of such licence. The object of the Bill, in short, was to put Dissenters' marriages on exactly the same footing as the marriages of Churchmen, both as regarded expense and every other particular.

SIR WILLIAM HEATHCOTE said, that the Bill, as it now stood, would not carry out the hon. Gentleman's wishes. While a dissenting minister might refuse to allow a marriage to take place in his chapel, the clergyman of the Church of England would be compelled to celebrate any marriage for which the Registrar's certificate had been obtained. This had been felt as a serious hardship by many clergymen, and last year words had been inserted to place them on the same footing as dissenting ministers; but those words were not in the present Bill.

VISCOUNT PALMERSTON said, the words in question had been put into the Bill during its passage through Committee, and their insertion was the reason why the Bill did not pass, because it was considered in another place that clergymen would be relieved from certain legal liabilities, which were now incumbent upon them, and from which it was not proper they should be released.

MR. HENLEY said, he believed that the objection to the words had been taken by the Registrar General; and for what reason he really could not possibly understand. If a person regarded marriage only as a civil contract, the law allowed him to go before the Registrar; but if he wished to be married at church, what conceivable reason was there why he should not submit to those canonical rules which had been laid down with regard to giving notice? This matter had been pointed out to the hon. Gentleman who had charge of the Bill last year, and he had at once inserted words to give to clergymen the same privileges in this respect as to dissenting ministers.

MR. ROBERT PHILLIMORE said, that unless the act of justice now demanded were done in Committee he should oppose the further progress of the Bill; for he did not quite understand the new doctrine of religious liberty which had been propounded that night, namely, that Dissenters should have everything they asked for, and Churchmen nothing.

MR. GLADSTONE said, that if he understood the noble Lord (Viscount Palmerston) to say that the mere insertion of the words in Committee would be fatal to the measure, he (Mr. Gladstone) should be inclined to vote against the second reading at once.

SIR GEORGE GREY said, that it would be quite open to any hon. Member to propose to insert what words he pleased in Committee. What his noble Friend said was, that those words having been inserted last year, the House of Lords refused to assent to the measure; and it had, therefore, been brought in now without them.

MR. WALPOLE said, he must deny that the House of Lords refused to go on with the Bill; it was the noble Lord on the woolsack who had done so.

Bill read 2°.

The House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, March 6, 1856.

MINUTES.] PUBLIC BILLS.—1^a Education (Scotland).
2^a Exchequer Bills Funding; Annuities.
3^a Consolidated Fund (£1,631,005 1*s.* 5*d.*); Exchequer Bills Funding; Annuities.

CHURCH RATES.

THE BISHOP OF EXETER, in *presenting* Petitions from places in Devon and Cornwall against the abolition of church rates, and for the enforcement and recovery of church rates, until an effectual equivalent be provided, said, he should have been content to place them upon the table without remark, had it not been for what had passed within the last twenty-four hours in another place. Of course he would not be guilty of the irregularity of alluding to anything that had happened in the House of Commons, but their Lordships had been made acquainted by the public prints with what had taken place elsewhere, and he thought it was his duty to take some notice of a startling declaration made by persons of high position in the State. He had that morning read the opinions entertained by Her Majesty's principal Minister with regard to the question of church rates. He found that Her Majesty's Government intended to support the measure respecting church rates now before the House of Commons, with certain amendments, and the main reason assigned for their change of opinion since the last Session of Parliament was, that a Bill upon the subject had been laid upon the table of this House last Session by the Archbishop of Canterbury, and read a first time; and it was said, upon the authority of that Bill, that the heads of the Church were in favour of putting an end to church rates in all parishes where a majority of the parishioners had refused to pay them for a certain number of years. He protested against the supposition that this was the opinion even of the Bishops; it was far from being that of the members of the Church of England at large. He had not yet met with a single clergyman or a single Churchman who had expressed anything like approbation of the enactment to which he had referred; every one had spoken of it with astonishment, considering the quarter from which it proceeded. It appeared that even in that quarter there was no very sanguine hope entertained that the Bill would be allowed to pass, because its second reading was never proposed, and never, as he believed, even thought of. It had been stated that the Archbishop of Canterbury had consulted with several of the Bishops before laying it on the table. He (the Bishop of Exeter) happened to be in the country at the time it was brought forward, and he had received no intimation with respect to it; he protested, therefore, against its having ascribed to it the importance of having received the sanction of the Bishops. So little confidence in its merits was felt by its authors that not only had they not proposed it for the consideration of Convocation, but those members of the Committee of the Lower House to whom had been entrusted the duty of preparing a measure on the subject were notoriously adverse to it. Its authors shrank from reintroducing it in this House, and also from proposing it to Convocation, and yet it was said actually to have had the effect of changing the opinions and the conduct of two leading Members of the Government—the Prime Minister and the Secretary for the Home Department. The opinion entertained by the Archbishop of Canterbury was entitled to the greatest respect, but he protested against its being spoken of in the terms which had been employed by the noble Lord at the head of the Government. He would abstain from entering into the general question, but he thought it was his duty to make some remarks upon the point to which he had called their Lordships' attention.

EXCHEQUER BILLS, FUNDING BILL, ANNUITIES BILL.

Upon Motion as to the first of these Bills. That the Bill be now read 2ª,

EARL GREY: My Lords, before these Bills are read a second time, I think it is necessary that the House should consider the grounds upon which we are called upon to make this addition to the national debt. I do not mean to offer any opposition to the passing of the Bill, but I cannot consent to allow a measure of this description to pass without expressing my strong opinion of the impolicy of the measures which have rendered necessary this addition to the national debt. I would remind your Lordships that, within the financial year now about to close £23,000,000 have already been added to the debt — £16,000,000 by means of a direct loan, and about £7,000,000 by an issue of Exchequer bills. We are now called upon to agree to a Bill which sanctions a further loan of £5,000,000 thus making a total addition to the national debt within the financial year of no less than £28,000,000. I must also beg to remind your Lordships that these sums only provide for expenditure which requires to be met immediately. We have been told upon the highest authority that these sums will only provide for those expenses of the war which must be paid before the termination of the present financial year—that is, up to the 1st of April next—so that, even if the war be ended to-morrow, we may be certain there will be further large sums to be provided for in the ensuing year, to meet charges already incurred, and as to the means of raising which we have as yet no information. I cannot but regard this course as a great departure from what was announced to be the policy of the Government at the commencement of the war. At that period we were told, not, indeed, that the whole supplies for the war should be raised within the year for which they would be required—that, as I understood, was never intended—but the Chancellor of the Exchequer, I believe, said, and said wisely and properly, that it was the deliberate opinion of the Government of that day—of which a majority of the Members of the present Government were also Members—it was the deliberate opinion of the Government that a great effort should be made to raise at least a large proportion of the expenses of the war by means of taxation rather than by loans. I have pointed out to your Lordships that within one financial year we have raised and are raising £28,000,000. The Chancellor of the Exchequer is reported to have stated lately that the whole expenses hitherto incurred on account of the war amount to £46,000,000. But besides the £28,000,000 which I have already mentioned as having been raised within the present year, there was also a sum raised in 1854, the exact amount of which I am unable to arrive at, but I believe a sum of £3,000,000 or

£4,000,000 was raised in the course of that year. Therefore the total amount of debt already incurred on account of the war is certainly not less than £30,000,000. I believe it somewhat exceeds that amount. In round numbers, then, out of £46,000,000 of expenses you have provided for three-fourths by means not of taxation but of loans. [The Earl of DERBY: Two-thirds.] The precise proportion must depend on the addition made to the debt in 1854—at all events, somewhere between two-thirds and three-fourths of the whole expenses have been met, not by taxation, but by loans. I confess that appears to me to be a most injudicious policy. I think the original intention of the Government at the commencement of the war was far wiser than the course that has been since adopted; because it is admitted by all who are conversant with such matters, that in the end the sacrifices imposed upon a nation by taxation are considerably less than those caused by raising loans. At the end of a certain number of years, if a calculation be made of the total amount raised in the country by the two modes of providing for the expenditure, it is notorious that much less is really required when vigorous efforts are made at first to raise whatever may be needed by means of taxation. It is certain that whatever facility may be obtained at first by raising loans is in the end more than balanced by aggravated pressure on the people. But the moral effects of large borrowing are far worse. It is quite as true of nations as of individuals, that "borrowing dulls the edge of husbandry," and we know that the practice of raising large sums by loans invariably leads to extravagance in the public expenditure, and to the neglect of all wise precautions in seeing that the money so raised is properly applied. I think there never was a case in which that truth was more clearly proved than the present. It is impossible to look at the estimates which have been laid before the other House of Parliament during this and the last Session without seeing that all idea of economy has been absolutely scouted. I know it is said that in war we should be above all considerations of economy. I entirely differ from that opinion. I quite agree that you ought not to allow yourself to be deterred by considerations of expense, from adopting the most vigorous and effective means of bringing the war to a successful termination. I admit that it would be bad economy to allow yourself to be deterred by their cost from adopting the measures best calculated to bring the war to an early and successful termination. But, on the other hand, I contend that the greater the war, the heavier the pressure on the resources of the country, the more it is necessary that a wise economy should be exercised—I mean that economy which consists in taking care that the money expended should be expended to the best advantage. A very cursory examination of the votes of the present year will, I think, show that this principle has not been acted upon. If it had, this subsidiary loan would, in my opinion, have been unnecessary. I wish to call the attention of your Lordships to the enormous expenditure on account of the militia. Parliament is called upon this year to provide in one way or another for the militia a sum that exceeds rather than falls short of £4,000,000, a similar expense having been incurred last year. Now, when the nature of the present war is considered, it cannot be pretended that there is the slightest danger of attack at home, and it appears to me that this is a most enormous sum which has been wasted or worse than wasted. And what return has the country had for their past expenditure on account of the militia? The noble Lord at the head of the Government is reported to have said that the number of trained recruits who have joined the army from the militia during the present year is 24,000. Is not the expense incurred most enormous in comparison with the result? Can any one doubt that if even a part of this £4,000,000 had been judiciously applied to the regular army the Government might have obtained a larger number of recruits, and might have kept up the army to the complete strength voted by Parliament, instead of allowing it to be at one time 40,000, and afterwards 20,000 below the numbers voted by Parliament? The clearest evidence, however, of the want of economy is to be found in the Vote for works and fortifications; and this is the Vote to which I wish to draw special attention. Last year I protested against the outlay under this head, and this year I feel bound to repeat this protest. The Government this year ask Parliament to vote for fortifications and works at home and abroad no less than £1,700,000, being an increase of £600,000 upon the large Vote of £1,100,000 taken for this purpose last year. The majority of these new fortifications and works are admitted to have no reference to the present war. The Vote is chiefly for fortifications on the coast; but during the present war, at least, fortifications upon the coast are not required, and most of those in contemplation are not expected to be completed until after the war is over. On these grounds, therefore, I think there is strong reason for objecting to this Vote. The pressure upon the resources of a nation by a war expenditure is not to be measured merely by the amount of taxes levied on the people. The increased taxes, indeed, and the large sums borrowed form the smallest part of the pressure brought to bear upon the resources of a country. Every addition of expenditure withdraws something from the general means of the population. Whatever is added to the Government expenditure is necessarily taken away in some shape or other from the expenditure of individuals. Take the case of the screw colliers, withdrawn by the Government from the trade in which they are engaged in bringing the supply of coals to the metropolis. The public are deprived of the advantage and economy of the employ of these vessels, and the consumer and the trader have to pay a higher price in consequence of the demand for these vessels. Every additional artisan employed in the Government dockyards, every additional labourer who is tempted into the army, and every additional pound laid out upon any of the various purposes of war is so much withdrawn from the great work of production which is continually going on to meet the multitudinous wants of a great nation. It is perfectly true that, in consequence of the wide change in our commercial policy ten years ago, and the great improvement in the condition of the country, the burden of the present war has been borne with greater ease than might have been anticipated; but it is idle to say that this burden is not felt. Your Lordships may see the severity of this burden in the war prices of all the great articles of consumption, in the rate of wages, and the interest of money; and you may trace its effect in restricting many valuable enterprises and useful undertakings. Such being the inevitable effect of war, it is the bounden duty of the Government and of Parliament to abstain, as far as possible, from increasing this necessary pressure, from aggravating this disturbance of industrial enterprise by any demands upon the public that can possibly be postponed. Last year I maintained that fortifications and works which were not necessary for purposes of defence ought to be postponed. The Secretary of State for the War Department met this argument last year by reasoning which, I confess, surprised me. He said, "It is very true these things may not be wanted now; but Parliament is in the humour to give us the money, and, if we wait, we do not know that the humour will continue." It is a most extraordinary argument to come from a Minister of the Crown, that because the nation is unduly excited, because the war fever is upon the people, the Government will take advantage of the circumstance, and hurry them into injudicious expenditure which they will afterwards regret. The Government ought to know that the greater the extravagance now the greater will be the reaction of the public mind by and by, and the greater the indisposition to afford to future Governments the means of keeping up naval and military establishments equal to the real wants of the country. I say further, that these works ought not to be pressed forward at this moment, because there is a moral certainty that they cannot be executed to advantage during a time of war. War increases the price of labour and material, and the same works will cost much more now than if executed hereafter, during peace. But, moreover, it is quite certain that in time of war the mode of applying these large sums cannot receive proper consideration. The war itself necessarily absorbs the whole energies and thoughts of Her Majesty's Government and of the military departments, and, when their thoughts are taken up and their best energies are tasked to the utmost with the duties of making arrangements for the efficient prosecution of hostilities, they cannot possibly enter, with due deliberation, into the very difficult questions of how fortifications, barracks, and other military works are to be constructed upon a wise and permanent plan. We ought to take warning from the past. The country has already had some experience on the subject. Millions upon millions have been lavished upon fortifications since the peace of 1815, and of all those millions, I will venture to say, three-fourths have been actually wasted, a considerable proportion has been worse than wasted. I will prove to the satisfaction of any man of ordinary judgment that it would be worth while to spend a great deal of money to pull down many of the fortifications which have been erected during that period. We have experience of the manner in which the public money has been wasted, and with that experience will you commence fortifications and military works which are to cost many millions to finish, which, if left unfinished, will be useless, and which are planned upon the same principles, and by men of the same school as those former works that have caused so much public disappointment? Such a course would be in the highest degree imprudent and injudicious, if we had no special grounds to warn us against it. But it must be well known to most of your Lordships that men of the highest ability have lately come forward and asserted that the principles of fortification upon which we have been acting are altogether erroneous, that a totally different system ought to be followed, that the money already spent has been absolutely wasted, that many of the new principles for which they contend have been adopted by Russia, that the Russians have recognised the superiority of the new over the old system, that they have adopted it, so far as was practicable, during the emergency of war, and that to their adoption must be mainly attributed the skill and efficiency displayed in Russian works, and the unquestionable superiority of Russian engineers over English engineers, during the memorable siege of Sebastopol. Your Lordships will perceive that I am alluding to the writings of Mr. Fergusson. I am not qualified to pronounce whether Mr. Fergusson's opinions are right or wrong; but this I will say, that Mr. Fergusson has unquestionably had the best of the argument with the old school, and that his views are supported with extraordinary ability, with powers of reasoning I have rarely seen equalled, and have commanded the assent of some of the highest military authorities. [Lord BROUGHAM: The late Sir Charles Napier.] As my noble Friend reminds me, that very great officer, the late Sir Charles Napier, expressed his complete adoption of the views of Mr. Fergusson. Those views have commanded general assent, and, I say, further, that as yet they have received no sufficient answer. I do not say that no answer is possible; but, reading the answers which have hitherto been made, it is impossible not to be struck with the great similarity between them and the answers which in all ages of the world have been given by the disciples of old and antiquated systems to innovators who have made the greatest discoveries in every branch of science. Copernicus, Galileo, Newton, and all the great philosophers, when they broached their valuable discoveries to the world, were met in the same spirit as that in which Mr. Fergusson has been met by the old school of engineers. They were all upstarts when their discoveries were first promulgated. The same gentlemen—Mr. Fergusson and others—have criticised the very latest works constructed by the present school of engineers in a manner which appears to me very difficult to answer. I think those who have read the remarks on the new fortifications in the Isle of Wight and elsewhere will agree with me that those remarks do require some much better answer than they have yet received. Among unprofessional men, who are guided by principles of common sense, the opinion prevails that very great mistakes have been made in these fortifications, and, knowing that blunders have been before discovered, I do say it would be unpardonable if the Government expended another shilling until the whole subject has undergone careful and impartial consideration. I say impartial consideration, because I should not be satisfied with an examination by merely military engineers. I would earnestly urge the Secretary of State for the War Department to appoint a Commission consisting, not only of the highest military engineers, but including civil engineers and naval officers (especially naval officers who have had experience during the present war), carefully to investigate all those questions before he allows another shilling to be spent on the costly works which are now in progress. I have stated the reasons why I think a great want of economy has been shown in the manner in which large sums have been applied, and my reasons for objecting to this continual increase of the national debt. I will only add that I do most earnestly hope and trust the whole expenditure during the present year will be carefully considered, not only by the Government, but by Parliament; because I cannot help saying that the blame of the extravagances which have been committed rests less with the Government than with Parliament, and especially with the other House, which, instead of performing its proper and constitutional functions of closely scrutinising the expenditure of the Government, and taking care that no unnecessary sum should be levied on the people, has hounded on the Government, if I may so express it—has stimulated the Government to the utmost—to expend the largest possible amount of money for warlike purposes. I do hope and trust that in the present Session the House of Commons will be more disposed than in the last Session to look closely and narrowly into these affairs. I do believe that even with a view to the permanent strength and safety of the country this subject cannot be considered unimportant, because, after all, the true defence of the nation consists, not in fortifications, in barracks, or even in ships. It consists, next to the spirit and courage of the people, in the magnitude of our resources. Modern warfare is becoming more and more a contest of the purse as well as of the person; and it is by economising our resources, by not pressing on the means of accumulation, by enabling industry and enterprise to proceed unchecked, that the real power and the real safety of the country can best be increased; and that is more particularly the case at this moment when, with the facilities of communication with different parts of the world, any undue pressure on the means of the people in one country is immediately and inevitably attended with an efflux of population and capital to other countries where they can pursue their various occupations unchecked. These are the reasons for which I condemn the policy of Her Majesty's Government. Though it be too late to recall the past—though I know we must provide for expenditure already incurred, and raise money urgently wanted—and though I am aware this loan cannot be refused, and that the money cannot be otherwise obtained—there is ample time to consider the future. I have, therefore, taken the only opportunity which Independent Members of this and the other House have of impressing their views upon the Legislature, when we are called upon to sanction a proposition of the Government such as this, which I, for one, cannot approve.

Lord PANMURE: My Lords, the speech of my noble Friend compels me to trouble your Lordships with a few remarks, which I had not anticipated it would have been necessary for me to make on the present occasion. With reference to those parts of the speech of my noble Friend which alluded to the financial question involved in the Motion before your Lordships, I shall leave others to deal with them, and shall more immediately advert to the charge made by my noble Friend against the Government for an undue expenditure, and an uneconomical management of the finances of the country in the course of the present war. My noble Friend has confined himself to two particular subjects upon which he has thought it right to remark. He first alluded to the large Votes which had been taken on account of the militia; and he, in the second place, remarked upon the Votes which had been taken for the purpose of erecting works and fortifications at home and abroad. My noble Friend began by asking, what good the country had derived from the great expenditure for the militia? My simple answer to that is, that the militia has, of its own voluntary efforts, given to this country, very nearly 27,000 troops. I may remind my noble Friend that, in addition to that fact, the militia has garrisoned with twelve of its regiments military posts in the Mediterranean, which has enabled regiments of the line to go on service to the seat of war. I may further remind my noble Friend that, in addition to these circumstances, the training of the militia has imbued a military spirit throughout the country, which has induced our youth to volunteer in great numbers for foreign service. Since the 1st of January, I believe upwards of 13,000 men have joined the standard of the British army. But that is not all which the militia has done. I think the militia has proved to us what the country gentlemen can do when called upon to defend their hearths and their altars. Nothing has afforded me greater gratification than one circumstance—and I am glad to have this opportunity of mentioning it—that with reference to the garrison of Gibraltar—the major part of which consists of militia, although there are also two regiments of the line there—Sir James Fergusson has, in a public order, stated that he was indebted to a colonel of the militia for being the best brigadier in Gibraltar for many years, and that he had afforded him the best support in training the garrison of that important fortress. I feel bound to mention the name of that officer — Colonel Wilson Patten. This would not make it appear that the expenditure on the militia had been thrown away; nor do I think that the sum which has been so expended is too great. A great deal of that expense has been incurred by removing the militia as fast as we could out of billets into barracks. Before the erection of barracks they were put into huts, in order to relieve the community from a tax which has been found to bear very unequally on a portion of them. Though I am ready to admit that improvements may be made in the course of time with reference to the training, the exercising, and the appointments of the militia, yet I cannot admit that the sums which have been expended on this national force have been in any manner thrown away. I now come to the other part of the speech of my noble Friend, in which he referred to works and fortifications. I do not recollect having used the argument which my noble Friend has attributed to me; but if I did use it, I am not disposed to abandon it at the present moment—namely, that I thought at this period, when the public were awake to all the inconveniences which have been occasioned by a former system of economy, it would be proper to ask them to do that which, after a few years of peace, they might be indisposed to do at all. My noble Friend says, that the best preparation for war is to economise our resources in peace, so that when war comes we may be in a fit and proper state to engage in it. Why, my Lords, we had been economising our resources for the last forty years, and yet, when war came, we did not find that the nation was in a fit state to meet it. It is true we had a fine army, but that army was too small: and from the economy of the last forty years that army, which was so beautiful to look at, was utterly unequipped to move in the field. I do trust this will never occur again. I trust that the eyes of the nation are now sufficiently opened to know it is of practical importance that an army should be able to move anywhere in efficient order to meet the consequences that may come upon us, as the present war has done, unexpectedly and with somewhat of suddenness. With regard to fortifications and buildings, I apprehend that a period of war is not at all an inappropriate period to look at the state of our defences, without which are threatened all our otherwise great resources. I should not think any period, whether of peace or war, was an inappropriate time to fortify and protect the great dockyard of Portsmouth, and to secure it against a sudden irruption, come from what quarter it may. Nor can I admit that a time of war is an inappropriate period to defend the great arsenal at Plymouth. We, therefore, find that a great part of the Estimates are for fortifications, for the means of defending the coast, the dockyards, and our commercial harbours at home, so as to be able to meet any sudden irruption upon our coasts. If these were not defended, I would ask what would become of all those great resources which we have been accumulating during a lengthened period of peace? I think the speech of my noble Friend is the precursor of many such speeches, if it please God we should return to a state of peace; but I will venture to warn this House and the country not to listen to these sudden suggestions of a return to a system of stringent economy, which may prove in the end far more expensive than the submission to an annual burden of taxation, which would keep us in a state of defence and enable us to meet any enemy, whether he come from a far or from a neighbouring country. I do not hold that, because this country places itself in such a state of defence as is necessary for the maintenance of its position as a great nation, any Power in Europe has a right to find fault with it. We do it with no intention of invading the territory, or of attacking either the property or the constitution of any neighbouring State. We do it simply because our resources are large, and because we think it fit to protect them. I cannot conceive how blame can be attached to a nation for protecting its resources any more than to an individual who takes every means in his power to protect his own property, which is not more valuable to him than the resources of the country are to the public.

LORD MONTEAGLE said, he was bound in consistency as well as from conviction to defend the course taken by the Government in making this loan. He must now, as he had on former occasions, protest against the doctrine that it was the duty of the Government to meet the expenses of a great European war exclusively by annual taxation. He had endeavoured to prove that the question whether it would be consistent with duty to draw the whole expense of the war from present revenue, and without reference to the husbanding of the future resources of a great commercial country, would only be decided in the negative, even if they were rich enough so to raise their supplies annually. The problem Parliament had to solve when required to make any great addition to the resources of the State, in order to provide for national exigencies, was, to seek and to adopt the means least burdensome to the permanent interests of the public. If at this time the Government had attempted to raise a larger proportion of the expenses of the war by taxation, the result would have been to dry up the sources of wealth, and to diminish the permanent powers of production of the country. Thus far he differed from his noble Friend (Earl Grey), but in his main argument he thoroughly concurred with him. There was a tendency to undervalue and run down the economy of past years, but the public should remember that it was that economy, and the consequent reduction of taxation, which had led to the development of resources and the accumulation of wealth which enabled the country to carry on the war in which she was engaged, without any permanent sacrifice of our material interests or permanent increase of our burdens. Into these questions, however, he would not now enter at any length, because the time for a most important but necessary financial operation was approaching, he alluded to the exchange of Exchequer bills, and it would be difficult to discuss the subject of our finances without imprudence and the chance of depriving the Chancellor of the Exchequer of those advantages in the money market to which he was justly entitled. He hoped, however, that their Lordships would not be checked hereafter in their discussion of these matters by reason of having passed them over now. In the general scope of the observations of his noble Friend (Earl Grey) he entirely agreed. Depend upon it, that any attempt to keep up anything approaching to a war establishment in time of peace was an experiment which would and ought to fail, and the effect would, perhaps, only be to create an indisposition on the part of the people of England and of their representatives to concede and maintain what was really necessary. In the endeavour to claim too much from the people, the Government would very probably find themselves left with too little. Such was the danger he apprehended. His noble Friend, however, had always studiously guarded himself against the supposition of wishing to stint the war. That was not his argument. But his noble Friend had truly stated that when the Government came to deal with large sums of borrowed money, it was not only extravagance in carrying out the immediate objects of the war which was to be apprehended—that was to be guarded against—but an extravagance pervading all our establishments. For example, it was impossible to hear of the purchases of great buildings, of expensive parcels of land, of the undertaking of great enterprises—certainly not of an urgent kind—without being persuaded of the extravagant expenditure which the command of a certain amount of borrowed money encouraged in Governments as well as in individuals. Whilst thus doing justice to his noble Friend's wise and consistent warnings and counsels, he would add, however, that their Lordships would do wrong if they allowed themselves to be carried away by his noble Friend's argument which endeavoured to prove that the Chancellor of the Exchequer had abandoned the principle of providing by taxation for an adequate portion of the national expenditure, and was relying wholly upon the borrowing principle, because he proposed the loan now before the House. His right hon. Friend had done no such thing—his loan was not for the coming year, but for the discharge of obligations already incurred: and as for the general scope and tendency of our finance —had not Parliament imposed the Succession Duty? Had it not increased the income tax, the malt tax, the tea, sugar, and spirit duties, and, in fact, most of the heaviest burthens upon the great articles of consumption? It would be unjust, therefore, to the Chancellor of the Exchequer to say that he was relying exclusively on borrowed money. His noble Friend had spoken with just pride of the great resources which a prosperous country like ours possessed. That was true; but however great the resources of its industry, its greatest resource was in its public credit, founded on its public faith; and he (Lord Monteagle) had always endeavoured to show that in any attempt at excluding public credit as one of the national resources, Parliament was really flinging away the greatest element of our national strength. His noble Friend had spoken truly as to the pressure of the war upon persons of fixed incomes as well as upon the working classes. But what would have been the condition of these classes if the millions of money required to carry on the war had all been raised by increased taxation? Had the malt tax and the tea and sugar duties been doubled, had the income tax been raised beyond the amount at which it had ever stood before, had Parliament restored the old rates of taxation on salt, leather, tallow, coals, and proceeded upon the same principle with regard to other large articles of consumption, what would have been the result as affecting those persons for whom his noble Friend had claimed their Lordships' care and consideration? Why, they would have been utterly crushed. Something had been said by his noble Friend as to the danger of driving our population out of the country to other places where they could turn their industry to better account. Now he (Lord Monteagle) had all his life been a friend to emigration; but to those who feared it as an evil, they might depend upon it, there was nothing by which emigration could be more effectually enforced than by the attempt, at such a time as this, to carry on the war altogether by pressing on the springs of industry with increased taxation and by increasing the cost of living to the working classes, instead of borrowing with prudence, good sense, and, he might be allowed to hope, with that success in the future which had attended our past loans. With regard to the cost of militia, he knew from long experience that there was no man in England who had paid such attention to this subject in all its bearings as his noble Friend; and he hoped at some future time that at his invitation the question of the militia would be fully discussed by their Lordships. As to the expenditure in public works, he must say, the reasoning of the Secretary for War appeared singularly inconclusive on this point; he appeared to go upon the principle of "making hay while the sun shines;" but if there was one principle which ought to be more recognised than another, it was that, when Parliament was called upon to defray the charges of a great war, that was precisely the moment when the Government ought not to open up fresh sources of expenditure for any undertaking (however plausible a case was made out in its favour) which might be postponed to a future time, without prejudice to the public interests. There was one other subject to which he wished to call their Lordships' attention. He did not, and he believed that no one Member of the House did, object to any amount of expenditure really necessary for the vigorous prosecution and the success of the war, but he did object to any increase of expenditure which was not directly for that purpose, and he did object most strongly if any sums of money voted for preserving or increasing the efficiency of the forces should be applied for any other purposes. He feared that such abuses might revive. His noble Friend opposite (the Earl of Derby) would recollect an occasion upon which sums of money voted by the House of Commons for the navy were applied to the construction of public works for which they were never intended. His noble Friend himself had endeavoured to correct that evil. He believed that not less than £1,200,000 was expended on works which were not even contemplated when the money was voted. He alluded to the Rideau Canal. One ludicrous instance was the payment of the salaries of the North American bishops and the Canadian clergy out of the Army Extraordinary Estimates. He had already commented on the dangers that might arise from the transfer of the financial duties of the Government to the War Department. But he foresaw still greater dangers. He begged to caution his noble Friend (Lord Panmure) as to the mode in which army disbursements might hereafter be applied under the Estimates now laid before Parliament. The law, as it at present stood—and he spoke advisedly—laid down the principle, that no Minister of the Crown had the power (without exposing himself to the liability of impeachment for a high crime and misdemeanour) of applying sums voted for the Army to naval purposes, or to matters connected with the Ordnance, or *vice versâ*, of applying sums voted for the Navy or the Ordnance to Army purposes. The sums of money voted for each of those three branches of the services were allowed to be expended for those purposes alone for which they had been respectively voted by Parliament. The estimates for each of those services consisted of a number of separate Votes, and it might happen that there would be an excess upon Vote 1, and a deficiency upon Vote 2; such excess could not be applied to cover that deficiency, except as an exceptional case. By a wise enactment introduced by Sir James Graham, it was rendered allowable to apply the excess of one Vote to supply the deficiency of another within the same department. But to justify this it was required that a case of absolute necessity should be made out and the consent of the Crown signified through the Treasury. He much feared, however, that there was some intention of departing from that wise principle, judging from the mode in which the Estimates for the current year were prepared. By the consolidation of the War departments some £34,000,000 would be placed under the control of the Minister for War; the Army, Militia, Commissariat, and Ordnance being consequently united; but it was never intended, nor would it be consistent with Parliamentary or constitutional law, that sums voted for the one service should be hereafter transferrable to the purposes of the other. It would be necessary to alter the Appropriation Act if such a course were proposed to be adopted; but he trusted that the House of Commons would never allow such a principle to be carried into execution, or indeed to be entertained at all, without the fullest inquiry and consideration of its remotest bearings and consequences. From the manner in which the Estimates for the present year were framed it was possible that money voted for the Army in the Crimea might be employed for Ordnance works at Portsmouth, barracks in London, or huts at Aldershot. This was a state of things of which he could not approve, and which he trusted would never obtain the sanction of Parliament. He did not quarrel with his noble Friend (Lord Panmure) for bringing all these departments under the control of the Secretary for War, but he deprecated and denounced any attempt to release any Minister from the strict rule of Parliamentary appropriation, as known, practised, and enforced against Ministers from the time of the Revolution and Lord Somers to the present day.

Lord STANLEY of ALDERLEY said, that his noble Friend (Lord Monteagle) had so completely answered all the points of the noble Earl (Earl Grey) that very little remained for him to add. The noble Earl commenced his observations by reminding the House of the pledge given by the late and present Governments that the war should be conducted with the greatest economy, so far as was consistent with its vigorous prosecution; and, that, secondly, so far as the principle could be carried out, the expenses of the war should be defrayed from the taxation of the year. He (Lord Stanley of Alderley) could assure the noble Earl that those pledges had, by Her Majesty's present Government, and, he believed, by the late Government, been kept with the greatest care and fidelity. He would first state that, in 1854-55, his right hon. Friend the Chancellor of the Exchequer imposed an additional sum of £9,000,000 on the taxation of the country, and in the years 1855-56 an additional sum of £5,000,000; making in the whole £14,000,000 of increased taxation, which had been imposed for the purpose of carrying on the war; and he thought this was ample contribution in this way for the purposes intended. With regard to loans, he would beg to observe that a sum only equal in amount to that obtained by increased taxation had been raised, and the mode of procuring these loans possessed this peculiar feature, that the whole amount would be redeemed in twenty years—a scheme which possessed all the advantages of terminable annuities, but with this superiority over them, that it enabled the country to obtain the money on more economical terms. He would only add that a large portion of this money was required for the most legitimate purposes of providing for the construction of steam vessels, fortifications, and barracks, which, being permanent works, ought to be paid for out of funds provided by means of loans instead of out of the taxation of the country. He would now read to the House a statement of the actual expenditure which had been occasioned by the war during the last two years, and would contrast it with the expenditure during the two preceding years. In the year 1852-53, the whole expenditure for army, militia, commissariat, navy, ordnance, and Kafir war was £16,198,415. In 1853-54, the army, militia, and commissariat amounted to £6,415,000; the navy, to £6,942,769; the ordnance, to £2,900,000; and the Kafir war to £230,000—total, £16,487,769. The total expenditure of the two years of peace, therefore, was £32,686,184. In the year 1854-55—the first year of war—the expenditure for the army, militia, and commissariat was £8,380,882; for the navy, £14,490,105; for the ordnance, £5,450,719; and vote of credit, £1,800,000—total, £30,121,706. For the year 1855-56, the expenditure for the army, militia, and commissariat was £17,612,000; for the navy, £19,500,000; for the ordnance, £10,300,000; and vote of credit, £4,200,000—total, £51,612,000. The whole expenditure, therefore, of the two years of war was £81,733,706; deducting from that sum the peace expenditure of two years, £32,686,184, there remained £49,047,522, which was the actual increase in our military expenditure during the two years of war. He would now explain the manner in which the funds had been provided to defray that large expenditure. The revenue of the two years of war had exceeded that of the two years of peace by £17,045,030. That was the result of the increased taxation imposed during the two years. In addition there had been in 1854-55, by Exchequer bills, £1,750,000 and by Exchequer bonds (less £591,000 applied to the redemption of Exchequer bills), £5,409,000; and, in 1855-56, by loan, £16,000,000; by Exchequer bills and bonds, £7,000,000; and by proportion of the new loan of £5,000,000 £3,500,000; making a total debt incurred to the extent of £33,659,000; which, added to the £17,045,000 of additional taxation, gave £50,704,000 as the cost of the war. The proportion, therefore, which the increased taxation bore to the debt, was about one-half. Having made these statements to the House, he would only add that it must be a matter of sincere congratulation to their Lordships, considering the magnitude of the war, the great power of the nation with which this country had had to contend, and the objects which they had had in view on entering upon the conflict, that it had occasioned less suffering to this country than any other great war in which they had ever before engaged. The fact that it was carried on at a great distance from our own shores, although it considerably enhanced the cost, removed all the horrors of war; our trade had not been interfered with—the revenue had not been injured—our commerce had actually increased—and every English ship pursued her course across the sea free from apprehension and alarm. Looking at all these circumstances, he thought that they had great reason to congratulate themselves that, whilst this war had occasioned less inconvenience and suffering to the nations of the earth than any previous one in which we had been engaged, it would result in the most important consequences to civilisation; and if we should be as fortunate as to obtain peace on the terms we sought, the blood and treasure of this country would not have flowed in vain.

Motion *agreed to.*

Bill read 2ª accordingly; and Committee *negatived.*

Then it was *moved,* "That the Standing Orders Nos. 37 and 38 be considered in order to their being dispensed with in the Bill."

LORD PANMURE said, he was afraid that the impression might go abroad, from the speech of his noble Friend (Lord Monteagle), that he (Lord Panmure) had sanctioned the appropriation of funds voted for Ordnance purposes to the army. As far as he could ascertain, however, there had been no breach of the law whatever in that direction; but since he had had the control of the funds of the Ordnance, they had been administered purely for Ordnance purposes. There were various Votes connected with each of those services, and it was not competent for a Minister to apply the sum voted under one head to any other than the purpose for which it was voted, without the express consent of the Treasury. He had instituted very strict inquiries into the subject, and the Secretary of the Treasury had assured him that nothing had been done since his (Lord Panmure's) administration of the financial affairs of the army, with respect to the transfer of money from one Vote to another, without the previous consent of the Treasury. He would only add that, so convinced was he of the expediency of separating from the Commissariat Department the financial expenditure of the Army and Ordnance, that he had already directed arrangements to be made for that purpose.

LORD MONTEAGLE explained, that his argument was that, in the new form of estimate now prepared, the Army and Ordnance Votes were so mingled that the funds might be interchanged in a manner that they could not have been hitherto. His noble Friend who had just spoken said that he had done nothing without the consent of the Treasury, but the fact was that the Treasury had no power to allow the application of army money to Ordnance purposes, or of Ordnance money to army purposes. He was delighted to hear that his noble Friend adopted the principle of strict appropriation; and that, although he had framed his Estimates in a new form, he did not intend to depart from the old system. [Lord PANMURE: So long as the present law exists.] Just so; so long as the present law existed; but that was the very point. The Appropriation Act was a most important Act, which was passed annually; and he rejoiced that he had gathered from the extreme candour of his noble Friend the fact that there might be meditated a change in the law which would place at his disposal the large sum of £34,000,000 annually, entirely freed from the wholesome rule of Parliamentary restriction. If such a measure should be introduced, he hoped that it would be opposed in both Houses, as it most certainly would be in one.

Motion *agreed to;* said Standing Orders *considered* accordingly, and *dispensed with;* and Bill read 3ª, and *passed.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 6, 1856.

Minute.] Public Bill.—1° Railway and Canal Traffic.

CUSTOMS' ESTABLISHMENT AT LIVERPOOL—QUESTION.

Mr. HORSFALL asked the Secretary of the Treasury whether any Commissioner had been sent, or was intended to be sent, to inquire into the repeated complaints which had been made on the part of a large body of the officers of Her Majesty's Customs at Liverpool of inadequate remuneration for their services?

Mr. WILSON replied, that no one had been sent from London, or was intended to be sent; the Government had sufficient confidence in the heads of the Customs at Liverpool to believe that, if there were any sufficient reasons for reporting, they would have reported to the London authorities on the subject. In fact, if any one in the establishment in London were to be applied to on the subject, the most likely gentleman to be selected would be one of the surveyors who up to a recent period had been employed in Liverpool, and who knew as much of the establishment at Liverpool as any officer could. He thought, however, that the complaint of the hon. Gentleman was unreasonable, because more had been done to improve the condition of the officers at Liverpool than at any other port of the United Kingdom. There was scarcely one branch of that establishment which had not, within the last few years, been revised and considerably improved. A revision also had taken place in respect to the long room, and the salaries of the clerks there had been improved. He could only add that if any authenticated case of grievance were laid before the Government, it would receive their careful attention.

Mr. HORSFALL said, that, as it would be out of order for him to make any reply to the hon. Gentleman at that time, he gave notice that, on a future day, he would call the attention of the House to the subject.

LIFE INSURANCE COMPANIES—QUESTION.

Mr. COWAN asked the Secretary of the Treasury whether it was the intention of the Government, during the present Session, to introduce any measure affecting life insurance companies, in conformity with the recommendation of the Select Committee which reported on this subject in 1853?

Mr. WILSON replied, that last year he stated that the Government had no intention of legislating on the subject until the whole subject of joint-stock companies had been decided upon, and an Act thereon introduced. That had now been done; but he still was not prepared to say, at present, that the Government would, in the present Session, introduce any measure with respect to life insurance companies. It was a most difficult subject to determine how to establish restrictions which, while apparently offering security to the public, would not be easily evaded. Therefore, the Government thought that, unless they could offer some measure which would give reasonable security to the public and would not be easily evaded, they had better do nothing rather than give to the public what might seem some security, but which, in point of fact, would be no security at all. The inquiry which took place three years ago had had, however, the effect of materially improving these associations.

LOCAL DUES ON SHIPPING—QUESTION.

Mr. MACKINNON asked the Vice President of the Board of Trade upon what day he proposed to take the Committee upon the Local Dues on Shipping?

Mr. LOWE said, that the Committee was fixed for next Friday week.

Sir FREDERIC THESIGER: That, I believe, is the day upon which the House is to adjourn for the Easter recess.

Mr. LOWE: Yes, the same day.

Afterwards—

Mr. DISRAELI said, that, in the absence of the noble Lord who had just entered the House (Viscount Palmerston), the Vice President of the Board of Trade had, in reply to a question of an hon. Member, stated that it was the intention of the Government to move the Committee upon the question of Local Dues on Shipping on Friday week. Now, his hon. and learned Friend beside him (Sir F. Thesiger) had given notice of his intention to move an Amendment to the Motion of the Government, and having reason to believe that the subject would lead to considerable discussion—probably to a protracted discussion—the noble Lord would recollect that the day named by the Vice President for proceeding with such an important subject was the eve of the Easter holidays.

He wished, therefore, to submit to the consideration of the noble Lord whether it would not be more convenient, both to the Government and to the House, that the Motion should be made rather after the reassembling of Parliament than on the day immediately preceding the adjournment.

VISCOUNT PALMERSTON said, that the Motion stood originally for to-morrow. It was, however, quite clear that the Army Estimates would occupy the whole of the night, and therefore his right hon. Friend had postponed the question of the Local Dues on Shipping until Friday week. He did not conceive that the appointment of a Committee upon the subject would entail a longer discussion than one night. They had discussed many important questions at one sitting, and as they would have the holidays before them in which to refresh themselves for any extraordinary fatigue which they might have to endure on that night, he did not see much inconvenience in proceeding with the matter on Friday week, even although they were obliged, in defiance of his hon. Friend the Member for Salford (Mr. Brotherton), to sit into Saturday morning for the purpose of effecting a settlement of that part of their business. He certainly would be unwilling to assent to a postponement of the question.

RAILWAY LEGISLATION—QUESTION.

MR. E. BALL asked the Vice President of the Board of Trade whether it was the intention of Her Majesty's Government to introduce a Bill during the present Session of Parliament giving power to the Board of Trade, in the case of any line of railway that might be reported unsafe by their officers, to order all necessary works to be done for the safety of the public at the expense of such railway company, and that the certificate of the Board of Trade's engineer should entitle the party having done such works to immediate payment for the same from such railway company?

MR. LOWE said, the Government had no intention of introducing any such Bill.

MR. E. BALL: Do the Government intend to introduce any Bill on the subject?

MR. LOWE: If the hon. Gentleman will repeat his question on a future occasion, I shall be better able to answer it.

INDIAN LAW EXPENDITURE—"IN RE DYCE SOMBRE"—QUESTION.

MR. OTWAY begged to ask the President of the Board of Control a question which he had asked before, and to which the right hon. Gentleman was at the time unable to reply—namely, whether he has taken the opinion of the law officers of the Crown as to the correct interpretation of the 34th section of the Act 3 *Will.* IV. c. 85; and whether he will sanction an indefinite expenditure from the revenues of India in the prosecution of a suit in this country, such as may be entailed by the guarantee given by the Directors of the East India Company to Mr. Prinsep, one of their body, and a legatee under the alleged will of Mr. Dyce Sombre, for all expenses incurred by him "in re Dyce Sombre"?

MR. VERNON SMITH said, in reply to the first question of the hon. Member, that he had taken the opinion of the law officers of the Crown on the construction of the Act in question, and that opinion was favourable to the legality of the course pursued by the Court of Directors. With regard to the second part of the question, he was not aware of the exact scope of his authority, and he could not answer it at the present moment. The statement of the circumstances was rather hypothetical, but he did not think that the powers which had been exercised had been exercised improperly.

MILITIA—THE EDMONTON RIFLES—QUESTION.

SIR WILLIAM JOLLIFFE said, as there appeared to be a misconception of the answer given the other night by the Under Secretary for War to the question of the hon. Member for West Surrey (Mr. Evelyn), in reference to the Edmonton Rifles, he thought that a simple question now answered by the Government would remove much misapprehension which now prevailed in the public mind. He wished to ask whether the Government attributed to the lords lieutenant of counties any blame for the non-training of the disembodied militia within their respective counties during the year 1855? The hon. Under Secretary for War would recollect he stated, in answer to his hon. Friend, that the usual course was for application to be made by the lords lieutenant of counties for this purpose. Now, his (Sir W. Jolliffe's) apprehension was this—that no training or exercise of the militia took place without the issuing of Her Majesty's Order in Council, which fixed the period at which that training and exercise should take place. From this it would appear that the lords lieutenant had nothing to do with the training and exercise of the disembodied corps. That matter depended altogether upon the Government. He would ask this question—Whether the Government attached any blame to the lords lieutenant for not calling out the militia to be trained and exercised?

Mr. FREDERICK PEEL said, that in the answer which he had given to the hon. Member for West Surrey he did not mean to attach blame to any one. He had stated on a former occasion that the management of the militia had been recently transferred to the War Department, and the practice of that department was to wait till application was made from the lords lieutenant. He found his previous opinion exactly confirmed by the Act of Parliament, which expressly stated that the time for calling out and exercising the disembodied militia was to be fixed by the lords lieutenant, with the approbation of Her Majesty.

NATIONAL EDUCATION.

Lord JOHN RUSSELL:* Sir, I never rose to address the House with greater anxiety than I feel upon the present occasion. The important subject which I have to bring under its consideration has at various times occupied its attention, but no attempt to carry a general measure has hitherto been successful. The task was attempted by Mr. Whitbread and Lord Brougham, and last year by the right hon. Baronet the Member for Droitwich (Sir J. Pakington), who brought forward, with great research and great ability, a proposition for a Bill upon the subject. I am, therefore, about to embark upon a sea not only noted for dangerous shoals and hidden rocks, but covered with the wrecks of the noble vessels that have preceded me. I trust, however, that the time is becoming more propitious to the adoption of a system of education which shall place this country on a more equal footing with the other enlightened nations of the world. We must indeed, on this occasion, waive the proud ambition which Milton claimed for his country when he said that England must not "forget her precedence in teaching the nations how to live;" but, on the other hand, we have before us an encouragement—the success of other nations in the adoption of schemes of national education, which have elevated the character of those nations. When, a little while ago, my right hon. Friend the Secretary of State for the Home Department was asked a question with respect to the enactment of a general code of laws, and was reminded of the examples of Justinian and Napoleon, he replied very justly and reasonably that it was easier to frame and enact such a code by the will of an absolute Sovereign than to carry it through the Legislature of a free country. Such an observation would not apply to the present question. For not only wherever order is valued, in all those countries in which authority is most cared for, such as Austria and Prussia, have general systems of schools been framed and established; but where liberty is most revered, as in Switzerland and in the New England States of America, there also schemes of education have been devised and have been sanctioned by the law. In this country, in which liberty and order have existed together, and in which they are justly prized, we surely ought not be behind other nations in framing a system which shall be consonant with the genius of our institutions. In one of the answers given to Mr. Twisleton, when he was inquiring into the American system of education, there is a sentence which, as it came from the lips of a man who cannot be suspected of a want of love of liberty, and who certainly cannot be thought to have been deficient in attainments or in sagacity—I mean the late Daniel Webster—must, I think, command the attention of the House. After speaking with respect to that particular plan, Mr. Webster says—

> "Although a little beside the immediate object of these inquiries, I may be permitted to add that, in my judgment, as the present tendency of things almost everywhere is to extend popular power, the peace and well-being of society require at the same time a corresponding extension of popular knowledge."

I cannot but think that that sentence is characterised by great wisdom, and is one which the Legislature of this country will do well to ponder. As we see, I may say, every year an extension of popular power, and as only last year we took means to diffuse more generally and more cheaply the means of political information, so we ought to take care that popular knowledge should keep pace with the political information which we are extending and the political power which we are increasing.

The first question to which I shall address myself is the present state of education in this country. In doing so I think it due to the right hon. Baronet opposite (Sir J. Pakington) to say that, in following him, I have carefully examined the various authorities which he cited, and I must say that his research has been most accurate, and that his statements are most deserving of the attention and consideration of the House. I will not say that the inferences which he made and the conclusions at which he arrived in all instances meet my assent, but the general picture of the state of education which he drew was truly drawn from the facts which were before him, and which were obtained from the most trustworthy sources of information. Therefore, Sir, taking it for granted that the House bears in mind the statements which he made, and which were published not only in the ordinary manner, but in a corrected form by himself, I shall not think it necessary to repeat those particular statements. The Census of 1851 shows that there were then, speaking generally, about 4,000,000 children and young persons between the ages of five and fifteen. The returns and observations of Mr. Horace Mann show that 2,000,000 of these were entered upon the books of schools, and that about 1,750,000 were in attendance. When, however, these numbers are further examined, it will be seen that they give a very fallacious representation of the present state of popular education. The number of those who are educated in schools which have been inspected by the inspectors appointed by the Committee of Council is little more than 500,000; or only one-eighth of the number who are between the ages of five and fifteen. With regard to the rest, the numbers who are in attendance at dame schools of the lowest description, where they are receiving a nominal education, but are really not instructed, comprise a very considerable proportion of those for whom credit is taken in the educational statistics. I believe that there are at the head of schools 8,000 Church of England teachers who do not receive more than £28 a year; that there is a great number of other persons, women keeping dame schools, who do not receive more than £21 a year; and that there are, therefore, both schoolmasters and schoolmistresses in England, and these not a few, some of whom receive 11*s*. and others not more than 8*s*. a week. That such persons should be capable of imparting genuine and useful instruction is hardly to be expected. Indeed, the very reverse is the truth; and it is probably within the recollection of the House that the right hon. Baronet called attention last Session to the fact that no fewer than 700 of those who professed to be teachers of schools did not sign their names, but merely affixed their marks. Mr. Horner, alluding in one of his most recent Reports to the operation of the education clauses of the Factory Act, mentions that, having been struck with the ignorance of one of those so called "schoolmasters," he ventured to ask him whether he could read, and the reply was, "Yes, I can summat;" but it evidently did not appear to Mr. Horner that he had acquired the accomplishment in such perfection as to be able to read fluently. Thus it seems that a great deal of what appears upon the surface to be education is not genuine instruction, such as can be useful to those who receive it. I come, however, to the education given under the superintendence of the Committee of the Privy Council; and, in dealing with this subject, I think that we should do well to consider, first, what advantages are conferred under the Government system, and then the defects and imperfection with which that system is fairly chargeable. I think we shall be warranted in asserting that the grants which, since the year 1839, have been distributed under the superintendence of the President and Committee of the Privy Council have been the cause of great improvements in our national education. In the first place, there were, previously to that year, no normal schools in this country—no institutions for the special instruction of teachers. Since that time there have been, I think, fourteen normal schools for male teachers of the Church of England, eleven for mistresses of the same denomination, and about eight others, making in all some thirty-five or thirty-six training schools, in England and Wales, established at an expense of from £350,000 to £400,000, and all of them fully adequate, at the present moment, for the efficient discharge of the duties assigned to them. The standard of acquirement, and the method of instruction in the elementary schools, have also undergone material improvement. In a Report furnished by the Rev. Mr. Cook, one of the Government inspectors, there is an account of what he thinks a boy of twelve years old, at a good school in England, knows and is able to answer; and I find that the examination does not fall short of the requirements made in those continental schools which have been the subject of such high encomiums in this House and elsewhere.

I have somewhat abridged Mr. Cook's statements, but the following is the substance:—

> "A boy of fair average attainments, at the age of twelve, in a good school, has learnt:—1. To read fluently, and with intelligence. 2. To write very neatly and correctly, from dictation and from memory. 3. To work all elementary rules of arithmetic with accuracy and rapidity. 4. To parse sentences (but progress in English grammar not satisfactory). 5. To know the elements of English history. 6. In geography the progress is generally satisfactory. 7. The elements of physical science. 8. The principles of political economy, with especial reference to the employment and remuneration of labour. 9. Drawing is taught with great care and skill in the several schools."

That is certainly a very favourable account of the state of our elementary schools, where the boys have had the advantage of good masters, and have been well taught. It may be said—and if I mistake not it was so stated last year—that it is a disadvantage attending these establishments and the system generally, that those who are the most promising boys at these schools—the pupil teachers—do not, as it was intended that they should, afterwards become schoolmasters, but that a large proportion of them embrace other occupations. Some of them may undertake the superintendence of schools, without going to a training school, but the number of these is not considerable. Mr. Moseley states, that in a particular year, of more than 800 pupil teachers, little more than 300 continued their career in training institutions. At the same time I am bound to add that, as far as my own judgment is concerned, I cannot regard this as a very serious disadvantage. For be it remembered that these boys have passed their time most usefully in instructing others; that they have been very well instructed themselves; and that, whereas many of them have been drawn from the poorest classes of society, they are now competent to rise by industry and by the exercise of the virtues instilled into them at school to stations not only respectable, but of high importance. We pride ourselves in this country, that persons in a humble station may attain to the most eminent positions; but unless they have obtained a good education, it is impossible for them to do so. It is not only chill penury, but dark ignorance, that prevents them from emerging from their lowly condition; but those boys who have acted as pupil teachers, whether on leaving school they take to commercial pursuits, or fill confidential situations, or whatever course of life they follow, have received a sound education, have before them a career of usefulness, and, it may be, of distinction. Assuredly it is no inconsiderable advantage that they should be thus circumstanced. I am decidedly of opinion, therefore, that with regard to the number of teachers who are educated, and in respect of the education of the children who, to the amount of 500,000, are brought up in these schools, the sums laid out by votes of this House, and granted to the various training and elementary schools throughout the country, have been well expended, and have produced an excellent return. But it is impossible not to admit that, while such have been the advantages, there have also been great deficiencies. Before proceeding, however, to consider these deficiencies, allow me to say that I do not think it was intended by those who, in 1839, commenced this system, that its plan should be such as to pervade the whole country. On the contrary, the object was rather to create models of teaching, and to exhibit such improvements in the mode of education, that the obstacles which stood in the way of a national system might, in the progress of time, be removed, and a scheme propounded for which experience might be said to presage success. In looking over the Reports of the inspectors of schools—themselves men of high attainments—for the year 1854, I am sorry to find that a tone of discouragement pervades many of them. They complain not only of an inadequate attendance at school, but that the boys leave school at too early an age. Mr. Moseley is a gentleman who, having had extensive experience in education, and having discharged in a most satisfactory manner the duties assigned to him by the Committee of the Privy Council, is a high authority on such subjects, and to the following passages in his Report I would earnestly direct the attention of the House. He says:—

> "By the Census of 1851, it appears that, of the boys in England and Wales of all classes between the ages of 10 and 15 years, only 36 per cent are at school. The following are the numbers:—

"Boys between 10 and 15 years of age—

At school . . .	348,438
At work . . .	356,872
Neither at school nor at work	258,685
Total . .	963,995"

It therefore appears that there are only

36 per cent at school. Mr. Moseley continues:—

> "This proportion includes the boys of the middle and upper classes, all of whom are at school between these ages; the proportion of the lower classes who are in the hands of the teacher after ten years of age is greatly less."

He then proceeds:—

> "All your Lordships' efforts have hitherto had for their object the perfecting of the elementary school. You have entertained a hope, common to the friends of education in this country, that, when the children of the poor were found by their parents to have derived more good than heretofore from their attendance at the school, the parents would desire to send them longer; and that thus, by degrees, might be created among them a public opinion so far favourable to the school, as to induce them to make the sacrifice (for a time at least) of the wages which their children might earn by going to work. I will not conceal from your Lordships, that hitherto this hope has been disappointed. In many cases the result has been the very reverse. The parents have reasoned that, the school being now so good, the children can get all the learning that they consider necessary for them earlier than they have heretofore done, and therefore they take them away sooner."

These conclusions of Mr. Moseley are supported by the testimony of the other inspectors. The inspector for the eastern counties states, that in certain schools which he examined, containing 2,606 boys, only 232 of that number were twelve years old; and only forty-eight of the 232 were the sons of labourers. In Gloucestershire, Warwickshire, and other counties, there were, in 1850, above twelve years of age, 9 per cent; above nine years of age 33 per cent; making together only 42 per cent. That was no very encouraging proportion; but, in 1853, above twelve years of age, there was a diminution to 8 per cent; and above nine years, to 31 per cent; making together only 39 per cent. Mr. Moseley asks whether the higher classes would be content to allow the education of their sons to cease when they reached the tender age of nine or ten years? A clergyman, writing to one of the inspectors from the parish of Ipstone, and comparing the present state of things with what previously prevailed, declares that there are now fewer children in his district who can really read and write than there used to be. Mr. Norris in his report of an examination made by him last year of the boys employed in the mines of Staffordshire, says that he found those boys, six of whom had been at school, in a state of the grossest ignorance. Those who had attended school had done so only till they were nine years old; and when he examined them they were between fourteen and fifteen. They were unable to tell how much 3*s.* a day would amount to in a week; and as to their religious knowledge, they did not know the names of the four Evangelists. To the question, "Which of the disciples betrayed Jesus?" they answered "Peter," or "Abraham." This was the educational state of those of the boys who had enjoyed the advantage of attending school. Such, then, being samples of the defects which prevail under the existing system, by which boys and girls above ten years of age in many instances hardly receive the benefit of any education, and the evil being one that is fast gaining ground, instead of undergoing mitigation from the improvements effected in the quality of the instruction given, I think it becomes the bounden duty of this House to consider what remedy should be applied. The right hon. Gentleman (Sir J. Pakington) last year mentioned another obvious deficiency in the scheme of the Committee of Privy Council, which belonged, indeed, to the original conception of that scheme, but which, in any inquiry as to how a comprehensive system of national education may be devised, demands the utmost attention from Parliament. The right hon. Gentleman truly described the existing plan as one designed to give assistance to those who are able of themselves to provide, whether by subscriptions, by school pence, or from other sources, the needful funds for maintaining teachers and schools. The consequence of this, of course, is, that in those districts which, being poor, have not the requisite means, and in those others which, being rich, have not the inclination, to aid the cause of education, that cause does not prosper, and the population is allowed to remain in its original darkness. Having thus pointed out, but only very generally, the defects of the existing machinery, I will next explain what I conceive ought to be the course taken by the Legislature on this great subject. And, first, I think we should lay down two principles, from neither of which we ought, unless under circumstances of absolute necessity, to swerve. The one is to make the education of the country complete; and the other, to maintain and encourage, and, as far as possible, to improve what is good in the existing agencies. The first of these objects cannot be attained unless we bring the education of our people—of a rich, an intelligent, and a free country—to the high standard which has been reached by other nations which have adopted national systems. In Berne, for example, and in the more advanced cantons of Switzerland, nearly one out of every four of the population receives instruction in the public schools. In New England, again, the proportion is one in five. Now, estimating the population of our own country in 1851 at 18,000,000—and its amount must have considerably increased since that date—before we can have one out of every five of our people receiving education, no fewer than 3,600,000 out of the 4,000,000 persons returned in the Census as being between five and fifteen years of age must regularly attend public schools. I do not think that this is too high a point of excellence at which to aim—it has already been attained by other States not subject to arbitrary or absolute government, but as free and as jealous of the liberty and independence of their people as ourselves. We can undoubtedly vie with Switzerland in wealth; I trust we can also vie with New England in liberty; and I do not think we ought to be content with anything short of what these States have deemed necessary for their citizens. There is also one other country situated far nearer to ourselves, which, however much its educational pre-eminence may be matter of controversy in the present day, yet for a long and very remarkable period of history has been famous for its system of national education. I allude to Scotland. The admirable system established in that country soon after the Reformation was confirmed and strengthened at an early period subsequent to the Revolution of 1688. Every statesman who has spoken, every historian or philosopher who has written upon the subject, has regarded the Scottish system of education not only as a ground of just pride to that country, but as one main source of her greatness, and the spring of the superior moral and intellectual development of her people. In a parish of Scotland in which I happened to be residing during the Administration of Lord Derby, I inquired of a minister of religion there how many of the children belonging to his district were not receiving education. The answer I received was, that there was not a single child in the parish above seven years old who could not read. In regard, therefore, to the extensive prevalence of education among the population, the examples of Scotland, of Switzerland, and of the most enlightened portion of the United States of America offer an incentive to England to strive to attain a higher pitch of educational eminence. Let us next consider that other important element in this discussion—the instructional machinery at present in vigour and the schools already established. I have stated that those institutions now receive upwards of 500,000 scholars, but they are founded on this principle—that applications for assistance are usually made either to the inspectors or to the Committee of Privy Council by those who wish to establish schools; while no inquiry whatever is set on foot, and no obligation imposed, with respect to those localities which are wholly destitute of the means of instruction.

Before I explain the nature of the Resolutions I intend to submit to the House, I may perhaps be allowed to make a few observations with regard to the plan which the right hon. Baronet opposite (Sir J. Pakington) proposed last year. That right hon. Gentleman proposed a system of rating, and suggested the adoption of various regulations; but I think his plan was open to objection on the ground that it was permissive — an objection which equally applied to a Bill which I had the honour to introduce—and also on the ground that the education to be given in the schools which he proposed to establish was to be free. Now, I think it is clear that you can hardly maintain the present system of schools receiving grants from the Privy Council, and which are supported in a great measure by subscriptions, if you establish a system of free schools. I think it is obvious that, in places where free schools are established, persons who wish to obtain education for their sons and daughters will resort to those schools; and consequently the schools which have hitherto been maintained by the subscriptions of individuals who have worked zealously and earnestly to promote their success will be entirely superseded by the free schools which the right hon. Baronet desires to establish. In proposing, as I do, to adopt the existing system as the foundation of any new plan of education, it is necessary that we should consider how far that system can be improved. I do not wish to enter into detail upon this subject, because there is fortunately a measure now before the House which may afford the means of improving the existing system. I allude to the Bill which gives the Crown the power of appointing a Vice President of the Committee of Council for Education. The present system of education is, I think, susceptible of improvement in many respects, and if we have in this House a Vice President of the Committee of Council, who will be able to discuss with us the various points which may be raised when the grants are moved, I have no doubt we shall be enabled to introduce many improvements and materially to extend the existing system. I wish to mention one mode in which the system of grants may be enlarged. Various restrictions are now imposed which may have been necessary or expedient when the Minutes of Council were first promulgated, but which I think it is unnecessary to continue. For instance, it is now provided that, when a school is connected with a church or chapel, it shall not receive any assistance from the Committee of Council on Education. I think that if you established a good system of inspection, if you took care that the schools were efficient, and if your inspection extended, as it does now—with the exception of Church schools—only to secular instruction, it ought to be no objection that a school is connected either with a church or a dissenting chapel. I do not wish to fatigue the House by going into details; but there are various other restrictions established by the Minutes and correspondence of the Committee of Council which I think may be usefully reconsidered. These Minutes of Council having been adopted at various times, and as new questions arose, it is in my opinion very important that they should be revised and consolidated, that they should be made more clear and intelligible, that they should assume the form of a systematic plan, and that they should not be, as they are, scattered through numerous volumes, rendering it a work of difficulty to ascertain what is the rule of the Committee upon any particular question which may arise. I shall therefore propose as a first Resolution :—

"1. That, in the opinion of this House, it is expedient to extend, revise, and consolidate the Minutes of the Committee of Privy Council on Education."

Another defect in the existing system is, I think, that where there is light you add to that light, but where there is darkness you afford no light whatever. It is necessary, in my opinion, for the purpose of carrying the plan already adopted further, that you should institute inquiries with respect to the state of education in every part of England and Wales. I do not propose for this purpose to increase the number of inspectors; but I propose to add to them a very numerous class of sub-inspectors, to whom it will not be necessary to give any very high rate of payment, and to whom may be committed the inspection of comparatively small districts of the country. There are in England and Wales fifty-two counties, and twenty-six of those counties are divided under the Reform Act. There is, besides, the Isle of Wight, which forms a separate district. I do not say that these divisions should be maintained exactly, but I think the area of a county, or the area of a division of one of the larger counties, would be a sufficiently large district for the care and attention of a sub-inspector. Thus there would be seventy-nine divisions for the purpose of public education, or, dividing the West Riding of Yorkshire, we may say eighty. The sub-inspectors to be appointed for these divisions would act under the present inspectors, of whom there are twenty-four for Church schools, and sixteen for other schools. I propose, therefore, as a second Resolution :—

"2. That it is expedient to add to the present inspectors of Church schools eighty sub-inspectors, and to divide England and Wales into eighty divisions for the purposes of education."

"3. That it is expedient to appoint sub-inspectors of British, Wesleyan, and other Protestant schools not connected with the Church, and also of Roman Catholic schools, according to the present proportions of inspectors of such schools to the inspectors of church schools."

"4. That, on the report of the inspectors and sub-inspectors, the Committee of Privy Council should have power to form in each division school districts, consisting of single or united parishes, or parts of parishes."

It is obvious that the present divisions into parishes are not in all cases the most convenient divisions for educational purposes The right hon. Baronet (Sir J. Pakington) urged that point upon the attention of the House last year. I then differed from him in opinion, but, I must own, I am now satisfied that his views were perfectly correct. I think that in many cases two or three of the small parishes may be united into a school district; but, on the other hand, there are immense and populous parishes which are far too extensive to be governed as single school districts, and which it would therefore be convenient to divide. What I propose, therefore, is, that the sub-inspectors should submit their views to the inspectors, and that the President of the Committee of Council, and the Committee itself, having the whole case before them, should by their own authority divide the whole of England and Wales into school districts. Of course it will be matter of consideration whether these arrangements, when made, should not be confirmed by the authority of an Order in Council. It appears to me that, having twenty-four inspectors and eighty sub-inspectors, they would be able to recommend in what manner the divisions might be most conveniently formed. The consequence of this system would be, that the sub-inspectors would be able to ascertain and to report in what particular places the means of education were deficient. I propose, therefore, in another Resolution—

> "5. That the sub-inspectors of schools of each division should be instructed to report on the available means for the education of the poor in each school district."

It may be that in many of these parishes and districts there will be a willingness on the part of the owners of land and the inhabitants generally to build schools and to introduce the present system of education. But we must see what aid is available for this end. There is one kind of assistance which is now scantily received, but which, I think, might be considerably enlarged. I mean the aid to be obtained from the endowed charities of this country. I have the honour of being one of the Commissioners of Charities—not certainly a very active one; but I have seen enough in that Commission to be convinced that, while the Commissioners are most zealous and laborious in performing the work assigned to them, their powers are not sufficient, and that Parliament ought to be asked to extend those powers. The defects are of several kinds. One is, that there are few cases in which the Commissioners have power to do more than give advice. If that advice is taken, the trustees of the charity are, I believe, saved from any penal consequences; but, if the trustees do not take the advice, there are no means of enforcing it. The Commissioners have pointed out several of these defects in a Report which, I understand, has just been laid on the table of the House. In other instances, where the trustees are quite willing to act on the advice of the Commissioners, it is necessary, according to the present state of the law, that the Commissioners should send them before some Court in order to obtain that which they desire. Thus very large expenses, compared with the means of the charities, are incurred. There were upwards of 28,000 charities reported upon by the Commissioners. Of these there are about 21,000 the income of which is under £20 a-year. Many, of course, have incomes under £5, and a considerable number even of the larger ones cannot bear the expense, which is seldom less than £30, of going into the Court of Chancery in order to obtain a decree of that Court. One or two instances came before me in which, I think, a remedy is required, and in which the present law acts as a grievance to the public. There was a case in which the trustees, very laudably as I believe—at all events from the best of motives—wished to remove a schoolmaster whom they deemed inefficient. The schoolmaster resisted them before the Court of Chancery, and put them to the expense of £200 without costs. There was some technical defect in the mode of dismissing the schoolmaster, and the decision was against them. They amended that defect, and went again to the Court. This time they were successful, and the schoolmaster was removed. But the expense of the second application to the Court was £1,200 to be added to the £200 before incurred, making the total cost £1,400—a large sum to be paid by the trustees for wishing to carry into effect an object useful to the charity, and conformable to the purposes for which it was founded. I was told, when I was struck with the enormity of the case, that there was a remedy; but what do you think was the remedy? Why, that these trustees, who had spent £1,400 in going before the Court of Chancery, had the power of again applying to the same Court to have that £1,400 paid to them out of the funds of the charity? And what were the funds of the charity? They were £70 a-year for the purposes of education; and out of that small sum they were to ask for £1,400 as a fine for having attempted to place the charity upon a sound footing! There was another case in which there was some difference as to which parish should be the recipient of the charity. The money was left to a certain parish along with some adjoining parishes; but the sum was not large, and its possession was disputed. The Commissioners had no other course to pursue than to send the parties before the Court of Chancery. I asked, sitting there at the Board, what would be the result of the permission which we were giving these parties to go before the Court, and the reply I immediately received was, that the whole of the funds of the charity would be dissipated, and no part of them would remain. Such is the only remedy allowed by the law as it stands at present. Now, it appears to me, with respect to many of these cases, that great improvements might be made. I had placed in my hands yesterday by that excellent friend of education, the Dean of Hereford, a sermon on the subject of the misapplication of charity, and he places in the first line the funds that have been left for charities, doles of bread and other eleemosynary gifts, which are, in fact, not only not useful, but positively injurious to the recipients and to the parishes in which they are distributed. Well, if the Commissioners had the power in such cases as I have mentioned of applying these funds to the foundation or enlargement of good schools—if, where there are apprenticeships, they had the power of making those apprenticeships prizes for the boys who have distinguished themselves at such schools, and who wish to have the means of getting on in the world—a great public benefit would be secured. I know no reason against it, except that both in this and the other House of Parliament there is such influence possessed by lawyers belonging, or who have belonged, to the Chancery bar that there is very little chance of any remedy being applied unless the Government act with determination. A great Chancellor of France—Chancellor d'Agueseau—was asked one day whether he was not struck by the abuses existing in the courts that were subject to him, and whether he had never thought of reforming them? He replied, "I have very often thought of it, but when I reflected on the number of barristers, of proctors, and of solicitors who would be ruined by a reform, I have refrained from attempting it." I believe that many of the reforms I have mentioned might be usefully made, and that, so far from the apprehension of Chancellor d'Agueseau being realised, they would have the effect of increasing the legal as well as all the other business of the country; so that we should probably find the Chancery barristers more flourishing than before. I therefore propose, in the sixth Resolution,—

> "That, for the purpose of extending such means, it is expedient that the powers at present possessed by the Commissioners of Charitable Trusts be enlarged, and that the funds now useless or injurious to the public be applied to the education of the middle and poorer class of the community."

A clause to that effect was recently submitted to the House of Lords, but it was not adopted, and it was thought dangerous to entrust such powers to any body out of the courts of equity. Having applied all the means which are at present within our reach, or may be within our reach, I now come to consider whether it would be sufficient to have an account of the state of every parish and district in town and country, and to apply existing means, aided by increased grants, to make up the immense deficiency which now exists. I am bound to say that I think in many cases the existing means would be found inadequate. I am bound to say, likewise, that I think the remedy proposed equally by the right hon. Gentleman the Member for Droitwich and myself, giving permissive powers to parishes and districts, would not be found sufficient for the purposes in view. It is but too likely that in places where the greatest want existed the most influence would be employed to prevent the establishment of schools, the permissive power would not be exercised, and the same ignorance would continue. I come, therefore, to the conclusion that not only should a rate in such cases be allowed, but there should be a power existing somewhere of compelling those parishes and districts which had been marked out by the inspectors, and which had been declared by the Committee of Privy Council to be adequately supplied with the means of education, to levy a rate. The mode in which I would propose to do this is to empower any persons, whether inspectors or ratepayers, to apply to the quarter sessions of the county, city, or borough, as the case may be, and to complain, in the same way as in the case of an impassable highway through the parish which required repair, of the want or insufficiency of the means of education. Thereupon an order should be made upon the parish or district to levy a rate for the purposes of education. I do not state the amount of the rate. Of course that would have to be done in the Bill, and when the details of the measure were considered would be the time to fix the amount of the rate. The right hon. Gentleman the Member for Droitwich proposes that it should not exceed 6*d.* Perhaps it would not be necessary to go so far as that; but that there should be a rate adequate for the purpose is, I think, absolutely essential. The seventh, eighth, and ninth Resolutions which I shall propose are as follows :—

> "7. That it is expedient that in any school district where the means of education arising from endowment, subscription, grants, and school pence shall be found deficient, and shall be declared to be so by the Committee of Privy Council for Education, the ratepayers should have the power of taxing themselves for the erection and maintenance of a school or schools."
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> "8. That after the 1st of January, 1858, when any school district shall have been declared to be deficient in adequate means for the education of the poor, the quarter sessions of the peace for the county, city, or borough should have power to impose a school rate."
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> "9. That where a school rate is imposed, a school committee elected by the ratepayers should appoint the school masters and mistresses, and make regulations for the management of the schools."

Having arrived, therefore, at the power to impose a school rate, whether by the ratepayers themselves, or, in their default, by some superior authority, I come to consider one of the most difficult parts of this question. As long as you have subscribers who take the management of schools, you may rely on them—you have relied on them — for the general principles upon which they should conduct their schools. The Committee of Council of Education have, from the first, adopted that mode, of entrusting either great societies, or persons well known for their views and character, with the task of giving education to the poor of their districts. In the case of the Church schools, after a very considerable time spent in discussion and negotiation, it was agreed upon by Lord Lansdowne and others, of whom I was one, on the part of the Committee of Council ; and by the late Archbishop of Canterbury, the Bishop of London, and the late Bishop of Salisbury on the other part, that the Church schools should be open to inspection, but that the inspectors should in every case be appointed with the consent of the Archbishop, I think, and the Bishop of the diocese in which the inspectors were to exercise their duty. Be it observed with respect to the inspectors of Church schools, that they, being thus appointed, and the Church being connected with the State, received accounts concerning these schools, and inspected the religious as well as the secular education given. With regard to other schools, the British and Foreign School Society, the Conference of the Wesleyans, and afterwards the Roman Catholics, asked for a similar arrangement—namely, that, while they admitted the inspection of their schools, no inspectors should be appointed who were repugnant to them, and to whose appointment they were not parties. With respect to these bodies—namely, the Established Church, the British and Foreign School Society, the Wesleyans, and Roman Catholics—their principles are all well known. It is perfectly well known that they will give religious instruction according to the tenets they hold sacred ; and therefore the Committee of Privy Council, in handing over to them the grants, and in inspecting their schools, with respect to secular education, have a full security that religious instruction would be secured. There has been a dispute—and it is worth the while of the House to attend to it for a moment, because it shows in what manner this instruction is carried into effect—there has been a dispute between the British and Foreign School Society and the body of Unitarians, as to their mode of teaching. The British and Foreign School Society declared from the commencement that their schools were schools for all ; that they would have the Bible read and taught in their schools, but that they would not adopt any formula either of the Church or any particular denomination. The Unitarian body then said, "It is true that is your rule, but the oral instruction you give touches certain doctrines of Christianity from which we dissent, and therefore you do not carry those views of perfect equality which you profess into effect." The British and Foreign School Society replied, that they had only taught that which they thought the plain meaning of the Bible in the lessons they read ; but they do not deny that they do teach those distinctive doctrines which separate the Church, and all those bodies of Dissenters called Orthodox Dissenters, from the Unitarians. Therefore, in this case, that Society seems to give the utmost latitude by only reading the Scriptures ; but with respect to certain doctrines, their oral instruction is uniform and defined. With regard to the Church, the Roman Catholic, and Wesleyan schools, a definite and known religious Christian instruction is given. Such, then, is the present state of the case. I am not now arguing whether that is wisely done, but the House should be informed of the security they have, and what is the plan on which these grants are given. Now, when we ask that a rate should be levied, the case is altered. You have no longer a security in the religious character of the body to whom the grant is made. I think it is quite impossible to bind the ratepayers to give the money which they so raise either exclusively to Church schools, or exclusively to schools of any religious denomination. They must have a great latitude and liberty left them with respect to the education they give; but then the question arises, whether any condition whatever should be imposed on them, and, if any, what that condition should be?

This is a question of the utmost gravity and importance, one which the House may have frequently to consider, and it is one on which I am far from saying that I have arrived at a conclusion which may not be overturned by the decision of this House. But such as that conclusion is, I will state it to the House. In the two instances I have mentioned of two free States having established schools—namely, Switzerland and the United States of America—a very different course has been pursued. As far as I understand it, the State of Berne gives a Protestant instruction, and the canton of Friburg a Roman Catholic instruction; but in each case those who are not willing to receive the religious instruction are at liberty to abstain from it, and in that way the principle of religious liberty is respected. In the United States, and more especially in the instance I am going to quote—that of Massachusetts—a different course is taken, and I think it is desirable that the House should know what that course is, and what are the various proceedings on this point; so that when the House ultimately comes to a decision on this great question, it should have the whole matter under its consideration. The State of Massachusetts has an enactment on this subject to the following effect—

> "It shall be the duty of the president, professors, and tutors of the University at Cambridge, and of the several colleges, and of all preceptors and teachers of academies and all other instructors of youth, to exert their best endeavours to impress on the minds of children and youth committed to their care and instruction the principles of piety and justice, and a sacred regard to truth, love to their country, humanity, and universal benevolence, sobriety, industry and frugality, chastity, moderation and temperance, and those other virtues which are the ornament of human society, and the basis upon which a Republican constitution is founded," &c.

Now, it is obvious that, so far as these words are concerned, they might have been enacted by the Senate of Rome before the introduction of Christianity; for there is nothing in these words which bears the mark of any distinct Christian character. It is, however, quite certain that many eminent men—the late Mr. Webster, whom I have already quoted, Mr. Everett, Mr. Winthrop, Mr. Prescott, and many others, distinguished in literature and in political affairs—have given their opinions in favour of this system. They have stated that, receiving instruction at the public schools during the week, and afterwards on Sunday receiving distinct religious instruction either at Sunday schools or at home, the children of the State of Massachusetts are brought up as good Christians, and that the religious character of the State is preserved. Bishop Eastburn says, "It is a fact that no person suspected of entertaining irreligious sentiments would be employed as a teacher in any of the schools." That is a remarkable testimony; and if it be the case that no person who is known to hold, or who is suspected of holding, irreligious opinions is employed as a teacher, and if the ministers of religion are zealous and active, if there prevails, as there always has prevailed, in New England from the time of the departure of the first emigrants from this country, a strong Christian and religious sentiment, then it may be perfectly true that these schools are favourable to the Christian character of the country. On the other hand, Mr. Tremenhere speaks of several persons who were suspicious of such schools, and who thought they perceived a difference in the people with regard to the knowledge of Christian doctrines. All that I can say is, that I should be very loath to give any opinion which was opposed to that of the eminent men whom I have quoted, and, above all, to give an opinion with respect to a particular scheme of education which had been adopted by wise statesmen in a foreign country; and if it be the case that the Christian character of the community is preserved, if brotherly love and Christian charity are promoted by this scheme, I can only rejoice in its success. But with regard to our own country, I feel that, not only are there great authorities against it, but that there is a strong public sentiment which would not approve the enactment of such a law as I have just described. In the first place, I will ask leave of the House to read the opinion of a man whose opinion, whenever it is quoted, is always quoted with respect—the opinion of one of the most virtuous and religious of men—I mean Dr. Arnold. He says—

> "On the whole I am quite clear as to my original position, namely, that if you once get off from the purely natural ground of physical science, philology, and pure logic—the moment, in short, on which you enter on any moral subjects, whether moral philosophy or history—you must either be Christian or anti-Christian; for you touch upon the ground of Christianity, and you must either take it as your standard of moral judgment or you must renounce it, and either follow another standard or have no standard at all. In other words, again, the moment you touch on what alone is education—the forming of the moral principles and habits of man—neutrality is impossible; it would be very possible if Christianity consisted really in a set of theoretical truths, as many seem to fancy; but it is not possible, inasmuch as it claims to be the paramount arbiter of all our moral judgments; and he who judges of good and evil, right and wrong, without reference to its authority, virtually denies it."

That was the opinion of Dr. Arnold, and I will add to it the opinion of one of the present inspectors, a man of great intelligence, whose experience, at least, is worth consulting with respect to our national schools—I mean the Rev. Mr. Cook. I have quoted from him already, when speaking of the secular studies of the schools and the proficiency of the scholars in geography, arithmetic, and various other subjects. Immediately in continuation of that passage, he says—

> "I have confined my observations hitherto to the secular aspect of school studies, because objections are generally made by persons who believe that the time of children in national schools is absorbed by the Church Catechism and unintelligent reading of the Old Testament. But I do feel bound once more to record an opinion, deliberately formed and confirmed by a long and minute acquaintance with the working of elementary schools, that the one great influence which has elevated and developed the intelligence of these children, which has given clearness and accuracy to their perceptions, which has moulded their judgment, exercised their reason, and expanded their imagination, has been the careful, daily, and uninterrupted study of the Word of God. The religious instruction of our best schools is of an excellence which has never been rivalled in any system of national education, and which can be appreciated only by those who have had opportunities both of constantly examining the children under instruction, and of watching the effects of that teaching upon their conduct in after life. I know many young men and women who are now doing their duty humbly and faithfully in their appointed sphere of action, who gratefully attribute the measure of success that has rewarded their exertions to the impressions, instruction, and habits acquired in national schools."

The opinion of Dr. Arnold, supported as it is by the experience of so intelligent an officer of the Committee of Council on Education, must have great weight in determining this question. I can but think myself that there is, in fact, only one question to be considered—namely, whether you will have schools confined to those secular objects to which I have just adverted, or whether you will introduce into them moral instruction? If you confine them to arithmetic, geography, and the like studies, it certainly is not necessary that you should have any religious teaching at all; but when you require more than this—and I think almost everybody does require more—when you lay it down that your object in educating the young is to give them a moral training, favourable to the good order of society, favourable to the performance of their duties, and likely to be of use to them here and to tend to their welfare hereafter, then I think you cannot do this separate from the Christian religion.

But when we come to consider how such a plan is to be carried into practice, we undoubtedly meet with very great difficulties. If we pass the point over altogether—if we merely say, as I have already said in the preceding Resolution, that schools shall be established and schoolmasters appointed—we may seem to neglect the very greatest subject of all. If, on the other hand, we attempt to prescribe too much, if we give an advantage to the Established Church or to any other denomination, then the great principle of religious liberty is infringed. The only conclusion to which I can arrive is that, as the authority of the Scriptures is generally acknowledged in this country, Parliament may justly say that in all schools established by the State, the Holy Scriptures shall be daily read, but that at the same time every parent or guardian who wishes his child not to receive that religious instruction shall be at liberty to withdraw it. I do not think you can pass the subject over altogether, and I do not think you can venture to go further than that which I propose in this Resolution. The Resolution is as follows:—

> "10. That in every school supported in whole or in part by rates, a portion of the Holy Scriptures should be read daily in the school, and such other provision should be made for religious instruction as the school committee may think fit, but that no child should be compelled to receive any religious instruction or attend any religious worship to which his or her parents or guardians shall on conscientious grounds object."

This provision, of course, will be fully discussed in any Bill which may be introduced for the purpose of giving powers to raise a rate for school purposes. The House may arrive at a different conclusion from that to which I have come, but, while I agree that the grants should be given, as they always have been, to the various denominations, I do not think you could tax the ratepayers of the community without, on the one hand, requiring daily reading of the Scriptures, and, on the other, giving complete freedom to the parents to withdraw their children from all religious instruction.

Sir, after this comes a difficulty to which I have already adverted, and which is one of the greatest in this subject—namely, the attendance of children after they are ten or eleven years of age. I think we must all agree that an education which is to end at nine or ten years of age is not likely duly to impress the minds and hearts of children, and that it is desirable by all means to obtain the attendance at school of those who are between the ages of ten and fourteen.

With regard to one portion of the community, we have enactments to which Mr. Horner has pointed in one of his late Reports as having been completely and entirely successful. I mean those enactments which require the attendance of factory children at school during a portion of the day. Not only does Mr. Horner say that the system has been successful, but he also says that which I have heard confirmed from various quarters by men who are conversant with these schools and with others, that the children who have attended only half the day, sometimes in the morning, sometimes in the afternoon, at school, have by the earnest attention which they gave to their lessons, become qualified to compete, and have competed with others who have attended the whole day, for the offices of pupil teachers. If that be so, although we could not in the case of all occupations enact that a child should be one-half the day at school and the other at work, I think we might enact that the employer should give either the half days or a certain number of days in the year for the purpose of attendance at school. I find it is stated by more than one inspector that not only do many employers give no facilities for education, but that they make it a condition with the boys and girls whom they employ that they shall not attend at school, and thereby debar them from receiving its benefits. Difficult as it may be to carry such an enactment into effect, and partial as may be its operation at the present time, I should propose :—

> " 11. That employers of children and young persons between nine and fifteen years of age should be required to furnish certificates half-yearly of the attendance of such children and young persons at school, and to pay for such instruction."

With regard to the last part of this Resolution, I find that a noble Lord, who is a great employer of labour, and at the same time a most enlightened man, and who has shown great regard for the welfare of those in his employment—I mean the Earl of Ellesmere—has provided that all persons under a certain age who are engaged at his collieries shall contribute *2d.* per week to the support of the schools which they are required to attend. I do not see that it would be unadvisable or impossible that that which Lord Ellesmere does of his own free will for the benefit of those in his employment should be done generally by authority of Parliament.

There remain, finally, a very large class with whom it is still more difficult to deal —the class of children and persons between the ages of ten and fifteen years of age, who are neither at school nor at any sort of work, but are, in fact, idle in the streets and fields. Now, I do not think it would be possible—I should be glad if it were—to compel the parents of these children to send them to school. I do not think that you could, by any enactment, reach the parents in such places as Birmingham, Sheffield, and others, in which, however, we have to lament the greatest evils arising from a neglect of attendance at school; but it may be observed, that so far as it can be ascertained, the reason why many of the parents of those boys who are earning nothing do not send them to school is, that they are unable to bear the cost of doing so. They, therefore, after having them at school for a year or two, say, from the age of eight to ten, take them away. I know, however, by the experience of schools in our immediate neighbourhood—the Borough Road school for instance—that parents, so long as they can afford it, are very glad that while they are at work their children should be at school, and should thus be kept out of harm's way, and be prevented from being led by idle boys in the streets into the commission of offences. I, therefore, believe that if it could be made possible, parents would generally desire that their children of from ten to fourteen years of age should, when not in employment, receive education. One scheme for effecting this, which has been proposed in Staffordshire by Mr. Tremenhere, is that called the prize scheme, according to which prizes are given to those who remain at school after a certain age. Another plan which might be adopted would be, that after children had been at school for two or three years, if they remained after eleven or twelve years of age, the school fee paid by them should be considerably diminished. A third plan, which has in many cases been successful, would be the establishment of evening schools. Another mode, of which I am sure that my hon. Friend near me (Mr. Ewart) will approve, would be to invite young men to attend libraries, which should be adapted to their capacity, and the books in which should be calculated to amuse as well as to instruct them, thus inducing them to keep up the knowledge of the arts of reading and writing which they have acquired at an early age, and which they might otherwise lose by want of employing it. Not very long ago I was with a clergyman in Oxfordshire who has adopted this scheme. He has set up a village library—I believe others have done the same—and he told me that he had found it very successful. He has a large room, which is lighted up in the evenings. It is supported by those who can afford it, and is frequented even by the sons of labourers. I believe that by efforts of this kind, made perhaps in the first instance by the Committee of Council on Education, and afterwards, if necessary, encouraged by the enactment of law, we might remedy a great part of the evils which I have pointed out. I, therefore, by my last Resolution, propose—

> "12. That it is expedient that every encouragement should be given by prizes, by diminution of school fees, by libraries, by evening schools, and other methods, to the instruction of young persons between twelve and fifteen years of age."

These, Sir, are the Resolutions which I have framed for the purpose of bringing this great subject under the consideration of the House. I am of opinion that they are calculated to reach the whole extent of the evil. I think we ought to attempt no less. If we can do it better, let us; but I believe that in the present state of the world and of this country you ought not to do less than to attempt the complete education of the people. I have heard much of "the dangerous classes," and I believe there could be no class more dangerous than one which, acquiring a little knowledge of reading, perhaps a little learning, would become discontented with the religion and with the political institutions of their country. If Parliament enacts wise laws on this subject, I believe that the young who are educated under them may become the support of all these institutions, of course amending them where they are defective—examining, perhaps, with a jealous and suspicious eye, the abuses which are alleged to exist, but not falling off in loyalty, or despising the laws and customs of their forefathers. I should perhaps, say, that no plan such as that which I have explained to the House could be carried into effect without a very considerable increase of expenditure. Looking at the returns, and at the work of Sir J. K. Shuttleworth—he and his brother have been most valuable contributors to our knowledge of this subject—I find that the expense per annum for each child's attendance at school may be calculated at about 18*s.* I think Sir J. K. Shuttleworth says, that the cost, exclusive of the expense of the schoolmaster's house, would be 16*s.* per child per annum. Taking the expense at 18*s.* per head, the cost of educating the 3,600,000 persons whom I have mentioned would be about £3,240,000 a year. That sum would be raised in various ways, partly by subscriptions, partly by school pence, partly by grants, partly by charitable endowments, and partly by rates. It is not a very great expense when compared either with the sums which are granted for this purpose in foreign countries, or with the magnitude of the object which we have in view. I have proposed that which I believe to be the best plan for providing for the education of the people. If a better plan is proposed, let it be adopted; but I do hope that before long the Legislature of this country will deal with this subject—that it will not allow either religious differences or financial obstacles to be placed in the way of raising the religious, moral, and political character of this country, and that some plan of national education will be adopted and carried into effect.

Motion made, and Question proposed—

> "That in the opinion of this House it is expedient to extend, revise, and consolidate the Minutes of the Committee of the Privy Council of Education."

MR. HENLEY said, he felt that the House would agree with him in the sense he entertained of the full, clear, and lucid manner in which the noble Lord had brought the subject under consideration. The noble Lord had gone through it in a way that was most interesting to those who had paid attention to the subject of general education; and in very many of his propositions he (Mr. Henley) concurred. He understood, however, that it was not the intention of the noble Lord to ask the House to any immediate discussion of the Resolutions. [Lord J. RUSSELL: Not till after Easter.] He would not, therefore, then offer any criticisms on them, and he would confine himself to such observations as were necessary to obtain information upon some points which had struck him as the noble Lord went on, and which he had not sufficiently explained. In the first place, as regarded the financial part of the question, which the noble Lord touched on the last. The noble Lord did not indicate what, in the event of the rates coming into use, was to become of the voluntary contributions. He should wish the noble Lord to make that clear, as it did not seem so to him (Mr. Henley) at present. It was, however, a matter of detail, and it might be that the noble Lord had designedly reserved it for future consideration. Then, again, there was another branch of the subject as to which he could not but regret that the noble Lord had not been more explicit—namely, how he proposed to deal with that large portion of the juvenile community who at present did not go to any school whatever. It was, no doubt, a misfortune that children should be removed from school at too early a period; but it was a still greater calamity that they should not go to school at all. Unhappily, there were thousands so circumstanced, and the noble Lord would appear to have totally overlooked their case. All that could be gathered from the noble Lord's speech was, that he did not think it could be made compulsory on parents to send their children to school. His Resolutions, therefore, whatever their merit in other respects, did not offer a solution of one of the great problems involved in the education question. There was another part of the subject which required explanation also —that of inducing masters and the employers of labour to give greater aid to the establishment of schools than they now did. The noble Lord seemed to say that he would make it imperative on masters to allow children in their employment to attend school for a certain period every day; but, as he did not propose to couple that obligation with any enactment making it compulsory on masters to employ the labour of children, it was difficult to understand how his system would promote what appeared to be the great desideratum—the necessary education of the people. There were one or two points of the noble Lord's plan which he had heard with great satisfaction, because they demonstrated the noble Lord's concurrence with that which, in his (Mr. Henley's) opinion, was one of particular importance—namely, the necessity of a religious basis for a national education. The noble Lord had laid it down as his opinion—an opinion which he fortified by the high authority of Dr. Arnold—that it was quite impossible to teach any system of morality unless it were founded on Christianity. [Lord J. RUSSELL assented.] In that sentiment he (Mr. Henley) entirely concurred. He firmly believed that those who thought they could teach children not to lie, or swear, or steal, without founding their teaching on the highest obligations—those of religion — would be wholly deceived. But the noble Lord did not pause there. He went a step further—and it was a point of the greatest importance—he said that, with the views of religious freedom prevalent in this country it was not possible for the State to impose a particular system of religious teaching upon any person. In the first instance, the noble Lord admitted that for moral teaching there must be a religious foundation; and he then illustrated his position by a reference to the schools of the British and Foreign Society, where, although no formulary was used, there was orally a distinctive religious teaching. But, with the noble Lord's views of religious freedom, how was that precedent to be made available for national purposes?—how was it to be interwoven in a grand scheme of national instruction? The noble Lord said that if a parent objected to religious teaching, the child should be exempt from religious instruction. There was something of inconsistency in the arguments of the noble Lord, for, while he admitted what he (Mr. Henley) was delighted to hear from such high authority, that there was no sure foundation for morality except in religious teaching, but that, in this country, it was out of the question to impose a system of religious teaching on any one, did it not strike the noble Lord that, on his own showing, it would be impossible that the child should have moral teaching if he was not to have religious teaching? He entirely agreed with the noble Lord as to what ought to be the object of the Legislature in the matter of national education; and in respect to the noble Lord's calculation of the number of children that ought to be brought within the operation of a general system of education in this country, he did not think it excessive; neither did he think that he had placed at too high a standard the quality of the education which they might hope would be eventually imparted; but he thought the noble Lord had fallen into an error habitual to the advocates of popular education in this country, that of endeavouring to get too much at once. Some years ago expectations had been raised too high on that point, and they naturally produced disappointment as the result. What Mr. Moseley said was right—namely, that parties who would have a voice in the matter, the parents of the children, when they thought their children had got education enough took them away from school. The Privy Council saw this; for it now gave assistance, at least within the last year, to the humbler classes of schools, which it had always refused before. He (Mr. Henley) could not tell how the experiment would work; but he believed that one of the causes which had led to the disappointment he mentioned, was the attempt to take too many steps at once. In educating a nation, the progress should be gradual, if it was desired to be certain and effective. He (Mr. Henley) would ask any man who knew the habits of the people of this country thirty years ago, whether there was not now a much greater desire to read books, and a much greater willingness to go to school, than there was at that period? That arose from the circumstance that a certain amount of education had been disseminated among the lower classes which was leavening the mass, and every day gained something for them step by step. He thought the people would be more willing to send their children to school, if they sought to teach them that which they think they can best understand themselves. The noble Lord had gone through a sort of caricature of study, founded on the opinions of the inspectors, for children up to twelve. There was a considerable population in this country not tainted by crime, who were not disposed to give any education to their children which they could not themselves understand. If the children of these people were taught to read and write, and to know the elementary rules of arithmetic, there would be no objection on their parts, for few, high or low, but would admit that they were desirable for children. Of course he (Mr. Henley) coupled with it the proper amount of moral and religious teaching. But when the elements of certain sciences came to be added, and a competent knowledge of political economy to boot, the parents of these children might be talked to for a week before they could be made to comprehend their utility; and as to persuading a man to keep his child at school from ten to twelve, for the purpose of learning these things, while he could get 3*s*. or 4*s*. a week for the child's labour, during that time, it would be a fruitless task. Such a person might reply, and not altogether without truth, "Political economy may be a good thing or a bad, but I do not understand it; but I do understand the necessity of filling my boy's belly; and I therefore prefer that he should go to work and help to maintain himself." The noble Lord had not overstated, in his opinion, the number of children who did not go to school at all; on the contrary, he (Mr. Henley) was inclined to think the noble Lord had under-estimated them. He (Mr. Henley) had given some attention to the subject, and he believed that the conclusions of the Census were not overstated in that respect. There was one point, however, in which the Census was in error, because many infant schools, in which babies under five years old were merely taken care of and taught nothing, were made to swell the proportion of children receiving education. The fact, indeed, cut both ways, for it also showed the low standard of acquirements in those to whose custody large numbers of young children were entrusted. He (Mr. Henley) should be very glad to give the noble Lord's Resolutions all the consideration which their intrinsic importance demanded, and which was demanded also by the character of the noble Lord and by the ability with which he had brought the subject forward. One point more, however, he felt bound to refer to. The noble Lord had gone, perhaps unnecessarily, out of the beaten track of his subject to deal with the collateral question of the charities of England. Various Acts of Parliament had been passed for the purpose of regulating and administering these charities; what the noble Lord, however, proposed to do would lay the door open so widely to innovation on this point as would no doubt have the effect of leaving on the minds of many persons an impression that his plan amounted to their confiscation. He (Mr. Henley) thought the noble Lord had been rather hard upon the hon. and learned Members of that House, from whom the House had always received the greatest aid and assistance. He had chosen to say, that in consequence of the large infusion of the Chancery element into this and the other House of Parliament, he almost despaired of obtaining a settlement of this matter at all satisfactory to his mind; and not only this, but he also threw out the insinuation that these hon. and learned Gentlemen would probably be influenced by sordid motives arising from the probable loss of business owing to the cessation of litigation respecting charities. The noble Lord would forgive him for saying, that he thought the remarks he made in reference to these hon. and learned Members were not worthy of the subject, of the manner in which it was treated by him, or of the noble Lord himself, and were certainly unjust towards those against whom they were directed. No doubt the principles which governed Chancery law were capable of occasional perversion; but there could be as little question that they were based on the highest species of human justice; and it was because of the firm expression that had been given to that sacred principle by the "Chancery element," unmixed by the base motives which the noble Lord had been pleased to impute, that Parliament had been prevailed upon in many instances to withhold its sanction from meditated acts of spoliation. The noble Lord's Resolutions had given the House a thesis for consideration much larger than the ensuing recess would afford them an opportunity for mastering; but, at all events, when the House reassembled, hon. Members would come to the discussion in a spirit that the subject was one on which they could have but one interest, and that in all they could do for the benefit of the humbler classes and the due development of their moral and intellectual faculties, so as to cause them faithfully to discharge their duties in the situation in life in which God had placed them, they were consulting not alone the welfare of these classes, but were also consulting their own best interests.

Lord ROBERT GROSVENOR thought the noble Lord entitled to the best thanks of the House for the manner in which he had brought forward this question. So far from the noble Lord having, as the right hon. Gentleman opposite (Mr. Henley) supposed, attempted too much, any less comprehensive treatment of the subject than he had given to it would have incapacitated the House from approaching its future discussion with the requisite preparation. He (Lord R. Grosvenor) wished, however, to call the attention of the House to one important point, which the noble Lord had omitted to touch, namely, the division of labour in the educational system. No doubt, as the right hon. Gentleman opposite observed, the humblest labourer who could readily appreciate the value of reading, writing, and arithmetic, could not possibly be made to comprehend the value of a knowledge of science and of political economy to his children. Indeed, one great fault of the present system was, that it sought to combine in the same school tuition in the higher as well as in the lower branches of education. The course pursued by foreign countries was far wiser, because they kept their elementary schools quite distinct from the establishments to which the more advanced class of pupils were sent. This offered an inducement to the scholars to remain longer under instruction in the hope of attaining, in virtue of their superior qualifications, to the higher grades of society. Unfortunately, however, in this country a clever boy attending a public school, unless he wished to be trained for the office of an educator, could find no place in which he could afterwards, at a reasonable cost, perfect his talents and previous acquirements, and thereby fit himself for a sphere in which to exercise them. The consequence was, that the country could not avail itself of the abilities of the children of the poorer classes of this country. In France, and in other countries, a boy of great capacity might pass from a lower to a higher school, and, if a clever boy seemed likely to become a clever man, his talents could be rendered available for the public service. He hoped that this subject of adding to elementary schools — schools of a high class—would not be lost sight of. One of the great difficulties in the way of education was the supineness of parents of the lower classes. He had, himself, had unfortunate experience on that point. He had occasionally offered to provide clothes for a child, in order that its parents might send it to school, but had been unable to persuade the father and mother to send him to school. He could not, therefore, help hoping that some compulsory system might be resorted to. "A Manchester Manufacturer" had written a letter to the noble Lord the Member for King's Lynn, ably advocating something of this kind; for instance, if people were not allowed to employ labourers, unless the labourer himself could produce some kind of certificate of education, he thought that was not a kind of compulsion which could be complained of, even in this free country. A great deal might be done for the cause of instruction by evening schools, not only by schoolmasters, but by the higher classes teaching in evening schools, whereby the young of both sexes could keep up their knowledge until a practical use could be made of it.

MR. ADDERLEY believed the noble Lord consulted the general feeling of the House in not asking hon. Members to commit themselves upon Resolutions of so grave and important a character without full consideration. He felt much indebted to the noble Lord for devoting his unusual leisure to considering and maturing his views on this subject, and he had certainly introduced them to the House in a most lucid manner. The propositions were not, however, new; and the only question was, whether they should give up all their formed speculations and hopes, and retrograde to the position which they had occupied years ago? The noble Lord had led the House through every species of debates, Committees, Resolutions, and Bills; inquiries by Select Committees, and the introduction of private and public Bills; and the noble Lord now asked the House to fall back upon its first action, and to resolve the problem into the elementary form of Resolutions. The noble Lord brought back the House to the Privy Council. He had hoped when, eight years ago, Manchester petitioned to be allowed to rate itself for education, that Parliament would have seen the wisdom of trying a great national question by a local experiment, the readiness for which was so honourable to that city. He had himself introduced a measure two years ago for public education, based on the plan of subsidising the voluntary schools of each denomination by local rates, but it failed; and if it were really necessary to abandon that plan, the noble Lord could not do better than take up the scheme which had now been tried for seventeen years, of grants from the Consolidated Fund, and develope and encourage the system of Treasury aid for the support of national education. For himself, he admitted that he preferred a system of local rates, as being more consonant with the spirit of a free nation; but if they were compelled to abandon all plans for local rates as involving insuperable difficulty from religious differences, then it would be desirable to encourage, by whatever other means were available, voluntary contributions all over the country. The Bill of his right hon. Friend (Sir J. Pakington) was almost identical in principle with the Manchester and Salford Bill, which he (Mr. Adderley) had introduced—not the "secular" Bill—with the exception of the additional rate clauses for new schools, which, as he had truly warned his right hon. Friend, would endanger its success. The noble Lord now imitated those provisions, and would similarly endanger any measure based on his Resolutions by the introduction of those religious differences which had been fatal to so many propositions on this subject. The noble Lord's first Resolution indicated the carrying out and completion of the existing system of national education upon the basis of religous instruction, aided by the State. He was quite willing to give his adhesion to this first portion of the noble Lord's propositions, and if that noble Lord would only disembarrass the question of the last portion of his Resolutions, he would then have a fair chance of performing a service entitling him to the gratitude of the country. If, however, the system of local rates was to be abandoned and recourse had only to the Imperial Treasury, it was essential that the same principle should extend to all schools depending upon national aid. If schools for the children of labourers were to be maintained out of the public purse, pauper schools should not be dependent upon local rates, but they, together with reformatory schools, should be alike supported by the same funds. The only objection he could see to such a system was, that it would place almost the whole primary education of the people in the hands of the Government; and that would be a legitimate objection to urge, especially when the Government would necessarily be obliged to employ a large staff of officials in carrying out the system. However, he hoped the danger likely to arise from that source was to be diminished by the immense advantage of a Minister of Education, who was to have a seat in that House, for the promise of which the country was very much indebted to the right hon. Gentleman the Member for Droitwich (Sir J. Pakington) as well as to Her Majesty's Government. At the same time he would wish to remark that, if they were to deal only with the Committee of the Privy Council in this matter, the educational system of that body must be very much altered and improved to adapt it to the feelings, the wishes, and the spirit of the country, and to fit it for the work which was to be done. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had very justly remarked that the standard of education at present required was ridiculously unfit for many of the schools to which it was applied; but that was a danger always probable while the system was administered under the control of the Government, as a man of great eminence and ability would always be placed at the head of the department, who would hardly be content with the apparent meanness of the task imposed upon him, but would seek to carry out schemes, theories, and fancies of his own. Such an officer would probably be always aiming at the higher sciences rather than promoting industrial pursuits among a class to whom the latter were of vital importance; and thus the primary purpose of public grants for education would be defeated. The absence of industrial education was one principal reason of the difficulty so often lamented of getting parents to send their children to school, or keep them there. The noble Lord the Member for Middlesex (Lord R. Grosvenor) had informed the House how presents of clothing had failed to induce parents to send their children to his school; and compulsion would be equally ineffectual. The only mode by which those children could be got to school, was to make the parents sensible that the education given there would tend to their advantage; and this could only be done by making the education useful. With respect to the several propositions of the noble Lord, he (Mr. Adderley) concurred in many of them. He believed that the suggestion for the codification of the rules of the Committee of the Privy Council was a most valuable one. The noble Lord, in proposing to collect them all into one volume, seemed not to be aware that that had been done at his suggestion last Session; but they further required revision and classification. The second proposition, to add eighty sub-inspectors to the existing thirty or forty inspectors, was perhaps necessary to carry out the system. At present the inspectors hurried from school to school, made their inspections watch in hand, and were not sufficient for the work they had to perform. He, however, hoped that an equal increase of such inspectors was not necessary for Church schools, for Wesleyan schools, for Roman Catholic schools, and for every denomination. The appointment of particular inspectors to the schools of each religious sect created great jealousy and inconvenience, to say nothing of the great expense. In addition to the large additional staff thus to be created, other inspectors would still be required for pauper schools and reformatories. With the noble Lord's proposition for the creation of school districts he (Mr. Adderley) fully agreed, as he understood it to mean the union of small parishes whenever expedient. He thought it most desirable that many charitable funds of small amount, which were at present distributed in such a manner as to demoralise the recipients, should be applied to educational purposes. He again, however, urged the noble Lord to abandon that portion of his scheme which proposed the imposition of rates, for if he persisted in pressing it he would embarrass, by religious difficulties, the whole discussion. He regarded the proposition of the noble Lord, that employers of children between the ages of nine and fifteen should be required to furnish certificates of a certain amount of attendance at school, as one of great value, but it might not perhaps be a very easy matter to carry it out practically, especially in the agricultural districts. He would recommend the noble Lord not to complicate his subject by suggestions relative to the establishment of libraries and evening schools, for, although those proposals well deserved consideration, he thought the noble Lord would find difficulty enough in carrying the first portion of his Resolutions —if he carried out the first part of his scheme for school grants effectually, library grants would speedily follow. To that portion of the scheme which was embraced in the first part of the Resolutions he (Mr. Adderley) gave his full assent, and he hoped the noble Lord would press it exclusively, for the present, upon the attention of the House.

MR. EVELYN DENISON said, he must thank the noble Lord for the completeness of the scheme which he had laid before the House; hon. Members had had the great advantage of hearing the noble Lord's statement of the ground he now occupied, and they would all of them start with the noble Lord, and, if they did not complete the journey with him, they would, at least, perform the common journey with complete satisfaction. He would, to some extent, adopt the course which had been already taken, and commence, as the noble Lord had commenced, with an examination of the Minutes of the Privy Council. He had advised that there should be a revision and consolidation of these Minutes, which ran over a period of sixteen years, and contained seventy-one full quarto pages. The noble Lord stated that he would not then enter into an examination of those Minutes, because there would be other and more favourable opportunities of doing so. But he (Mr. Denison) thought it would be fair to communicate to the Committee of Education of the Privy Council the objections which he felt, and the points where he thought it might be materially improved. The very object of a public grant of money in aid was, that men might be able, by acting in concert, to assist each other and to assist the State. But, according to the rules of the Committee of the Privy Council, those parishes which were too poor to help themselves could not receive any help from the State. If some poor parish or district should not be able of itself to contribute a sum equal to the amount required by the Board, but nevertheless received a sum from some benevolent friend to education, and were thus enabled to complete the sum required, it ought to receive assistance from the Board of Education. But the Privy Council said, "No; that won't do for us. You have come with £200, but you have not raised £50 of it yourselves in your own parish." Now he (Mr. Denison) thought that if a parish came forward with the requisite amount, it was not necessary to scrutinise with minuteness where the resources came from. Then, again, no aid could be given to a school that was not presided over by a certificated schoolmaster; but the fact of a man's holding a certificate was no test of his being the best man to instruct the children in a parish school. There were some men, who had reached, say, the middle term of life, who were unwilling to submit to the ordeal of the examination, who were yet very excellent schoolmasters; and the schools would be better managed by such men than even by certificated schoolmasters. He (Mr. Denison) agreed in the extreme advantages attending the system of night schools, where farm servants and apprentices could continue after they had entered service. The only difficulty was, that the schoolmasters might object to this additional labour. The way in which the Committee met this difficulty was, by offering the sum of £10 to schoolmasters to assist in establishing such schools. But here again the same restriction interfered—no assistance would be given to the evening schools if the master of the day schools did not hold a certificate. Here, he thought, a relaxation might be made with advantage. The noble Lord had stated the benefits which arose from children working half time. These advantages were stated to apply to the manufacturing districts; but he (Mr. Denison) thought they would equally apply to an agricultural one, for in a case that had come under his own observation, although the children had only half time at school, they had made nearly as much progress as those who had attended continuously. The further Resolutions, he thought, were each worthy of the attention which had been bestowed upon them; and he thought that, when a greater period of time had elapsed, the House might gain a system, if not national, at least of general education.

MR. G. BUTT said, he had only one remark to make on the Resolutions of the noble Lord with respect to charities. The existing law with respect to charities was unquestionably fraught with evils which deserved the serious consideration of the House. In many cases, when endeavours were made to enforce the proper application of charities of small amount, the result was that the charities themselves were destroyed in the attempt. The noble Lord, in moving his Resolutions, had referred to the difficulties which the lawyers might throw in his way in dealing with small charities. He could assure the noble Lord, on the part of his profession, that they would be glad to give him every assistance in their power in order to effectuate so good an object. The Commissioners of Charitable Trusts were quite competent to decide, without an appeal to a higher court, such cases as those which the noble Lord had mentioned; and if the noble Lord were to introduce a few clauses after Easter giving the Commissioners such a judicial power, he would save many charities from being consumed in worthless litigation, and confer a great benefit upon the whole community.

MR. ROEBUCK said, it was his fate twenty-three years ago to propound a scheme of national education. He was then very young in public life, and, buoyed up with the sanguine spirit of youth, he regarded all obstacles as things easily to be vanquished. Experience had taught him what a great mistake he then made in supposing that success must necessarily attend his efforts. The noble Lord, however, with greater political experience and greater intellectual powers, was now addressing himself to the same task. He hoped that the noble Lord might meet with greater success than he had; still, he had doubts about it, for he found that he was opposed by the same difficulties which had stood and would continue to stand in the way of every educational reform in England. The noble Lord had adverted to those difficulties at the end of his speech. He there stated that he was unable to separate religious education from national education; and, addressing himself to those who were called secular educationists, he said, that any attempt to teach morals unless based upon Christianity was totally impossible; forgetting that nations existed at the present moment which were not Christian, that vast communities flourished before Christianity was known, and that the great men of ancient times knew not the religion of Christ, though they were moral. The truth was, that what we called secular education was, in fact, religious education, and that it employed religion in the education of the people in the only way in which it could be beneficially employed. Let the House consider, in the first place, what was the end or object of education. He took it to be so to fashion the intellectual and moral man as to make him, in his condition, a good father, a good son, a good husband, and a good citizen. If education did not accomplish that end, it accomplished no good purpose. To make a man merely intellectual, and not to make him morally good, was to give him the power of doing wrong with greater facility than he otherwise could — was, in short, to make him a fit instrument for evil. What, then, were the means to the true end of education, as he had stated it? First, intellectual education; secondly, moral education; thirdly, religious education. About intellectual education there was little dispute, and, therefore, he would not dwell upon it. To strengthen the intellectual part of man, to teach him the best means of comprehending his nature, to teach him the best means of working out his own happiness, was a thing about which there was and could be little dispute. With respect to moral education, it was a remarkable fact that the moral code of every sect in England was pretty nearly the same. The moral code of a country depended upon the state of civilisation within it. As we advanced in civilisation we improved our moral code; and the moral code of the Christians of the present day was as different from the moral code of the Christians of the eleventh century as the moral code of England was from that of Hindostan. That something which was required to make a moral code, beyond a mere intellectual education, might be termed civilisation; as a nation became civilised its moral code improved. Now, he would suppose at the same school the child of a Jew, the child of a Unitarian, the child of a Catholic, and the child of a Member of the Church of England. Now, he wanted to know whether, as these were all English children, though of different sects, they would not all receive the same training? If so, the moral code of England was settled: and the moral code was that which fashioned the moral man. What next did religion do? It had done much, no doubt, to form the moral code; but how could we employ it in teaching? Why, we might employ it exactly in the same way for all the children he had mentioned belonging to different sects. One and all now admitted religion as a sanction, and it was only as such that we could employ it beneficially in education, so as to make a moral man. The sanction was this, that in proportion as a man was good or bad, he was looked upon with favour or disfavour by the great God of humanity. Such was the religious sanction which alone influenced the conduct of man; all else was comparatively unimportant. A Jew fancied it a crime not to keep holy the Sabbath, which was our Saturday. The Christian, in fact, felt the same with respect to Sunday. The Catholic thought it a mortal sin to eat meat on a Friday. All these were things which distinguished one sect from the other, but they had no bearing on religious sanction. Therefore he said they could make all men religious in spirit without making them either Protestant or Catholic, Jew or Unitarian — they could introduce religious teaching without introducing religious differences. He acknowledged that to teach that to

Englishmen was a most difficult task, and he warned the noble Lord, when he said he meant to introduce the reading of the Bible in schools, that he would thereby shut out every Catholic and render education anything but national. Supposing a child heard a verse from a chapter of St. John, he would say to his master, "I do not understand that verse—explain it." How was it to be explained—in a Protestant, a Catholic, or a Unitarian sense? Could it be explained without introducing doctrinal points? He said it was totally impossible, and the moment they introduced anything like doctrinal points they introduced those things which put the hostile sects asunder. That being his view, he was for secular education. He was for teaching mankind all the great moral doctrines, and he was for teaching them to act under social, religious, and moral sanction. They might impress upon a child's mind that if he did certain acts he would have a moral sanction. It was more difficult to prove that he would have a religious sanction. Children could not understand it. According to the doctrine of religion nowadays, they were told that in this life they could not judge of religious sanction. Moses taught a different doctrine. All they could do was to fashion men's minds by degrees for a religious sanction, and they could do that without creating any sectarian difference in a manner which would make men brothers by religion instead of enemies. He believed that for the whole of mankind some education was necessary, and as he believed that in England a system which tended to anything like sectarian differences was objectionable, he was in favour of secular education.

Sir JOHN PAKINGTON: I quite agree that it is not desirable on this occasion to enter into any lengthened discussion of the proposals brought forward by the noble Lord; but I cannot allow the discussion to close without expressing to him my heartfelt thanks for the able, temperate, and impressive manner in which he has addressed the House upon a subject of such vital importance to the interest and character of this country. I wish also to say that the noble Lord has, in my opinion, exercised a wise discretion in submitting his propositions to the House in the shape of Resolutions. I experienced myself last year the difficulty—indeed, I may say, the impossibility—of an independent Member, without official influence or power, carrying through Parliament a comprehensive and complicated measure upon a subject of such great difficulty as that of education; I had, indeed, not the presumption to suppose that in the first Session of submitting a plan I should succeed in carrying it into actual legislation. My object was, rather to lay down some broad principles of action, and to invite the attention of the House and the country to those principles. And perhaps I may be allowed to say I shall be more than rewarded for any labour I underwent if I may entertain the hope that I have been in any degree instrumental in the establishment of what I consider to be so great an object as a recognised and responsible department of education. I am quite aware that I was not the first to suggest that course; but while I recognise the frank and courteous spirit in which Her Majesty's Government, especially the noble Earl the President of the Council, made that suggestion, I do hope I may have been instrumental in accelerating its adoption. I venture to hope, also, that I have been in some degree instrumental in separating this great subject from the category of party questions, and I trust we are now arrived at the time when those who think alike may act together, without considering whether in general politics they are usually opposed to one another. I am less disposed to dwell at any great length upon the subject which the noble Lord has introduced because, on the whole, he has stated opinions similar to those which last year I expressed. I wish, however, to thank him—if I may be permitted to allude to so unimportant a matter—for the great courtesy with which he has referred to my humble exertions, and still more for his frank and candid acknowledgment of the accuracy of my statements with reference both to the actual condition of education in England and to the extent to which we have already lagged behind foreign countries in that respect. There was one point in the noble Lord's speech which I was half inclined to doubt. It puts us with regard to education in rather a better light than I expected. If I understood the noble Lord rightly, there are as many as 500,000 scholars at schools which receive grants from the Council of Education. I was surprised to hear that the proportion is so large. Putting it in another way, in round numbers there are 49,000 schools, and I do not think above 5,000 are under inspection. The schools under inspection are, no doubt, by far the best, and probably that accounts for so large a proportion out of the whole number of children at school attending them. In the two objects which the noble Lord says we should endeavour to accomplish—namely, to make education more complete, and to support and maintain what is good in existing institutions, he will find no warmer supporter than myself; for those were precisely the objects which, however imperfectly, I sought to obtain by enactment last year. With regard to the question whether education should be free, I have already expressed my opinion. I have always admitted that much may be said on both sides. I do not think, however, that the establishment of free schools is essential either to the plan I myself proposed, or to any other plan suggested in these Resolutions; and in the views of the noble Lord, that we ought to go as far as we can with the present system, I entirely concur. If any one objects to the number of these Resolutions, it will be my noble Friend the President of the Council, and the Gentleman, whoever he may be, who will represent the department in the House of Commons—because the noble Lord has sketched in detail the arrangements which it would otherwise be the duty of that department to devise; but, perhaps they will be much obliged to him for his assistance. I can only say myself, with regard to these Resolutions, that they in every respect deserve the most serious consideration. If there were any Resolution which I should be disposed at the present moment to comment upon, it would be that which relates to religious education. I am aware there is a party in this House who prefer secular to religious education in these schools; but we are bound to take into consideration, not so much what is the individual preference of this or that friend of education, as what is the prevailing feeling of the people on this subject. The hon. and learned Gentleman (Mr. Roebuck) has said that as a country advances in civilisation it improves in morals; but that is a proposition which, if we reject religion, it would be difficult to establish, and which experience would not confirm. But all that part of the hon. and learned Gentleman's speech was far apart from the main object involved in the question of national education. What we have to consider is, the elementary instruction of the humblest classes of the community. I know there are exceptions in the case of men of great talent and zeal, and who are entitled to the greatest consideration; but I believe the feeling of the vast majority of the people of this country is that, looking to the class with which we have to deal, whose welfare we have to consider, and looking to the means of religious instruction which they possess irrespective of the education they receive, any system of education would be imperfect which did not teach their children their duty to God as well as their duty to man. It would be a most unworthy and imprudent course on the part of any statesman or Government to run counter to that feeling by endeavouring to establish a secular system as contradistinguished from a religious system. The noble Lord has referred to the system of national education adopted in the cantons of Switzerland, where education is given alike to Protestant and Catholic, and, although the religion of the State is taught, yet full liberty of dissent is allowed. In the United States, on the contrary, a complete secular system is adopted. Last year I ventured to recommend the system of Switzerland;—that system has been tried in other countries in Europe, and even in this country, and always with success. The noble Lord prefers the system of Switzerland to that of the United States, and in one of his Resolutions directs that a portion of the Holy Scriptures should be read; but he does not seem to make any provision for the religious instruction of the children.

LORD JOHN RUSSELL: The Resolution goes on to say that such other provision should be made for religious instruction as the school committee may think fit.

SIR JOHN PAKINGTON: That explanation of the noble Lord has in a great degree removed any doubts I may have entertained respecting that part of the plan. I cannot agree with the recommendation of my hon. Friend (Mr. Adderley), that the noble Lord should abandon that part of his scheme which refers to districts where no schools now exist. Last year I maintained that any system of national education which did not include those districts would be imperfect; I therefore rejoice at this part of the plan of the noble Lord, to which I feel I shall be able to give my cordial support. The Resolution which refers to the compulsory attendance of children at the schools appears to me perfectly sound and free from objection. Sooner or later the compulsory principle must be recognised, otherwise it will be impossible to carry out any plan for the general education of the people of this country. In conclusion I beg to express my thanks to the noble Lord for the great pains he has taken upon this subject, and to assure him that I shall give his Resolutions the fullest consideration, and, if possible, my best support.

MR. MILNER GIBSON said, he should have been happy to commence the journey with the noble Lord, the Member for the City of London, if he were not afraid that, in consequence of certain principles contained in the Resolutions, he should be compelled to part company with him on the way. He quite admitted that the noble Lord had introduced the subject in a manner deserving of its vast importance, and it would not be respectful either to the noble Lord or to the House if he were to deliver hastily any opinion on the details of the scheme which had been submitted to them. He would, however, refer to one or two observations that had fallen from the noble Lord, and from the right hon. Member for Droitwich, with reference to one or two points of the plan that had been submitted to them. It seemed to be a common practice to assume that certain things we did not like were not popular, and we were apt to say that the public sentiment was against such things. Nothing was so easy as to make that assertion. But he would ask, what was the evidence of the public sentiment being against that secular scheme which all seemed so ready to condemn? What proof had they? There were men of experience who would readily meet the advocates of a system of national religious education, and, in opposition to it, support the secular system, in any public assembly, with full confidence of obtaining a majority in favour of that secular system if it were to be supported by public rates. The notion of a rate was only made popular—or was made somewhat acceptable—by the knowledge that it was to support a system of education in which all could participate. The right hon. Gentleman assumed that popular sentiment discarded the secular system; but he (Mr. Gibson) could tell him that there had been 170 public meetings in twenty-eight counties of England, at every one of which a resolution was carried that no system of public education should be supported by parochial rates except the secular system. All the systems supported by rates which included religious education, in the opinion of the people, savoured of church rates, and it was only on the distinct understanding that the rate was not to support any system of denominational education that it was listened to. He was not surprised, after the course taken by the noble Lord yesterday on the subject of church rates, that he should propose a scheme of national education to be supported by rates which embraced religious instruction. If the advocates of the secular system were unpopular, he thought he might with truth state that those who would support all religions by public rates were not less unpopular. The right hon. Baronet proposed to put the Trinitarians, Unitarians, Roman Catholics, and Jews, upon the same footing, and support the religious tenets of these various bodies out of the public funds. Why, such a proposal was looked upon by the religious world as far more fatal to the interests of true religion than the secular system, which meant nothing more than this—that, inasmuch as all were agreed upon a certain portion of education, that only should be imparted by public rates; religious education, upon which men were not agreed, being left to be supplemented by voluntary efforts, and to be supplied at other times and in other places. When the noble Lord (Lord John Russell) and the right hon. Baronet took such pains to impress upon the House the necessity that these public schools should be religious schools, and should afford a sound religious instruction, he confessed his surprise that they should afterwards seem willing to fritter down this religious education into the merest skeleton which it was possible to conceive. They were willing to reduce it to the mere reading of the Scriptures without note or comment, and from this reading anybody might withdraw who chose. In practice, therefore, the noble Lord and the right hon. Baronet approached very nearly to the secular system. They seemed to be afraid of the word "secular," seemed to fancy it implied hostility to religion, and yet consented to reduce the religious instruction imparted under their system to something which he ventured to say religious men would not call religious instruction at all. The noble Lord complained that the Bills of last Session were permissive, and he (Mr. Gibson) had certainly felt that the question was not sufficiently ripe to allow of their making a local educational rate compulsory; but the noble Lord now proposed that, if localities would not support a public school rate, the quarter sessions should compel them to do so. Now, he wanted to ask, who was to compel the quarter sessions? Looking to the general body of country justices (of whom, however, he wished to speak with every respect), he very much doubted whether any excessive zeal would be found among them for compelling persons to vote an educational rate; and therefore it appeared to him that the permissive principle existed in the noble Lord's plan, as well as in others that had been brought forward. He could only say for himself that he should be glad to support any scheme which appeared founded on sound principles, but he would not be a party to a plan which would fasten denominational schools upon the rates of this country, because he believed it would be unjust, and because he believed it would be the means of turning every parish in the country into a hot-bed of sectarian animosity and discord. He knew what he should feel if he, a Protestant, happened to live in a parish where the majority were Roman Catholics, and were obliged to pay the rate in support of a school for the Catholic majority; he should say, if I am to pay my money let my child have instruction, and he shall not be dictated to in religious instruction by the Catholic majority. He should be no doubt told that in such a case he could find a Protestant school at some little distance off to which he might send his child; but it seemed to him that it would be a much better plan to entirely separate the religious from the secular teaching. Let the religious teaching be given in the Sunday school and in the home, and so allow children of all denominations to meet and receive secular instruction in the day school. Such a system was at the present moment working in Manchester with signal success. A model secular school was founded there, attended by 542 boys. If the funds permitted they could take in a very much larger number, but as it was they constantly had to refuse applications for admission. Out of these 542 boys, picked up in the streets of Manchester, and of the very lowest and most destitute class, how many did the House suppose there were who did not receive religious instruction somewhere? Only sixty-one of them did not also go to a Sunday school. In fact, bringing these boys into a secular school placed them within reach, as it were, of religious bodies, who would otherwise, perhaps, have been unable to lay hold of them and induce them to attend and receive religious instruction elsewhere. He believed, also, it could be proved that in Massachusetts the scholars attending the secular schools, with very few exceptions, always attended the Sunday schools, and did, in point of fact, receive a good religious as well as secular education, although the two were separated. Such a system accorded, in fact, with common sense. Everybody knew that arithmetic, geography, and other elementary branches of knowledge could not be taught at the same moment as revealed religion; and, as the teaching of the two things was separated in point of time, why should they not be separated in point of place also? But if religion were tied inseparably with secular education in our public schools, as they could not agree in supporting religious teaching by public rates, he believed they would end by supporting neither.

Mr. MIALL said, that he, in common with the other Members of the House, had listened to the speech of the noble Lord with the utmost interest; and although he objected to the very principle upon which these Resolutions were founded, he must at the same time admit that the noble Lord was entitled to the utmost credit from this House and from the country for the care and caution with which he had approached this very difficult and complicated subject. The noble Lord in his introductory remarks appeared to him to show a tendency to underrate the quality of the education communicated by the existing machinery, and, at the same time, to form rather an extravagant estimate as to the quantity of education which was really required. It would, no doubt, be extremely desirable that one in four of the children between seven and fifteen years of age should be receiving instruction as it might be in Prussia or New England; but the competition of business in this country, and the consequent necessity of the parent availing himself of the services of his children as soon as such service could be of any advantage, rendered it almost impossible to hope for such a state of things. There was one element in the proposal of the noble Lord which he viewed with great satisfaction, and that was, that the noble Lord did not propose to adopt any uniform system as applicable to all portions of the community, but would rather leave the course to be adopted to the influence of circumstances. Of the secular system of education many severe things had been said—and he did not altogether approve of that system—but he concurred with the hon. Members for Sheffield and Manchester in the opinion that, if a system of public education were established at all, the only way to render that system just would be to exclude religious instruction from the teaching given in the schools established. As regarded the present system, it must be confessed that the religious teaching in schools was not of the highest character; and yet he could readily perceive the importance of the schoolmaster being able, without feeling himself restrained within limits prescribed by law, to radiate round him religious influences, partly by example, partly by explanation of passages of Scripture, so as to lead the scholars to reverence the great truths of religion. The right hon. Member for Manchester had referred to the number of public meetings at which resolutions in favour of a system of secular education had been agreed to; but that was no criterion of public feeling, because persons who attended public meetings were generally those who were in favour of the object for which the meeting was called.

Mr. MILNER GIBSON wished to explain that what he had said was, that resolutions had been passed at numerous public meetings to the effect that, if there were to be any rate or public tax for educational purposes, that education should be of a secular character.

Mr. MIALL regretted having misunderstood the right hon. Gentleman, and he could only say that he felt persuaded that if any Government proposed a plan founded upon the exclusion of religious teaching, all those classes which went to form public opinion, and which constituted the moral power of the country, would sink their minor differences and unite in combating such a scheme. There was one point which had not been touched upon, and that was the consideration of what was the real cause of the present deficiency of education. Was it that the people were unable to pay the fees? or that they objected to a national system of education? It appeared to him that the real cause was, that the people of the country were not sufficiently alive to the value of education. People sent their children to school, and then, when they found that they were not taught what they conceived would benefit them in the calling for which they intended them, they formed a low estimate of the value of the education which was given. The children were to be taught political economy at the schools; but what did such people care about political economy? If there were to be a Minister of Education who was to be changed with every Ministry, how would the House know that the political economy to be taught would not be in perfect consistency with the political principles of the party in power? In the matter of education there was great danger of going too far into the region of that which was uncertain, and too far from that which closely interested the people. Let them be taught common things, which would be useful to them in after life, and they would gladly avail themselves of the means of instruction which might be placed within their reach. Looking at the state of religious feeling in this country, and at the practical difficulties which stood in the way of education by the State, he suspected that the noble Lord's plan, however maturely considered and cautiously and carefully framed, would most likely share the fate of previous Bills upon the same subject, and that while they were debating how the people should be educated, the people would take the matter into their own hands and educate themselves.

Sir STAFFORD NORTHCOTE said, that although the noble Lord had, in the latter of his Resolutions, most laudably provided for the compulsory attendance of children at schools through the means of their employers, yet he had entirely omitted from consideration the case of those children who were neither working for wages nor yet criminals. For the benefit of these last there at present was a considerable movement going on—namely, in favour of reformatory schools. But the class to which he referred, lying between the criminal children who were sent to school by their protectors and the children of those who were thrifty enough to send them out to service and were put to school by their employers, formed a sort of debatable ground or No Man's Land; and the advocates of the reformatory schools felt that, until some steps had been taken with regard to it, their labours would be very like pumping out of the hold of a ship before the leak had been stopped. He was afraid that the way in which the noble Lord proposed to deal with these children would not induce them to come and avail themselves of the education he would offer them, even though the temptation were prizes, fees, and free libraries. There would no doubt, be great difficulty in dealing with those little "city Arabs," but they had a precedent in the Act which had been introduced by Mr. Dunlop two Sessions since, with regard to Scotland, and to amend which a Bill was now before the House. The main principle of that measure was, that the parents or friends of vagrant children might be called upon to give security that they should be sent to school—failing which, the magistrates had power to commit such children to some school of a reformatory, or, rather, a preventive character. In those schools, industrial instruction might be given, which would be of much importance to children of this class. For it should be remembered that children who were in the employment of masters were, in reality, receiving an education; and if the means proposed by the noble Lord for the purpose of adding to that education literary instruction proved successful, they would be tolerably well cared for. But even if the noble Lord could persuade the class to whom he had been alluding to accept the literary instruction he provided—which he (Sir S. Northcote) very much doubted—their education would still be incomplete, unless they also received industrial training. He hoped, therefore, that the noble Lord would likewise frame a Resolution upon this subject.

MR. BARNES did not think that the noble Lord the Member for London had shown that there was such need for the interference of the State in the matter of education as many people seemed to suppose. It was undeniable that great progress had been made of late years in the education of the people; and he believed that the efforts in that direction would have been quite as strenuous and quite as effective if there had been no grants of public money. In 1818, there were 861 unendowed schools, while in 1851 there were upwards of 11,600; in 1818 there were about 678,000 children who attended these schools, while in 1851 there were no less than 2,144,000. This progress was chiefly without the aid of grants of public funds, for before 1837 no grant for the purpose was made, and since that period, though the grants had been increased, they did not now amount to anything considerable. He thought the circumstances of that country were very different in one important particular—that there was less room for interference by the State now than formerly. He never heard Scotland mentioned in connection with education without envy. The fact was, that Scotland had long possessed a great advantage in the zeal of her clergy, who, from the time of John Knox to the present, had been impressed with a high sense of the importance of education, and had endeavoured to enforce it upon the people. In England, down to a recent period, that had not been the case; but it was so now. The clergy now were zealous and energetic in the cause of education; and he believed that voluntary efforts would be so universal that, if the House were to refuse all grants for the future, education would go on advancing as rapidly as the circumstances of the people would allow. He regretted that the noble Lord had omitted to notice in his Resolutions one very important matter—the primary duty of parents to educate their children. He did not think that so much had been done in this respect as might have been done. If the House were to legislate on the subject, he did not see why it should not act in this matter of education on the same principle as it acted in reference to the Poor Law. Parents who neglected to support their children were punished, and in like manner the House might enact, if it legislated at all, that parents were bound by the law to educate their children, and if this were neglected, let the magistrate have power to inflict punishment. He feared that the Resolutions of the noble Lord, if passed, would practically have the defect of all previous schemes, and that they would do no more than educate at the public expense those who were now going to school, but would not touch those who, like the "city Arabs," were not going to school. He was disappointed on hearing the Resolutions read, for he regarded them as only providing for an extension of the present system, instead of modifying it, as he had hoped they would, to a considerable extent. It was evident, from the Reports of the inspectors, that the system as at present constituted was an entire failure, both as regarded the pupil teachers and the classes for whom education was originally intended by the State. When the grants were first made, it was unquestionably intended that they should be for the benefit of the poor; but very few, if any, of the poor send their children over nine years of age to school, and it is the children of persons in a better condition, who ought to pay the full cost of instruction for their young, who chiefly benefit by State grants. The Reports of the inspectors also stated that the teachers were over-educated, so as to be, many of them, above their work, and they deemed it a degradation to teach those little matters which children going to school for the first time required to be taught. If the Resolutions should be agreed to, he hoped that any enactment founded upon them would provide for a considerable modification of the present system, so as to provide a system more adapted to meet the wants of those classes most requiring State aid.

Mr. BIGGS considered that the education of the working classes in this country was a national disgrace. We pretended to stand at the head of the world in civilisation, and yet in the point of education we stood at most sixth among the civilised nations of the world. In this respect, Prussia, Bavaria, the United States, and several other countries, were before us. It was notorious that in England, one-half the working population could not write, and one-third could not read; while in Prussia and the United States every man could read. He asked them whether such a condition of things was either creditable or safe. Could not they sink all sectional differences and unite for the purpose of securing that every child in Great Britain and Ireland should have the common elements of education? He, for one, felt infinitely obliged to the noble Lord for introducing these Resolutions, and he hoped the noble Lord would crown a long life of usefulness by passing a measure of education which would cause his memory to be blessed by future generations. The most opposite statements were made as to the numbers under education; but in Leicester he found that out of the population between five and fifteen, only one-third were at day schools. It was said by some that it was sufficient if one in 8½ of the population were at school; but in Prussia and the New England States the proportion was about one in 4½. Much had been said in favour of Sunday-school education; but that was very limited in tone, and imperfect; in some schools not even writing was taught. The inspectors reported that the children of the poor only received, on the average, two-and-a-half years of education. Every one must admit that that was insufficient. He was an advocate for a national secular system, to be supported by local rates; and he was convinced that to that complexion they must come at last. In Leicester it was found that only four-ninths of the population could write; and out of forty-eight young women who applied for orders of affiliation, thirty-four could not write. In a publication of the Manchester School Society it was stated that there were 19,000 children there totally uneducated, wandering about the streets; and that in that town in 1834, only one in 10½ was at school, and in 1835 that proportion had fallen to one in thirteen. In London it was stated that 150,000 children were growing up without any instruction whatever. The late Serjeant Adams had stated that at one Middlesex Sessions no less than 500 children between seven and twelve years old were convicted as reputed thieves; all the magistrates could do was to commit them for short periods, to return again to their career of vice and crime. Lord Shaftesbury had estimated that there were not less than 60,000 regular thieves in London; and, looking at the number of juvenile criminals brought annually before our courts, the greater proportion of whom were entirely uneducated. The question became serious even as a matter of police. We might found reformatories and try all possible palliatives, but we could never reach the source of the evil until some system were established under which every child in the country should receive a certain amount of education as a right and as a matter of course. In some of the agricultural districts in the north of England the children went out as early as six years of age to attend sheep and cattle. He would commend that fact to Gentlemen on the opposite side who were so anxious about factory inspection. The education of Scotland had been greatly overrated; it was once the best-educated country in Europe; it was so no longer. It was to be regretted that the length of attendance at school was diminishing of late years. Some such system as that which prevailed in America ought to be adopted here, if we wished the children of the poor to have an education worth the name. He was prepared to support any good measure which should be brought in on this subject. The question gained ground every time it was argued; and the noble Lord might confidently rely on the good sense of the country, whatever sectarian differences might exist. To carry such a measure would be a greater honour to the noble Lord than all the other measures with which his name was connected.

Mr. ALCOCK thought that much more might be done, even under the present system, if the conditions insisted on by the Committee of Privy Council were in some degree relaxed. The six schools which received the largest amount of capitation money only received from £30 to £40 each, while the six lowest had but from 10*s.* to 15*s.* each. This capitation money, amounting to 5*s.* for every scholar, was only given to schools presided over by certified masters in parishes where the population was under 5,000; and the effect of this restriction was, that of the £30,000 voted by Parliament, only £10,000 was spent. The result of this was, that the Jews' School, in Whitechapel, which was the largest school in England, and was attended by 1,600 scholars, received from the State only the paltry sum of £20 a year for fees to the master for pupil teachers. The allowance to the certificated masters for these teachers was also much too small. That allowance was only £5 for the first teacher, £4 for the second, and £3 for the third. It ought to be doubled. The schoolmaster was required to give up to such a teacher an hour and a half on each school day, and nearly the whole of Saturday. His time on the Saturday was worth more than he received for the whole week for these fees for pupil teachers. If the capitation money were increased, as it ought to be, from 5*s.* to 10*s.* a head, and its payment extended to all parishes, of whatever population, it would not, he was assured, cost the State more than £80,000 a year. As a question of finance, that sum was small, and the course which he recommended was urgently demanded by the justice of the case.

Viscount PALMERSTON: I am sure the House must have been much gratified by the speech of my noble Friend behind me (Lord J. Russell), a speech which did great credit to the views which he has so long entertained and so ably advocated upon this important subject. There is no one in this House who, by high position, great attainments, and the attention which he has paid to the subject, is more competent to submit to Parliament propositions upon this matter which are worthy of its most serious consideration than is my noble Friend. I am of opinion that the course which he has adopted—that of submitting Resolutions, and abstaining from calling upon the House to express any opinion upon them at present—is the best which he could have adopted on this occasion. I think I may, on the part of the House, assure him that his proposition will receive the most attentive consideration of all those who have paid attention to this subject, and on a future day we shall, no doubt, be prepared to come to some decision upon the subject. It is an old saying that "those who will an end must also will the means;" but that saying is not applicable to this subject. I believe there is no man in this House—there can hardly be any man in the country—who does not will the end which these Resolutions have in view. The importance of the subject, and the great advantage which will attend the diffusion of education among the lower classes of the community, every one must admit; but unfortunately, from various circumstances, into which it is needless now to enter, the means of accomplishing that end is the rock upon which all who have undertaken this subject have hitherto split. I should hope that the attempt of my noble Friend may be attended with better success; and, although there have been expressed in the course of this debate many various opinions, some more and some less in accordance with those of my noble Friend, I should hope that in the end we may come to an understanding upon some method of at least advancing the great cause in which we all take so deep and so just an interest. It has been said that the lower classes of this country do not sufficiently value the importance of education to their children. To a certain extent that may be true; but, on the other hand, I think that some observations which have been made in the course of this debate sufficiently explain that indifference without imputing to the lower classes any want of perception of the benefits that education would confer upon their offspring. Unfortunately, the education which has hitherto been given has not generally been such as would be of much use to the recipient in after life. In some cases it is too little; it only teaches them by rote a few things which are totally inapplicable to the pursuits in which they are afterwards to be engaged. In other cases attempts have been made to teach them some things, such as the science of political economy, which are matters, no doubt, of great importance to those who may be called upon to apply such knowledge, but which to the labouring classes are far beyond the reach and scope of their future occupations. The great object ought to be to teach useful things—things applicable to the occupations in which the scholars may in future be engaged. We have heard many opinions as to the extent to which to intellectual culture there should be added moral and religious instruction. Now, Sir, I think that no reasonable man can doubt that unless you do add to intellectual culture moral and religious instruction, you do not accomplish all the purposes of education. Unfortunately, that question of religious instruction is the difficulty which has hitherto impeded the efforts of those who have been most eager to accomplish this great purpose. One would hope that there may be found a mode of overcoming or avoiding that great difficulty; and I think that the scheme of my noble Friend, though it may not be founded upon the large views which some hon. Gentlemen have taken of the subject, does seem, so far as one can judge from the cursory manner in which the Resolutions have been explained, to open a road which may at least lead us far towards the object we have in view. I shall only, in conclusion, repeat that the House must feel deeeply indebted to my noble Friend, not only for the manner in which he has this evening expressed his opinions, but also for the long course of laborious attention which he has given to this important subject. If it should be his lot to accomplish that to which he has for so many years devoted his attention, I hardly know which will be greater—the satisfaction he will derive from the success of his efforts, or the advantage which he will confer on the country.

Mr. HADFIELD said, that in his opinion the present Resolutions would turn out nothing more than another of the million of castles in the air which had so often amused the country and come to nothing. He was entirely opposed to the interference of the State in matters connected with the education of the people, and he regarded the scheme of the noble Lord, as founded on the principle of encouraging such interference, as pernicious as any that had ever been proposed. He believed, indeed, that State interference had done more to retard than to advance popular education; for it stopped those voluntary efforts which had produced such mighty effects when left alone. He did not agree with those who were continually denying the education of the English people — he thought they were as well instructed as the people of any other country. There were 450,000,000 of letters sent through the Post Office annually; and who wrote them? Not the upper or middle classes, but clerks and persons in subordinate situations. They sprang chiefly from the class this education was intended for. In 1818 there were 477,299 children attending day schools, and in 1851, four years ago, there were 2,407,416, of whom 2,100,000 attended Sunday schools. The children readily attended Sunday schools, and there was the greatest confidence in the teachers, who received not a farthing of remuneration—in fact, no class of persons was more respected by the working classes. How was it the children did not go to the day schools more? There was no lack of schools or school room; in fact, there was an excess; but these pretended Government arrangements did all the evil, and prevented private efforts. The day schools would be as well attended when they were regarded with the same confidence as the Sunday schools. One gentleman in Scotland, Mr. Fergusson, has left £400,000 for the education of children in Scotland, and many more would follow his example if they were left alone.

Mr. STAFFORD wished to make one remark upon a subject alluded to by the hon. Member for Sheffield (Mr. Roebuck). It was impossible, he thought, to have attended to the debates upon this question, or to have read the works written upon it, without feeling that in all the educational statistics there was one fallacy of a grave and important character. They heard of a certain percentage of children educated, and of a certain amount of public money expended upon them. It was true that in the division of the county which he represented, for example, they were told by those statistics that the amount of education given to children was very small, and that the money contributed for that purpose was very limited; but he put it to any person acquainted with the rural districts whether those statistics were not considerably below the real facts? They must know that a large amount of money was subscribed, and great attention was given to the education of children in the principles of the Established Church by persons whose efforts never appeared in print. Those were facts that were only known to those who gave their money for such purposes, and to those who received the benefit of such kindness. He felt that they had now arrived at a time when the laudable modesty of such persons who thus subscribed should be overcome, and as far as he was concerned he would endeavour to obtain more accurate statistics as to his own locality, and he hoped other hon. Gentlemen would make similar efforts in the districts with which they were best acquainted. When in possession of the real facts of the case they would be better able to approach the consideration of this great subject with more satisfaction and effect. With their present imperfect knowledge of those facts, a certain amount of injustice was done to the landed proprietors and to the clergy. He thanked the noble Lord for his exertions in this cause, and would reserve his opinions as to the details of his plan, until after he had been able to give them fuller consideration. As far as he could understand the noble Lord's plan, if the plan broke down at all, he believed it would break down upon the point regarding the rates.

Lord JOHN RUSSELL: I am deeply thankful to the House for the attention and consideration which it has given to the Resolutions which I have proposed this evening. I did not, of course, expect that those hon. Members who are in favour of secular education, or those who are opposed to any interference by the State in matters of education, would give their approval of these Resolutions. With respect to secular education, I may say that I do not think that any Bill founded on a system of secular education throughout the country would have any chance of success. The hon. Gentleman who preceded me (Mr. Hadfield) has eulogised the voluntary system, and has eulogised the effect of Sunday-school education. I highly approve of Sunday schools; but, with respect to the instruction in day schools, I must remind him that those who are in favour of that voluntary system have had 150 years to make trial of it, and it has been found not to succeed; neither has the contrary system established in Scotland. It is, in fact, only within the last fifty years that there has been any real education for the poorer classes at all. With regard to the observations that have been made by the hon. Member for Oxfordshire (Mr. Henley) as to the system of education pursued in some of the schools, he appeared to labour under a false notion when he complained of the people being taught political economy. "Political economy" is certainly rather an alarming expression; but if it is put into another shape, neither the hon. Member or any one else can object to it; no one, for instance, can object to the people being taught that the high price of bread arises, not from the extortions of the bakers, who then would deserve punishment, but from the scarcity of corn, because what is scarce must be dear; yet this knowledge is a part of political economy; it is a very useful lesson, and one that it would be very well to teach to those who were rioting and committing outrages in Middlesex not fifty years ago. Neither can it be objected that the evils of combinations and strikes—and that they are a loss, not only to the employers, but to themselves—should be pointed out to the operatives; and yet such information can only be obtained from a knowledge of political economy. Knowledge such as this, it must be admitted, is quite as useful to the people as a knowledge of geography can be. The hon. Baronet upon the other side of the House (Sir S. Northcote) said, that I had omitted to deal with a very important question relating to a numerous class of individuals who are to be found in all large towns, and who have not the means of subsistence, and receive little or no education—those who have received the name of "the city Arabs." The question to which the hon. Baronet referred is well worthy of consideration; but it is not simply a question of education—it is a question which the President of the Poor Law Board and others must consider very seriously if the House is inclined to entertain a measure upon the subject. For it must be remembered there are a great many of these children, some orphans without any support, and others having parents who cannot or will not support them; and if you send them to school, you must not only teach them, but support them whilst they are being taught. The voluntary supporters of ragged and industrial schools are very humane and benevolent men, and the schools are extremely useful and beneficial; but it is one thing for private persons to take up such matters, and another for the State. If the State was to take the subject in hand, it would have to support a numerous class of children, and would have to deal with a question which more properly belongs to the operations of the Poor Law. Of course I do not say that it is impossible that Parliament should deal with it. I can only say it is not a question solely of education. It has been suggested to me that the Resolutions I have proposed would be best discussed in a Committee of the Whole House. As such is the opinion of the House, I shall propose the day which I had originally fixed upon—the 10th of April—for such consideration; and shall also propose to withdraw the Resolutions, and move that upon that day the House should resolve itself into a Committee of the Whole House to consider the best course to be pursued with regard to education in England and Wales. When the House is in Committee on that day, I shall again bring forward my Resolutions. I will also take this opportunity to give notice that I shall, to-morrow, move that, on Thursday, the 10th of April, Orders of the Day shall have precedence of the Notices of Motion; and as this subject is of great importance, I hope the House will allow it to be brought forward early in the evening.

Resolved—

"That this House will, upon Thursday the 10th day of April next, resolve itself into a Committee, to consider the present state of Public Education in England and Wales."

OXFORD UNIVERSITY.

MR. HEYWOOD said, he rose pursuant to notice to move an Address to Her Majesty, praying Her Majesty to withhold Her assent from certain regulations recently sanctioned by the Oxford Commissioners, for the amendment of the Statutes of Exeter, Lincoln, and Corpus Christi Colleges. He fully acknowledged the zeal and ability displayed by the Commissioners and the colleges in the work of remodelling those statutes, but he felt that there was a serious ground of complaint against the new regulations from their want of a wise spirit of comprehensiveness and liberality. Any one who compared the projected alterations sent in to the Government by the college authorities two or three years ago with the code of statutes lately sanctioned by the Commissioners could not fail to detect serious and important discrepancies between the two. For example, many of the fellows of Corpus Christi College were desirous of removing the existing restriction requiring the fellows to take holy orders, that due encouragement might be given to those branches of study which could be advantageously cultivated by laymen. Ample proof of this fact would be found in the correspondence and other papers relating to this subject which had been laid before Parliament. There was no doubt that the fellows of the same college were also favourable to a change which should render a layman as eligible as a clergyman for the office of its President. The Parliamentary Commissioners, however, had thought proper to disregard this liberal disposition on the part of the college, and insisted on limiting the field of selection for the post of President to members of the clerical profession. No doubt that principle of exclusiveness was in strict harmony with the intentions of Bishop Fox, the original founder of the college; and the Royal Commissioners of 1850, in describing that eminent ecclesiastic, had stated, that Bishop Fox, foreseeing the great revolution which was soon to pass over the face of European society, had striven, by anticipation, to preserve inviolate from the impending changes of the Reformation the ancient character of his own institution by fencing it about with a bulwark of minute prohibitory regulations. But the question for that House to consider was, whether, instead of servilely adhering any longer to the narrow and obsolete prejudices of a man who had wished to arrest the progress of Protestantism, it ought not to adapt the college which he founded to the requirements and the enlightened spirit of modern civilisation? Yet in many of the revised statutes the Commissioners discouraged the wise desire of the age to widen the avenues to collegiate preferment, and they entirely ignored the vast advance which had been made in modern education, and more particularly in the living languages, in modern literature, and in the physical sciences. The University, no doubt, professed to hold out a certain amount of encouragement to those new studies; but when it came to the granting of a portion of the existing fellowships to promote their cultivation, there was immediately manifested an obstinate backwardness in the colleges to vote a single farthing. The Legislature ought, therefore, to interpose and insist that a certain number of fellowships should be set apart for this urgent and indispensable object. The elective body in some of the colleges was so small that they could not be safely intrusted with the power of electing new fellows. A bias was apt to be shown towards a particular section of the Church; and excellent men were occasionally passed over and inferior candidates preferred, chiefly on account of the undue predilections of the electors in that respect. The colleges ought to be above all suspicion of such unfairness. In order to enforce strict orthodoxy, the statutes contained many declarations against heresy. In the case of Exeter College, for instance, there was a direct power given to the Bishop of Exeter and the majority of the fellows to expel and deprive of his emoluments any fellow who should, either by word or in writing, contradict the Christian faith as held by the Church of England. Now that intolerant spirit might have very admirably accorded with the ideas of the dark ages, but was diametrically opposed to the latitude in theological discussion generally countenanced in the nineteenth century. It was well known that there had lately sprung up at Oxford a small body of men, of whom Professor Jowett, of Balliol College, was an eminent example, who had liberal theological views, and were styled in that University, "the theologians of the cloister;" and, looking to the present state of the University, it was startling to find reappearing in the revised statutes those antiquated restrictions as to holy orders, celibacy, &c., which had prevailed in such luxurious abundance before the Reformation. By the Oxford University Act of 1854, the test was removed from the commencement and the termination of an undergraduate's career. The scholarships were small endowments of £40 or £50 a year, which were especially intended for undergraduates, who were generally very glad to obtain them. But the new statutes contained a test for scholarships, declaring that no person should be eligible "except members of the Church of England, or of some Church in connection with the Church of England." He believed the latter words referred to the Scottish Episcopalian Church, but it might be contended that the Roman Catholic Church ought also to be included, since a priest who joined the Church of England from the Church of Rome did not need to be again ordained, and the baptism as well as the ordination of the Romish Church was accepted by the Church of England. Both Houses of Parliament had decided that the compulsory religious subscription test for undergraduates should be taken away, and he therefore thought it inconsistent with the intention of Parliament that a test should be demanded for those small endowments in the middle of an undergraduate's career. By the same statutes a similar test was also imposed upon the fellows, which, in his opinion, interfered with the Act of Uniformity. He contended that fellowships ought strictly to be given for merit. The visitor of Exeter College was a bishop, but, considering the delicate state of ecclesiastical matters he thought it better when the statutes should be again revised, that the visitor should be a layman, and that the President of the Council would be a suitable person to act as visitor. He was disappointed that these statutes had not come before the House in a more liberal form, and he would conclude by moving the Address of which he had given notice.

MR. HEYWORTH seconded the Motion.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to withhold Her Majesty's approbation from the regulations and ordinances recently sanctioned by the Oxford Commissioners and laid before Parliament, for the amendment of the Statutes of Exeter, Lincoln, and Corpus Christi Colleges, in the University of Oxford, such regulations and ordinances being in many points inconsistent with the spirit of the Oxford University Act of 1854."

SIR JOHN PAKINGTON: Sir, I do not rise to support the Motion of the hon. Gentleman who has just sat down, nor with an intention of entering into a discussion on the question which he has raised, but for the purpose of moving an Amendment to his Resolution. I may say, Sir, that my object is the converse of that of the hon. Gentleman. Sir, the hon. Gentleman has complained of the manner in which those three statutes to which your attention has been called are drawn. My object is to complain of the omission from those statutes of a matter which I think ought to be included in them. Sir, the omission of which it is my intention to complain involves a question of principle which applies to all those statutes, and will, I apprehend, apply to all statutes relating to other colleges as they successively come before us; and whatever difference may exist in this House with reference to that principle, I think there will be a very general concurrence of opinion, that at all events that principle is of so much importance as to justify me in availing myself of this opportunity of calling the attention of Parliament to it, and of inviting them to provide that some step may be taken in future regulating statutes with reference to this principle. The omission which I allude to, Sir, as occurring in the statutes on the table is, that no reference whatever is made to that ground of preference in the election to scholarships and professorships which hitherto prevailed in all, or certainly in nearly all, the colleges of Oxford—that ground being that the candidates should be so situated in point of pecuniary circumstances as to stand in need of the income derived from the foundation. This principle has been laid down in the ancient statutes of those colleges in different forms; but the principle pervades, I believe all, or nearly all, the statutes relating to the different colleges—that one element of choice in deciding those elections shall be that reference shall be had to the pecuniary position of the parties to be elected. I shall now, Sir, call attention to the manner in which this question is treated by the Act passed two years ago for the reform of this University. I know that some hon. Gentlemen may entertain a doubt as to whether, after the passing of that Act, considering the power which that Act placed first in the hands of the authorities of the colleges, and then in the hands of the Commissioners, it is now competent for this House to express any opinion on the subject; but I think that if the House will allow me to call attention to the words of that Act, all doubts on the question now raised will be at once removed. I would beg, Sir, to call attention to the preamble of the 28th clause of that Act; one which confers on the Commissioners and on the authorities of the colleges power to alter the ancient statutes. The words are—

> "And whereas it is expedient, for the interests of religion and learning, to enable colleges to alter and amend their statutes with respect to eligibility to headships, fellowships, and other college emoluments, and the tenure thereof, and to insure the same being conferred according to personal merits and fitness, and for that purpose to modify or abolish any preference, and to make ordinances for promoting the main designs of the founders and donors."

Now, I am quite free to admit that the word "merit" may be taken to refer to intellectual merit, or scholastic attainment, or to moral excellence; but, Sir, I think the House will agree with me, that the word "fitness" is susceptible of a much larger construction. The word "fitness" may be held to embrace fitness in all respects—fitness as well in regard to pecuniary position as to moral or intellectual fitness, and I think it impossible to deny that as respects the main designs of the founders, poverty was one of the elements to be considered in the choice. This is a question, Sir, not only affecting the three colleges the statutes of which are now on the table, but also affecting the whole of the colleges of Oxford. I am sorry, Sir, to say that I believe there is no doubt, that whatever may be the merits of the question, the Commissioners have shown themselves unfavourable to the views which I have taken. The Commissioners in the new statutes have decided that this deficiency of personal means, which is alluded to so strongly in the ancient statutes, is not to be considered as an element of choice, and have directed that the preference shall be given to those candidates in whom shall be found the highest moral and intellectual qualification. I will only trouble the House with reference to the case of Exeter College, as the strongest of the three with reference to which statutes are now upon the table. I must request the House to listen to merely a few words; first, with regard to the old statutes of Exeter College on the election of a fellow; and then with reference to the statutes which have now been promulgated. The ancient statute stood thus in Latin—"Illos nominabunt quos crediderint ad proficiendum aptiores, in moribus honestiores, et in facultatibus pauperiores, vel saltem illos in quos istæ tres conditiones magis convenient." Now, the plain adoption of that statute, if translated into English, would be—"They shall nominate those whom they believe to be most likely to make proficiency, of best character, and most needy, or, at least, those who on the whole satisfy these three conditions most." Those conditions referred to the qualification of candidates; but they were followed by the oath taken by a probationer fellow, which was—"I swear that I have no certain annual income exceeding ten marks of English money." Then came the oath which was taken by the fellow on his final admission—"I will nominate those whom I believe to be most likely to make proficiency, of best character, and most needy, or at least those who on the whole satisfy these three conditions most." But what is the qualification under the new statute?—

> "The fellowships shall be open to general competition, and no preference shall be given in respect of place of birth or education. All persons, not being disqualified by the possession of property as hereinafter mentioned, who are members of the Church of England, or of some Church in communion with it, and who shall have passed

all the examinations required by the University for the degree of Bachelor of Arts, or shall have been admitted *ad eundem gradum* of this University, or have become in any way members of Convocation, and who shall produce satisfactory testimonials of their moral character, shall be eligible. Preference shall be given to those candidates in whom shall be found the highest moral and intellectual qualifications, such intellectual qualifications having been tested by an examination in such subjects as the college from time to time shall determine."

Those new Exeter statutes not only ignore the former qualifications, but require every future fellow by the oath he takes to disregard those qualifications altogether, and attend to others. True, under the head "disqualifications," the new statutes do go on to propose a pecuniary limit to the property of a fellow—namely, that after the election the fellow shall not continue to hold the fellowship, if he shall possess more than a given annual amount of property. But what is the amount of annual property which disqualifies a man from retaining a fellowship? Why, Sir, no less than £500 a year. Now, Sir, let me put to those who have any connection with this question this case. Here are, under this new statute, two competing candidates coming before the fellows of the College, one of whom possesses something near £500 a year, while the other is in a position that would make a fellowship a matter of the last importance to him in a pecuniary point. Those two candidates may be nearly balanced in mental power and scholastic attainments; but the fellows will be bound by oath, if there be the slightest superiority on the part of the rich man, to give him the preference, to elect him to the fellowship to the exclusion of the poor man, the difference between the two candidates in regard to their attainments being as small as possible, but the difference in their worldly means being very wide and very material. I certainly think, Sir, that those who have framed that oath have not attended to the intention of the founder, who laid down in his preamble the deficiency of pecuniary means as being one of the elements of choice. I am quite aware, Sir, of the reason given for the non-retention of those clauses in ancient statutes on the ground of the difficulty of construction; but, Sir, whatever difference of opinion may exist on this subject, I hope the House will not refuse its assent to this proposition—that this is a matter of principle, and of very great interest to those concerned, and one in respect of which it is fair and right to call on Parliament to pronounce an opinion. I do trust, Sir, that the House will think it fair and right that they should be called on to decide on this matter, no matter what may be the decision at which they shall arrive. Let the House remember that this is a matter directly affecting the interests of the middle classes. In a pamphlet written by a gentleman in Oxford, an illustration is given of the hardship which may be done to a poor man, who may not have had the advantage of preliminary education in a public school, and who in college is limited to the instruction to be derived from lectures and his own private study, but who has to compete with a student who has had all the advantages of superior instruction previous to entering college; and who while there is prepared for his examination by a private tutor. Let the question be considered, and it bore on college tuition, who were the most likely to take the post of tutor—those who were in easy circumstances, or those who were not so? Let the House take care how they adopt a course that might prejudice this important question of tuition. One of the objects of requiring high attainments in a college fellow is to obtain good college tuition. Now, the rich man may be as competent, but he is far less likely to devote himself to college tuition than the man who is in less prosperous circumstances. I think it most unwise and impolitic to draw a rule by statute, the tendency of which is to confer benefit on the wealthy to the injury of the poorer classes. I desire on this occasion to raise the question only in order to place on record my opinions upon it, pressing it upon the Government, and through them upon the Commissioners. I shall with that view merely move a formal Amendment; but, if necessary, I shall, on a future occasion take a more decisive course.

Amendment proposed, to leave out from the words "approbation from," to the end of the Question, in order to add the words—

"so much of the regulations and ordinances recently sanctioned by the Oxford Commissioners, and laid before Parliament, for the amendment of the Statutes of Exeter, Lincoln, and Corpus Christi Colleges, in the University of Oxford, as relates to the qualification of Candidates for Fellowships and Scholarships,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR GEORGE GREY said, that as these were the first statutes made under the powers conferred by the Oxford University Act it was of great importance, on the one hand, that the Crown should not be advised to confirm them without due deliberation, and that, on the other, the House should not unadvisedly interpose its authority to restrain the Crown from giving them its sanction. He did not understand that the right hon. Baronet desired to do more than to elicit the opinion of the Government and express his own on the point to which he had adverted. He thought that the hon. Member for North Lancashire, in some of his objections, had overlooked the limited power of the colleges and Commissioners in respect to framing new statutes. The power was conferred by the 28th section of the Act, which empowered the colleges to alter and amend their statutes with respect to eligibility to headships, fellowships, and other emoluments, to ensure the same being conferred according to personal merits and fitness, and for that purpose to modify or abolish any preferences, and make ordinances for promoting the main designs of the founders or donors. The colleges were enabled to make statutes within a limited period with this object. Three of the colleges—Exeter, Corpus, and Lincoln—had exercised these powers within the proper time. The Act provided that the new statutes should be submitted to the Commissioners to be confirmed or rejected or sent for revision; and the Commissioners had confirmed the statutes in question. Statutes so read were to be submitted to Her Majesty in Council and gazetted within a limited time after they were passed, and then laid before Parliament. Power was given to parties interested to petition Her Majesty in Council against any statutes, and the petition was to be referred to the Queen in Council. There had been a petition presented against certain of the Exeter College statutes, which had been referred to the Privy Council to consider, and it was impossible, until that petition had been heard that the Queen could confirm these statutes. Assuming that there was no valid objection upon the petition, then, unless there was an Address from one of the two Houses of Parliament within forty days praying the Crown to withhold its assent, it would be lawful for the Crown to give its assent to the statutes. The House was now asked to present an Address to the Crown to withhold its assent from all these statutes. The Act of Parliament expressly provided that, as part of them only might be objectionable, they might be confirmed in part; and assuming all the objections urged by the hon. Member to be valid, was it reasonable to call on the House to address the Crown to withhold its assent from the whole of these statutes? The right hon. Baronet opposite had taken a different course, and had indicated one point upon which he thought a valid objection might be urged to the Exeter College statutes, and which ought to prevent the Crown from assenting to those parts of the statutes to which he objected. The course which the Government had taken was this. The statutes were referred by the Government to the law officers of the Crown for their opinion, whether, assuming no petition to have been presented against them, there was anything in the statutes which should prevent the Crown being advised to give its assent to them. In the consideration of this question by the Attorney and Solicitor General, grave doubts had suggested themselves as to certain portions of the statutes, and the points in which these doubts arose required careful consideration. The old statutes necessarily had to be compared with the new, to see what were the alterations which had been made, and what their effect might be; because without such a comparison it might be difficult to ascertain distinctly whether, for instance, the qualifications required for fellows were any new restrictions, or were not rather relaxations of old restrictions. These points it would be hardly competent for the House to decide in this discussion, nor could the Government decide them without more careful and complete consideration than they had yet been able to give to them. The Government had, therefore, thought it would be right to advise the Crown to refer the statutes to the Privy Council, that they might be considered by persons competent to form a correct decision—assisted, according to usage in such cases, by the law officers of the Crown, as assessors. The Privy Council would be able to ascertain from the colleges and the Commissioners the grounds upon which the alterations had been made, and to determine whether they ought to be confirmed. It would also be possible to consider any substantial objections urged from any quarter. By this means a full investigation would be secured in the most satisfactory manner. Under those circumstances he would abstain from going into the topics alluded to by the hon. Gentleman, the validity of whose objections to the new statutes depended in great measure on their comparison with the old ones. The Commissioners had not made these statutes, but only confirmed them, and it was a very different thing, to confirm statutes which the colleges had the power of making, and to make them originally. There had been some statutes made by the Commissioners in the case of other colleges, which were short and simple, directed to the object prescribed by Act of Parliament—the removal of preferences, and ensuring of the personal fitness and merits of the candidates. He did not apprehend that any questions had arisen upon these, but if there should be any, they would also be equally considered.

SIR JOHN PAKINGTON asked if he rightly understood that the Privy Council would consider the point he had presented?

SIR GEORGE GREY said, certainly; and he thought it was a point which well deserved consideration. The Privy Council would, indeed, consider any objection which was *primâ facie* worthy of attention, or with respect to which any reasonable doubt could be raised. And there would be ample opportunity afforded to the colleges and the Commissioners to lay before the Privy Council the grounds upon which they defended these statutes.

SIR WILLIAM HEATHCOTE said, that after the statement of the right hon. Baronet he should not enter into the argument further than to say that he was glad that it would be raised properly before a tribunal competent to deal with it and able to hear all parties concerned. He must say, however, that he thought that no grounds whatever had been made for the Motion. The objections taken by the hon. Mover went to the whole principle of the Act of 1854, and had been discussed and decided upon when it passed—being disposed of by referring the matters to the colleges themselves in the first place (assisted by the Commissioners), and then to the Commissioners. And if the House were prepared to overthrow collegiate statutes upon such grounds as those urged by the hon. Member for Lancashire—namely, the peculiar ideas he entertained of University reform—they must be prepared to enter into debates upon every statute passed by every one of the twenty-four colleges of Oxford. The hon. Member had raised no question fit for consideration by the Crown, except that of legality, which had been referred to the Privy Council by the Government. The hon. Member complained of the phrase, "Churches in communion with the Church of England," as being calculated to admit Roman Catholics. Whatever might be the obscurity or difficulty of that phrase, it clearly was not open to this construction, because it was well known that the Roman Catholics did not allow that we were in communion with them. The intention, no doubt, was to admit members of the Protestant Episcopal Churches of Scotland, and the Colonies and of the United States of America. These matters which, by the Act of 1854, had been left to the discretion of the colleges and the Commissioners; and the power reserved to the Houses of Parliament of addressing the Crown against any statutes ought to be reserved for rare and extreme cases—where the reforms were merely illusory or where important principles were disregarded. Most certainly no case of that kind had been made out by the hon. Member. But the question raised by his right hon. Friend (Sir J. Pakington) as to the laying down of a principle by which all reference to poverty should be systematically and universally excluded from elections, appeared to him to be one of great importance. No doubt the change of the fellows from being merely eleemosynary recipients of education, to being the educating body of the University, made it impossible to insist upon poverty as an absolute condition; but it did not follow that the circumstances of the candidate might not form an element in consideration. The rule of the old statutes of Exeter College which prescribed a threefold view, moral, intellectual, and economical, of the candidates, in respect of their conduct, acquirements, and circumstances, was not inapplicable to the present position of the colleges, and it was, in his opinion, unwise to prohibit it altogether, even in the case of fellows. In the case of the younger members of the University, it would hardly admit of a doubt that there ought to be a consideration of poverty, and that, if some or all scholarships were retained as mere prizes, exhibitions ought to be multiplied, with a distinct view to the maintenance of poor men. But even in the case of fellowships, the example of Oriel College, which had been distinguished longer than any other for its habit of electing by competition the most eminent men, but in which the consideration of poverty had always had some weight, was enough to show that its exclusion was not necessary to the attainment of complete success. On this part of the case, then, and with a view to future proceedings, rather than to any disallowance of the statutes already on the table of the House, he thought it well that there should be a reconsideration by the Commissioners of their resistance to the claims of poverty; but as to the complaint made by the hon. Member for North Lancashire, he did not think that there was any case for address to the Crown, or for discussion in that House.

THE CHANCELLOR OF THE EXCHEQUER said, he trusted that his hon. Friend the Member for North Lancashire (Mr. Heywood) would accede to the course proposed by the Home Secretary; for one of the main objects of the course adopted two Sessions ago of placing the details of legislation on these statutes under the control of the Commissioners, was to render it unnecessary for the House to go, as it were, into Committee upon the several statutes. He would not enter in detail into the numerous points which had been raised; but the right hon. Baronet the Member for Droitwich had introduced a question on which he was entitled to some explanation, and he would, therefore, state the views of the colleges and the Commissioners in framing the statutes as they now stood. The third section of the Exeter statute set forth that fellowships should be open to general competition, and that no preference should be given in respect to birth or education. It proceeded to state that preference should be given to those candidates in whom should be found the highest moral and intellectual qualifications, such intellectual qualifications having been tested by an examination on such subjects as the college should from time to time determine. That, as it appeared to him, pointed to the fairest manner in which a limited number of candidates could have their comparative claims determined in an election to a fellowship. But the right hon. Baronet complained of the omission of the qualification of poverty or indigence. Now, supposing in any election a college were to attempt to introduce the question of poverty, in what way could that element be taken into consideration in an examination? Suppose there were two candidates—one of remarkable moral and intellectual qualifications, and with an income of £400 a year, the other vastly inferior to him in moral and intellectual qualifications, but with an income of £200. How were the examiners to make a compound ratio of moral and intellectual qualifications with income? At the time that it was the policy of the colleges to encourage *pauperes indigentes scholares*, it was natural that they should give a preference to persons of limited income; but when candidates were submitted to the test of an examination conducted in the manner in which University examinations were now conducted, it seemed extremely difficult, to say the least, to form a compound ratio of pecuniary means with moral and intellectual qualifications. Having omitted poverty as a qualification, the only course which the colleges could adopt was that set forth in the Exeter Statutes, which stated, under the head of "disqualifications," that, if any fellow should become possessed of a permanent income of £500 a year, or of an ecclesiastical benefice yielding an annual income of £200, then he should, *ipso facto*, vacate his fellowship. That was a certain test as to which there could be no doubt, provided that persons made a correct statement of their incomes. Questions might be raised as to the amount which ought to infer disqualification; but, surely, that was a point which the House could not now discuss. It might be said that the limit of £500 a year was too high; but the House should consider what was the value of the fellowships which they called upon the fellow to forfeit. Some of the fellowships were worth £500 a year, and a man ought not to be called upon to give it up for a less income. It seemed to him that the college had acted wisely in getting rid of the vague qualification of poverty and indigence, and that they adopted the best course by taking a pecuniary limit which should disqualify a person from retaining a fellowship.

MR. HENLEY thought the course adopted was an unsatisfactory mode of dealing with the matter, so far as justice was concerned; though he readily admitted it was an easy way of getting rid of a thing which it was desired to be rid of. He should have been rather disposed to have left the subject in the position recommended by the right hon. Gentleman the Home Secretary, but the Chancellor of the Exchequer seemed to lay down a proposition which, if carried out, might certainly work a great change in the situation of those persons who were not so well off in the world as their neighbours, and shut a vast number of them out from participating in the advantages of these institutions; which, he contended, was not exactly fair, nor in accordance with the wishes of the founders. It was the business of the Commissioners to find means to adapt the system of examination to the old rules. He thought it would have been more satisfactory if it had been made a point that the matters upon which a stress was laid down by the founders should have just weight in the decision. The manner in which the Commissioners proposed to dispossess parties of that which in justice ought never to have been given to them, was not a bit more satisfactory. £500 was the very highest value of a fellowship, and the Commissioners, in adopting that as the income which should disqualify, had placed the scale too high. The course proposed by the Government he thought a very fair one, as the parties would have an opportunity of being heard. He trusted, therefore, that there would be no division.

MR. CARDWELL thought it a great advantage to be able to adopt the suggestion of the Secretary of State for the Home Department to leave the decision of this matter to the Privy Council; but the House had nevertheless somewhat departed from what would have been the best course in discussing the matter of the Amendment of the right hon. Gentleman the Member for Droitwich, and it ought not to go forth to the colleges, even by implication, that the House did not approve of the labours of the Commissioners, who had been occupied in carrying out an Act of Parliament which had been passed only two years ago. It was, no doubt, open to any hon. Member to contend that the authorities of the colleges had not adhered to the spirit and intentions of the founders; but, at any rate, they had clearly followed out the spirit and intention of the Act of Parliament. The Commissioners, he thought, had dealt in the best manner with the statutes of Exeter College in the distribution of the endowments; for, in the case of the lower order of emoluments, they had followed the intention of the statutes, which was to afford assistance to members of the college, while, as regarded the governing powers, they had almost followed the words of the Act, in declaring that they should be awarded on the ground of the highest moral and intellectual qualifications. He deprecated any question in that House of the first proceedings under the Act, and thought that the matter should be left to the decision of the Privy Council.

MR. CHICHESTER FORTESCUE said, that admitting that the Government had taken the best course in referring this question to the Committee of Privy Council, still he thought it would be highly proper that the Committee should be in possession of the opinion of the House on those points to which their attention was to be more particularly directed. By throwing open the fellowships of Oxford, a body of teachers would, no doubt, be provided zealous in the cause of education, and chosen from the whole area of England, for their fitness only. But while readily acknowledging that they owed a great debt of gratitude to the colleges and Commissioners, who had produced these statutes, for the many improvements they had made at Oxford, he thought some parties had great reason to complain—he meant the Dissenters and the lay members of the Church of England—especially the Members of the Church. These statutes were likely to be the model on which the statutes of the other colleges would probably be formed. By them no Dissenter could be admitted to a fellowship in either of the three colleges referred to; and in the case of one of them—namely, Exeter—he would not be admitted to a scholarship. He would have desired such an agreement as that of common worship. In the case of Exeter, the Dissenters had great reason to complain that the test of Church membership was to be applied as regarded fellowships and scholarships. The laymen of the Church of England, he thought, had still more reason to complain, because the Commissioners had recommended that there should be a large portion of the lay element in the government of those institutions; but by these statutes they would still retain their ecclesiastical character. It was necessary that the head of the college should be a priest of the Church of England, and the fellows were bound to resign unless they took orders within a certain period. The fellows were formerly on a different footing to what they were at present. They were then the instructed, instead of the instructors; so that it seemed that the scholars at present were in the position formerly occupied by the fellows.

MR. WALPOLE said, he did not think

that the observations of the hon. Member should be allowed to pass unnoticed. The hon. Gentleman seemed to forget that the questions he had raised had been already settled by the House. It would be in the recollection of the House that when the Act for the reform of the University of Oxford removed the test of an oath in respect to matriculation and the taking of a degree, the House purposely refrained from at all interfering with the course which each of the colleges might pursue in its own management. The hon. Gentleman seemed to forget even the directions which Parliament had given to those bodies for the framing of their own statutes. Formerly the fellows of Exeter were required to take degrees in divinity. Did not that imply the test of Church membership? And now that ten of the fellowships were turned into scholarships, a portion of that qualification still attached to them. In conclusion, he must say that he cordially approved of the course which the Government had taken upon the matter. It was extremely important that Parliament should exercise the right which it had retained to itself to question any statutes which might appear to be made in evasion of the recent Act of the Legislature; but it would be very inexpedient that they should interfere with those statutes except in such cases as he had referred to.

Mr. ROBERT PHILLIMORE inferred that the Privy Council would sit as judges in this matter, and they would, therefore, take no cognisance whatever of what passed in the course of that debate.

Mr. WIGRAM: Apprehended the reference of the Government to the Committee would not be a reference under the Act of Parliament, and the functions of the Committee, therefore, were not strictly judicial functions. He wished to know if there was to be a certain number of members of the Privy Council on the Committee, as directed by the Act of Parliament.

The CHANCELLOR of the EXCHEQUER said, that he could not say anything on the subject of inquiry into the statutes, as the Home Secretary was not in the House. He could not, however, concur with the hon. and learned Member, who said the Privy Council would have no knowledge of what were the opinions of that House.—["Order!"]

Mr. HEYWOOD, in reply, said, he would most readily acquiesce in what appeared to be the generally expressed feeling of the House.

Mr. GLADSTONE said, that he thought that indistinct and erroneous views were entertained as to what was the duty of the Government as regarded the subject under the consideration of the House. Parliament had spent nearly the whole of the legislative time of one Session in the consideration of the Oxford University Bill; and then, although it had dealt with many parts of the question, some points affecting the University had been left untouched, while the numerous questions affecting the colleges had not been dealt with; but at the same time enabling clauses were passed, framed in such a manner as to show that Parliament was willing to place confidence in the colleges themselves, for they invited these colleges to legislate for themselves, and to bring before the Commissioners any plan which they might adopt; and in case they did not do so in a satisfactory manner, they authorised the Commissioners to perform that function themselves. Those Commissioners were appointed by Parliament, and therefore the Legislature was to a certain extent responsible for them. It was clear, therefore, that the intent of Parliament was to leave the settlement of questions of detail to the colleges and the Commissioners, and that there should be no subsequent interference of Parliament unless there was a clear departure by them from the spirit of the Act. The function lodged in the Queen in Council was similar to that which Parliament had reserved to itself; but there was one duty which clearly lodged with the Council—namely, that of considering the legality of these statutes. A great deal of stress had been laid upon the Report of the Oxford University Commission, and, although he did not wish to detract from the labours of that Commission, still he felt bound to say that their Report should not be considered to be a certain guide to that House, because Parliament had already legislated in a manner in some respects contrary to the recommendations of the Commissioners. As regarded Exeter College, he believed that the authorities of that college had acted in perfect good faith, and he should be sorry if any one considered that they had acted in an illiberal spirit. It had been said that in that college new tests had been introduced as regarded undergraduate endowments. Now, what were the facts of the case?

The authorities of the college found themselves invited to convert some of their fellowships into scholarships, and at the same time they were bound, as far as possible, to respect the intention of the founders. Now, it appeared that originally the "scholars" were students in theology, and when the emoluments of that position were transferred to undergraduates, it surely was no great hardship—due regard being had to the intention of the founder—to insist upon the test of belonging to the Church of England. With regard to the exhibitions, they were open to all persons without regard to religious persuasion. As to the question of indigence, he did not hesitate to say that the colleges would not have been acting in strict conformity with the intention of Parliament if they had laid down that indigence was a qualification necessary for obtaining a scholarship or fellowship. One thing to be considered was whether the *scholares* of old times corresponded rather with the scholars or with the fellows of the present day. In the old time students became fellows at a very early age, and then they arrived at the bachelor degree, and from that proceeded to the higher degrees. The fellows and rector then, were nothing more than a self-governing society; but they had now become the teaching and governing body of the colleges and of the University; and he believed, if the venerable founders could be resuscitated, that they would regard with horror the idea that those who were to teach and govern should be qualified, among other things, by indigence.

Amendment and Motion, by leave, *withdrawn.*

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, March 7, 1856.

Minutes.] Public Bills.—2ª Mercantile Law Amendment; Mercantile Law (Scotland) Amendment.

3ª Turnpike Trusts Arrangements.

Royal Assent.—Exchequer Bills Funding; Annuities; Consolidated Fund (£1,631,005.1*s*.5*d*.); Joint Stock Banks (Scotland).

CHURCH RATES.

The Archbishop of CANTERBURY: My Lords, I am desired to *present* some Petitions to your Lordships, which all concur in praying your Lordships not to consent to the abolition of church rates without an equivalent being provided. I heartily concur with these petitions in their prayer, and shall be most thankful if an equivalent can be found, and its efficiency secured. It is true that I laid a Bill on the table of the House last year, which it afterwards appeared that this House was not competent to originate—a Bill founded on a different principle. But it must not be supposed that those who proposed that measure approved of it as the measure that was the most desirable, though they agreed to it as the best measure that seemed practicable. On these grounds only was it proposed by the Bishops who were at that time in London without, as well as I remember, any difference of opinion. My Lords, no measure can be defended as right in principle which exempts a large part of the property of this country from a payment to which it has been subject from time immemorial, and subject to which every proprietor has received or procured it. I cannot wonder that many insist on this principle, and am surprised that any one should surrender it. I can only repeat that I shall be most thankful to those who, under present circumstances, will show how it can be maintained.

MERCANTILE LAW AMENDMENT, AND MERCANTILE LAW (SCOTLAND) AMENDMENT BILLS.

The LORD CHANCELLOR, in moving the second reading of these Bills, stated that he did so with the view of afterwards proposing that they should both be referred to a Select Committee.

Lord BROUGHAM said, that he entirely approved of these Bills, which effected a material improvement, and were an important step towards the assimilation of the mercantile law in the different parts of the United Kingdom. They originated in the Report of a Commission which had been issued by Lord Aberdeen's Government, at the instance of the great Conference held in November, 1852. That Conference was assembled by the Law Amendment Society, was holden at its rooms, and was attended by delegates from all the great trading cities and towns of England and Scotland, and some also of Ireland. Its object was to promote the assimilation of the laws of the three kingdoms—or rather of England and Ireland on the one hand, and Scotland, in which the diversity exists, on the other. He had presided on the first day of the Conference, and his noble Friend opposite the Lord Privy Seal (Lord Harrowby) on the second. Lord Harrowby accompanied a deputation to Lord Derby, then at the head of the Government, asking, on the part of the Conference, to examine the whole subject, and report on the best means of effecting the assimilation. Lord Derby inclined strongly towards issuing the Commission; but as he quitted office almost immediately after, his successor, Lord Aberdeen, was applied to, and immediately issued the Commission. Its Report was, as the Lord Chancellor stated, the origin of these Bills, which did by no means contain all the measures recommended by the Commission, but certainly a material portion of them. The laws of the two countries differ in many important particulars, in some of which our English law is better, but in others the Scotch. He would not, in the presence of his noble Friend (Lord Aberdeen), who had such prejudices against amending the Marriage Law, repeat what the Lord Chief Justice had lately urged on that subject. But well knowing the great candour, as well as acuteness and sagacity, of his noble Friend, he ventured to hope that these qualities combined would lead to the removal of one of the very few differences of opinion between them. On another subject, the facility and cheapness of the conveyance of landed property, the English law might greatly benefit by taking a leaf out of the Scotch law book. But on the mercantile law, the subject of these Bills, it was otherwise, with some exceptions, however, such as the remedy upon bills of exchange and promissory notes by summary execution, part of which we had happily borrowed from Scotland by the Act of last Session; and he hoped we should ultimately adopt the whole of the Scotch practice. In various other respects the systems were different, and nothing could be more inconvenient, indeed more seriously hurtful, to traders than such great diversities on matters of every-day occurrence, as bills of exchange, contracts of guarantee, purchase and sale of goods, stoppage *in transitu.* The desire expressed at the great Conference to which he had referred was strong, and it was unanimous in favour of an entire assimilation; and until the Law Amendment Society issued a statement setting forth the differences in the two systems, he could assure their Lordships that many of those differences were unknown to eminent members of the profession. He had found men in Westminster Hall, some even who had occasionally practised in Scotch cases, who could not believe that on points of very ordinary occurrence there were such differences between the two systems. One class of persons, however, were well aware of these differences, and felt them to their cost, the mercantile body, who had met from all parts to urge the assimilation, and would gladly receive the measures now propounded by the Government as a considerable step towards that desirable end. On the part of that body, and of the Law Amendment Society, he must express his thanks to his noble and learned Friend for these Bills; they would, of course, now be read a second time and their provisions considered, as his noble Friend proposed, in the Select Committee.

Bills read 2ª, and referred to a Select Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, March 7, 1856.

Minutes.] Public Bills.—1° Vaccination.
3° Outpensioners (Greenwich and Chelsea); Marine Mutiny; Mutiny; Consolidated Fund (£26,000,000).

SHAVING ON SUNDAY—QUESTION.

Mr. MURROUGH said, he begged to ask the Secretary of State for the Home Department whether he had made inquiries as to the case of Joshua Wolstencroft, recently convicted before magistrates at Oldham for shaving another man on a Sunday, and fined 5*s.* with costs? Also, whether the fine, with costs, will be remitted?

Sir GEORGE GREY said, that Her Majesty's Government had no power whatever to remit fines of this nature. By the enactment, those fines were payable to the poor, subject to a deduction of one-fourth to the informer. He would further state, that no remonstrance had been made by the person convicted. As to the other part of the question, the Government had no power to interfere. He had made, therefore, no special inquiry; but he had received a letter from a person engaged in some trade at Oldham, saying that it was the general practice of the barbers there not to shave on Sundays, and that the prosecution had been undertaken at their instance.

METROPOLITAN MANAGEMENT.

On the Question that the House at its rising do adjourn until Monday,

MR. T. DUNCOMBE said, that he had to entreat the attention of the House to an important matter, and to point out the special position of the House in reference to a Bill now before it, having for its title "To explain and amend the Act of last Session for the better Management of the Metropolis." A statement had been made with regard to that Bill founded on an entire misconception of its nature. It was a Bill which would deprive many parishes of their ancient rights, and deprive many thousands of the ratepayers of the metropolis of privileges which they had enjoyed for 300 years. It had been said that there was an ambiguity in the wording of the Act of last Session, and this Bill was only intended to remove it; but ambiguity was a very convenient word, when Ministers are about to do some great job; and this he considered was what Ministers intended to do by that Bill.

MR. SPEAKER said, that he must remind the hon. Member that the Bill to which he alluded was one of the Orders of the Day for that night, and it was highly irregular, therefore, for the hon. Member to discuss it on the Motion, "That the House at its rising adjourn until Monday next." The hon. Member had given notice of an Amendment to the Motion for going into Committee, and he ought to postpone his observations until that Motion came on.

MR. T. DUNCOMBE said, that that was just what he was coming to. He wanted to know when the Bill was to go into Committee. He was afraid that the Order might be read at midnight, and thus all discussion be prevented. His object was to procure the postponement of the Order, that the House might interfere to protect the country from the wrong, the oppression, and the tyranny which were about to be perpetrated. If the House was determined to persevere with the Bill, at any rate it should not be done in ignorance—they should not say to him after Easter, "Why, you should have told us all this before." Well, but the noble Lord at the head of Her Majesty's Government had told them that it was necessary to pass the Bill before Easter. He did not believe a word of it. The noble Lord had been misled—he did not know if the right hon. Gentleman at the head of the Public Works (Sir B. Hall) had done it, or if any one else had done it, but he had been misled—he had evidently not read the Bill. It had been said there was an oversight in the original Bill. There was no oversight—he could prove there was no oversight at all. The Bill was brought in in violation of a direct promise — [*Cries of* "Order!"]

MR. SPEAKER said, that the hon. Member might put a question to any Member of Her Majesty's Government as to the time at which the Bill was to be brought on, but it was not in order for him to discuss the merits of the Bill which was the subject of one of the Orders of the Day.

MR. T. DUNCOMBE said, that he would confine his observations as much as possible within the limits prescribed by the right hon. Gentleman the Speaker. He would only refer to what was the law of the land, and to the conduct of Her Majesty's Ministers with reference to that law. The law to which he referred was an Act of the last Session of Parliament. The preamble of that Act said, that "Provision should be made for the better local management of the metropolis, in respect to the sewerage, drainage, paving, cleansing, lighting, and improvement" thereof. It was not only specified in the Act itself, that the powers conferred by it should not extend to matters relating to the Church and the management of the poor, but such was the express understanding on which the measure was passed; and when a deputation from the parish of Clerkenwell, with the vestry clerk at their head, came down to that House one evening, and, greatly alarmed, called out the right hon. Baronet to have a conversation with them in the lobby, he assured them that the measure would neither affect the Church nor the poor. The parishioners went away satisfied with the right hon. Gentleman, enchanted with his manner, and very possibly deluded and humbugged. The present Bill was of such importance, that it was the duty of the Government to bring it forward only under such circumstances as would insure for it the most careful and minute consideration. He entreated of Her Majesty's Government either to permit it to be referred to a Select Committee, or to postpone it for a month, so that the various parishes, which it was designed to affect might have an opportunity of expressing their opinion upon it. If either of those courses were adopted, the House would hereafter thank him for having prevented one of the grossest acts of injustice ever attempted by the occupants of the Treasury bench. There was no necessity for precipitation in the matter at all; nor would any inconvenience result from holding the approaching elections under the old Act, a measure which, if he was rightly informed, had received the sanction, not only of Mr. Welsby and the late Mr. Cowling, but of the Attorney and Solicitor General—all those high authorities being in favour of preserving intact the rights of the already existing vestries.

The ATTORNEY GENERAL said, he felt some difficulty in following his hon. Friend, and answering the question he had put, without deviating from the rules that had been laid down for the guidance of the proceedings of that House; but he should deal with the matter in the best way he could under the circumstances. He could assure the hon. Member and the House that the Government had no other anxiety than to preserve the parishes from an impending litigation, which threatened to be not only extensive but expensive. There was no such unanimity on the present Act as the hon. Gentleman appeared to suppose; on the contrary, there was a serious conflict of opinion as to its construction. On the 8th section, which purported to hand over the faculties and functions of the already existing vestries to the new ones, grave doubts had arisen, legal opinion being divided as to whether the particular vestries alluded to by the hon. Gentleman were included in the term "already existing vestries." If the old and the new bodies, standing with equal pertinacity on their presumed rights, were both to make a rate next Easter, the rate would infallibly be disputed by the public, and there would be nothing for it but a tedious and costly appeal to the Court of Queen's Bench. In that state of things the Government thought it better to substitute legislation for litigation, and with that view they introduced the declaratory measure which had proved so distasteful to the hon. Member. The reason why the Bill was pressed forward with such expedition was, that the Government desired to save the parishes from expense—an object which could be attained only by an immediate measure.

Sir HENRY WILLOUGHBY said, he hoped that ample time would be afforded for the consideration of the Bill. It had passed its second reading at a very late hour the other night, on the representation of the hon. and learned Attorney General that it was a measure of no very great importance; but it was very questionable whether it would not deprive various parishes of their existing rights in relation to their churches and their poor.

Sir BENJAMIN HALL said, he was prepared to show that the Bill involved no breach of faith towards the parishes, and that it would carry out the intention of the Act of last Session. In order to prevent litigation, it was absolutely necessary that the measure should be proceeded with without delay.

Mr. A. PELLATT said, he must also urge the necessity of avoiding precipitate haste in dealing with the Bill, as its provisions occasioned great disappointment to the metropolitan parishes.

Mr. MURROUGH said, he wished to know what was the latest hour at which the Government would go into Committee on the measure?

Viscount PALMERSTON said, he could not tell when the first business (the Army Estimates) would be finished, but it was very desirable that his right hon. Friend (Sir B. Hall) should have an opportunity that evening of explaining the grounds on which the Bill was based. After twelve o'clock, however, the House could not be expected to listen to such a statement.

THE GRAVES OF THE SOLDIERS IN THE CRIMEA.

Sir JAMES FERGUSSON: Sir, I rise to call the attention of Her Majesty's Government to the necessity of taking some steps for obtaining a pledge from the Russian Government to secure that the graves of the British officers and soldiers in the Crimea shall be respected, in the event of the positions at present occupied by the allied armies being evacuated. As the time appears to be approaching when the allied armies will have to leave the position which for the last year and a half they have occupied in the Crimea, it is to them and to us a matter of melancholy importance to inquire what is to become of the monuments which the pious care of sorrowing friends and admiring comrades has raised to the memory of the gallant men who fell in defence of their country, and now repose in a far distant land. This is a subject which will not fail to awaken an interest deep as it is general, for there is scarcely a family which has not had to mourn the loss of some relative, and there is hardly a house in which there is not one dead. I am anxious, therefore, to obtain from Her Majesty's Government an assurance that they will, if it should be in their power to do so, take measures to obtain from the Russian Government an assurance that the monuments and graves of the British officers and soldiers buried in the Crimea shall be respected when the allied armies shall have retired, and the country shall have again fallen into the hands of its original inhabitants. It may be said that no Christian Power would authorise or permit the graves of the dead, even though those dead had been its enemies, to be desecrated or molested; and most sincerely do I hope that this sentiment may find favour with the Russian Government. I know not what course they may be disposed to take; but I can call to mind two instances where a noble forbearance has been shown by nations with whom we have been at war, and where the graves of British soldiers have been treated with veneration and respect. The brave and generous Marshal Soult himself raised a monument on the heights of Corunna to the memory of his noble and gallant enemy, Sir John Moore; and to this day a yearly rent is paid, raised from a battalion of Guards, for the ground in which are interred the remains of their heroic comrades who fell in the ill-fated sortie of Bayonne. And, although it is, perhaps, scarcely natural to expect that there should be the same community of feeling and the same sympathy between the British and the Russians as between the British and the French, I am yet unwilling to believe that Russia will not facilitate some arrangement which will convey to the sorrowing relatives of those who have fallen in this war an assurance that the graves of the departed will not be desecrated. If peace should soon be concluded, it may not be difficult to obtain this concession; but if the war goes on and the British army should find it expedient to break up their camp in the Crimea and take up a new position elsewhere, the graves of our soldiers will then be at the mercy of the enemy, whose feelings it is but reasonable to suppose will be less favourable to us than they would have been if peace had been restored. Even in that case, however, some understanding might be come to, even with a hostile Government, on a subject appealing so tenderly to the instinctive emotions of our common humanity. That large burial-ground where are read the names of Cathcart, of Strangways, of Estcourt, and of many others, the pride and glory of the British army, is the very spot that might be chosen as the site for a redoubt in case the neighbouring heights should be fortified. But there are other humbler burial-grounds, not undeserving of our pious care. In one of these repose some hundreds of the Guards who fell at Inkerman, including a gallant friend of my own, whose place it is my privilege to fill in this House; and in close proximity lies a spot where the fallen of the Coldstream Guards have found their final resting-place. A few stones mark the place of their sepulture, and it is just one of those localities least likely to be left without disturbance if the original inhabitants were to return. Nor must we forget that the people who lived in that country have been ruined by the war. Their houses have been levelled, their vines uprooted, and of their trees not a vestige remains. Whatever, therefore, the feelings of the Russian Government may be in our regard, it is but natural to expect that these poor people will come back to their desolated homes animated with no very friendly sentiments towards us. Taking all these circumstances into consideration, I trust the House will be of opinion that I have made out a case for the interference of the Government on this mournful subject. We may not give back life to those who have fallen in their country's cause; but some endeavour may at least be made to insure that all that is mortal of them may rest undisturbed in their remote, but not unhonoured, graves.

Viscount PALMERSTON: Sir, the subject which the hon. Gentleman has brought under the notice of the House is one that, no doubt, must enlist the feelings of all those who reflect upon it; and I can assure him that it shall not escape the attention of Her Majesty's Government during the negotiations which are now proceeding. I really cannot anticipate that there will be the slightest difficulty in obtaining from the Russian Government an assurance—if, indeed, such an assurance can be necessary—that the monuments which record the fall of our brave countrymen who have sacrificed their lives in the Crimea shall receive that respect which among all civilised nations such memorials invariably command. Whatever we may think of our Russian adversaries, we must do them the justice to admit that they have carried on war with all the courtesy which becomes a great country. Their treatment of the gallant force which surrendered to them at Kars has been most humane and generous. That noble garrison received every consideration which the magnanimity of the victors could prompt; and, therefore, there is no reason to suppose that those who have known so well how to treat the living will be wanting in due respect towards the dead. However, both the hon. Gentleman and the House may rest perfectly satisfied that the subject will not be lost sight of by Her Majesty's Government.

SIR DE LACY EVANS said, he entirely concurred with the hon. Gentleman who had introduced the subject, that some efficient steps should be taken to secure the object in view; for, though he concurred with the noble Lord at the head of Her Majesty's Government in what he had said as regarded the manner in which the Russian officers and the Russian troops had conducted themselves, it was to be borne in mind that the population of the Crimea was a mixed one, many of them not being Russians at all, and many of them having been totally ruined by the present war. He had not the slightest doubt that the Russian Government would be willing to comply with any proposition which our Government might put forward on the subject. His opinion was, that some portion of ground should be set apart as a burial-place for our troops who had fallen in the Crimea, the Russian Government to receive a rent charge, and the ground to be well guarded.

THE SCOTCH UNIVERSITIES.

MR. LAYARD said, he begged to ask the right hon. and learned Lord Advocate whether it was the intention of the Government to introduce any measure in the course of the present Session for the union of the Universities of Aberdeen? Great inconvenience arose from the present state of matters, students being deprived of the use of the library and other advantages.

THE LORD ADVOCATE said, that the subject of the introduction of a measure for the purpose of uniting the Universities of Aberdeen engaged the attention of the late Government, and he believed that a union between those bodies was desirable; but difficulties were experienced as to how far the institutions should be merged, and whether the chairs of each should be included in the amalgamation. He was happy to say that the parties locally interested in the question were now nearly agreed as to the terms of union; and he would only add that he should cheerfully lend them his best assistance to carry out their object.

THE NAVY AND WORKHOUSE BOYS.

COLONEL HARCOURT said, he wished to ask the First Lord of the Admiralty whether there existed any order by the Board of Admiralty prohibiting the admission of workhouse boys into the navy? A board of guardians of the Isle of Wight was desirous to get one of the boys admitted into the navy, but they were informed that the Admiralty had issued an order against the admission of workhouse boys into the service. He mentioned the circumstances to the right hon. Baronet the Member for Carlisle (Sir J. Graham), a few days since, and he informed him that the order was issued by the Board, and had not emanated from himself. As the order worked most injuriously, he wished to ask the First Lord of the Admiralty whether it was true that such an order existed?

SIR CHARLES WOOD said, he could not answer for what third parties had told the hon. and gallant Officer. In point of fact, there was no such regulation as that referred to.

The Motion for adjournment till Monday was then *agreed to.*

PUBLIC BUSINESS.

VISCOUNT PALMERSTON said, he would now move, in accordance with the arrangement made with the noble Member for the City of London (Lord J. Russell) last night, that on Thursday, the 10th of April, Orders of the Day should have precedence of Notices of Motions; and he at the same time would express a hope that from that time the House would consent to establish the rule that for the remainder of the Session Orders of the Day should have precedence of Notices of Motions on Thursdays.

MR. BANKES said, that while the Bill relating to the appointment of certain officers of that House, which had now received the Royal Assent, was under discussion, the noble Lord at the head of the Government promised that a Minute of the Treasury should be prepared, providing that in the appointments to such offices attention should be paid to the recommendation of Mr. Speaker. The recommendation of that right hon. Gentleman had been acted upon with reference to the appointments which had recently been made, and the selection of the Gentlemen who now occupied seats at the table had met with the entire concurrence, he believed, of every Member of the House. The Act itself, however, did not contain any provision that regard should be paid to the recommendation of Mr. Speaker, and he wished to ask whether such a Minute had been prepared as the noble Lord had promised, assuring to the Speaker the power of making recommendations to the Crown when vacancies might occur, and, if so, whether there would be any objection to lay such Minute upon the table?

VISCOUNT PALMERSTON replied, that the Minute had not yet been drawn up, but when it was prepared it should be presented to the House.

Motion *agreed to.*

THE APPELLATE JURISDICTION OF THE HOUSE OF LORDS.

MR. BOWYER: Sir, I rise to call the attention of the House to the present state of the appellate jurisdiction in the last resort, and to suggest measures calculated to remedy the defects of this branch of the public service. I am aware that the subject is under investigation in another place; but I submit that that is not a sufficient reason why it should not be discussed here. If the matter regarded simply the privileges of the other House the case would be different; but it concerns the general administration of justice and the rights of the whole community. I think, therefore, that this House ought not to remain a stranger to the discussion of matters so deeply affecting the whole body of the Commons of England. Sir, I propose to consider, first the working of the present system, and then those remedies which the public service in the administration of justice requires. I must remind the House that there are three branches of appellate jurisdiction administered by the House of Lords, namely, 1st, appeals from the Courts of equity; 2ndly, writs of error; and 3rdly, Scotch appeals. Each of these presents various anomalies and inconveniences. Let us see, in the first place, who are the Judges who sit in the House of Lords. They are the Chancellor, the Lord Chancellor, three ex-Chancellors, and the Lord Chief Justice. The senior ex-Chancellor, though he still delights that illustrious assembly with his eloquence and wisdom, cannot, at his advanced age, be expected to attend regularly to the judicial business of the House. The Lord Chief Justice is prevented by the duties of his eminent office from sitting often on appeals in the House of Lords. There remain two ex-Chancellors. They seldom sit together. If there be one sitting with the Chancellor, and they differ in opinion on an appeal, there is no judgment, and the judgment of the court below is confirmed. This occurred five times during last Session. It is most unsatisfactory to the suitors. Let us now consider the subject of appeals from the Courts of equity. If the appeal is from the Chancellor, it is heard by the Chancellor himself in the House of Lords; and this is not only an anomaly, but a scandal. It is true that he is usually assisted by another law Lord; but he would naturally be in favour of the view of the case which he had before taken, and might influence the other law Lord. If, however, they differ, there is no judgment. And if the Chancellor is assisted by two law Lords, either of them agreeing with the Judge appealed against decides the case. When the appeal is from the two Lords Justices, the result is equally unsatisfactory. They are, by their learning and consummate judicial ability, equal, if not superior, to any two judges in the House of Lords; and if the appeal be heard by the Chancellor with two law Lords, and there is a difference of opinion, the decision is that of two Judges against two Judges. But in some cases the Chancellor hears a cause assisted by the two Lords Justices. Then the appeal is, in most instances, from three Judges to two, or, if it be from the Chancellor and Lords Justices to three Judges in the House of Lords, still one of the three is the Judge appealed against. Suitors in such cases will naturally say that the decision of their appeal depends on the chance, whether one of the ex-Chancellors or another happens to sit with the Chancellor to hear it. This is most unsatisfactory, and derogatory to the character of the court of appeal. We come now to writs of error from the courts of common law. In those cases the decision of the common law Judges in the Exchequer Chamber may be reversed by two or three equity Judges who never held a brief in a court of common law. And at any rate the Lord Chief Justice is the only common law Judge in the House of Lords. It is true that the House summons the common law Judges to assist in hearing difficult cases or writs of error. But this is unsatisfactory, for the Judges can take no part in the proceedings. They cannot ask a question of the counsel, nor suggest a point in argument, and they sit as silent as the mace on the woolsack. They can only answer such questions as the House puts to them at the conclusion of the arguments. In Scotch appeals the system is still more absurd. The appeal is from Scotch Judges of the greatest eminence and experience, to English Judges who have no knowledge of Scotch law. It is true that at present there is in the House of Lords a noble Lord (Lord Brougham) who, being remarkable for the extent and variety of his knowledge, is learned in the law of Scotland. But this is an accidental circumstance, and even that noble Lord cannot be supposed to be so well acquainted with Scotch law as the Judges who have passed their lives in its practice and administration. To exemplify the results of this system, I need only refer to the case of *Stuart* v. *Fullarton*, decided by the late Lord Wynford in the House of Lords, which was so manifestly contrary to the law of Scotland that it was found necessary to pass an Act of Parliament to amend the judgment of the House. And on the 31st of July, 1851, Lord Aberdeen said—

> "He knew that many changes had been introduced and much light had been thrown on the Scotch law by several of the Judges of England, especially Lord Mansfield, but, at the same time, it was unsatisfactory that the law should be administered by persons who, in spite of their best intentions and highest integrity, frequently entertained feelings at variance with that system of law which they were expounding. What (he added) would be said if a man had to appeal from this country to the Parliament at Paris, and yet it was undoubtedly true that the French law was less removed in spirit and principle from the English law than the law of this country was from the Scotch law."

This subject was, in the year 1851, considered by the Faculty of Advocates of Edinburgh, and they unanimously approved a report of a committee of their body, recommending that the House of Lords should have the power of summoning the Scotch Judges to assist in Scotch appeals, and that a person should be appointed, thoroughly conversant with Scotch law, to take part in the hearing of appeals from Scotland in the House of Lords. I come now to consider the remedies which may be resorted to, for the purpose of correcting the evils which I have pointed out. The first question on this part of the subject is whether the House of Lords should continue to exercise the appellate jurisdiction. There are two inherent evils attending the continuance of that jurisdiction—namely, that the House only sits for six months in the year, and that there must be two Supreme Courts—the House of Lords and the Privy Council. But to the abolition of the appellate functions of the House of Lords, there are, no doubt, serious constitutional difficulties, for that measure would no doubt weaken the authority and detract from the dignity of the Upper House of Parliament. These reasons make me desirous of seeing some way to improve and to preserve its appellate jurisdiction. With the same view Her Majesty's Government have proposed to create peers for life. I will pass over the legal objections to that course. But on constitutional grounds it seems to me very dangerous. The comparative facility of creating large batches of life peers must tend to destroy the independence of the House of Lords. It is, however, suggested that the Royal prerogative of creating peers for life, supposing it to exist, might be limited by Parliament. But if this were so, another objection would remain. The object is stated to be to give those peerages to ex-Judges, who would assist in hearing appeals in the House of Lords. But then you would have an appeal from Judges in the full vigour of life and lately engaged in the full swing of professional duties at the bar, to Judges who have retired on account of advanced age or ill-health, and, therefore, less competent than the others for the discharge of judicial duties. Another objection is, that such a course would tend to create a distinct class in the Upper House, like the *noblesse de la robe* in France, who did not amalgamate with the rest of the aristocracy, but were considered an inferior caste. Having regard to these considerations, I beg to suggest, after much consideration, that the ancient constitution of this country points out a remedy for the inefficiency of the present Court of Appeal in the House of Lords. I am prepared to show that by the ancient constitution of Parliament, the Lords and the Judges together formed a great Court of Appeal in the last resort. There were in the early period of our history three Councils of the King, that is to say, the *Consilium Privatum*, the *Consilium Ordinarium*, and the *Magnum Consilium* or Parliament. The former was something like the Cabinet

Council, and consisted of Ministers of the Crown. The second was composed of the Judges, great officers of State and councillors. Its history is somewhat obscure, but it is certain that it not only sat apart as a Council, but also in the great Council or Parliament. Lord Hale, in his *Treatise on the Jurisdiction of the House of Lords*, p. 12, says, that from the 28 *Edw.* I. to the 20 *Edw.* III., the writs summoning the Judges and others of the Ordinary Council to Parliament were in the same form as those directed to the Barons. It may be argued thence that both had the same powers, and some writers hold that it was so. But this was undoubtedly true with regard to the exercise of the appellate jurisdiction of Parliament. Thus Lord Hale says—

> "In ancient times, as in Edw. I. and Edw. II. and the beginning of Edw. III., the *Consilium Legale*, the Chancellor, justices, &c., were not barely assistants, but had a voice of suffrage as well as of advice in the affirming or reversing of judgments, &c., though, in process of time, the grandiour of the Lords got in effect the whole jurisdiction from the *Consilium Ordinarium*, and left them only as assistants and advisers, which seems to obtain about the beginning of Ric. II."

This participation of the Ordinary Council in the jurisdiction with the Lords is strictly in accordance with constitutional principle; for all temporal jurisdiction in this country is derived from the Crown. Our appellate jurisdiction belongs to the King in Parliament, and the judgment is the King's by the advice of the Lords; and it was therefore competent to the King to exercise his jurisdiction with the advice of his councillors in Parliament as well as of the Barons. The subject, however, will be made clearer by briefly examining the ancient method of proceeding in Parliament. The King in Parliament formed the great remedial Court of the kingdom. When that assembly met, petitions poured in from all quarters. They were received by the auditors and triers of petitions. Palgrave, in his learned work on the King's Council, p. 63, says—

> "The auditors of petitions constituted a Parliamentary Committee composed of some of the Judges and a delegation of Bishops, Earls, and Barons."

Hale gives a number of precedents on this subject, and they show that the Judges were always included among the triers of petitions. I will only give three of these precedents. In 14 *Edw.* II. the triers were three bishops, one abbot, two barons, five judges; 14 *Edw.* III., four bishops, two earls, three barons, four judges; 20 *Edw.* III., one bishop, one abbot, one baron, and four judges; so that in this case there was a majority of judges among the triers. The triers of petitions are classed by Fleta among the King's Courts. It was their duty to receive the petitions and class them, and refer to the proper courts or offices those which belonged to their respective attributions, retaining for cognisance in Parliament the matters which belonged to that highest Court. Now, it is clear that the Ordinary Council shared this important jurisdiction as triers or auditors of petitions with the Lords; and this is a conclusive proof that the Judges and others of the Council were not mere assistants and advisers, as they are now, but a part of the high Court of Parliament for hearing appeals. Palgrave, in his book on the Council, p. 64, and Spencer, in his work on the Court of Chancery, show how this change took place, which reduced them to their present condition of mere assistants of the Lords. What I propose is to return to the ancient constitution of Parliament by restoring to the Judges their power of voting with the Lords on appeals and writs of errror. It is, no doubt, lawful for the Crown to summon the Lords Justices and Vice Chancellors to sit with the other Judges in the House of Lords; and, indeed, any Privy Councillor may be so summoned. If this prerogative were exercised, and the Judges were all empowered to vote in the exercise of the appellate jurisdiction in the House of Lords, a great and powerful Court of Appeal would be constituted—composed of all the Judges of the Superior Courts, and others learned in the law. I should also propose, that it be a rule that no Judge should sit on appeal in any case which he decided in the Court below, and that the Lord Chancellor should never sit on an appeal from himself. There should be a permanent Deputy Speaker of the House of Lords, who should constantly sit there, and preside in all appeals from the Lord Chancellor. There should also be two or three Scotch Judges summoned, who should remain in London during the Session of Parliament, as advisers of the House of Lords in Scotch cases, and who should have votes; and they should be paid a salary to enable them to live in London during the Session. Out of such materials as these the House of Lords might constitute a judicial committee like that of the Privy Council. The new system which I have proposed would remove the chief defects of the ultimate appeal to the House of Lords, but still great inconveniences would remain. In the first place the House of Lords sits only during the Session of Parliament, but a Court of Appeal ought to be open all the judicial year, to administer justice. Moreover, if the House of Lords continues to be a supreme Court of Appeal, there must be two Courts of last resort. The Judicial Committee of the Privy Council could not be abolished for the purpose of transferring its jurisdiction to the House of Lords. For the Judicial Committee can sit all the year round, and it gives general satisfaction to the suitors, and it could not be abolished to transfer its jurisdiction to a Court open to the suitors for six months only. Consequently, if the House of Lords be retained as a Court of Appeal, there must still be two supreme Courts of Appeal. This is a most serious defect of the judicial constitution of the kingdom. I may exemplify this proposition by observing that on the Wills' Act, for instance, there may be one construction given by the House of Lords, and another by the Judicial Committee. The same may occur on questions of domicile and the construction of wills and deeds. And, indeed, a single Court of ultimate appeal is essential for developing and forming a system of jurisprudence. It is doubly important in this country. For it is a peculiarity of our system that the main part of it rests entirely on precedents. We have no code or *corpus juris*. The law makes the precedents, and the precedents make the law. The consequence of this vicious circle is, that the law is very uncertain. It is, indeed, in a transition state. The Judges of late act on the principle of seeking to do substantial justice. This is wise, but it increases the uncertainty; and it often happens that after a case has been argued by the ablest counsel, no one can say what the judgment of the Court will be. Lawyers do not often tell these secrets to the laity, but the truth is, that the Judges do what they please. If it were not for their general high character and independence, this country would suffer from that miserable state of servitude in which the law is vague and uncertain. This state of things can only be corrected by a single supreme Court of Appeal constantly sitting, which would tend to form and settle the law; and, without such a Court, it is vain to think of codification. The Court of Cassation, in France, is an example of this subject, for it has done much to form the jurisprudence of that country, by its decisions as the sole supreme Court of Appeal. Another defect of the House of Lords is, that it is not a regular permanent Court. The ex-Chancellors are not bound to attend, and the other Judges are fully occupied with their duties elsewhere. The attendance is, therefore, uncertain. It is impossible that such a Court should be consistent and steady in the principles on which it administers justice. Ours is, indeed, the only country that has no independent Court of Appeal. The only real remedy is to create a single Court of Appeal, like the Court of Cassation — to take the most competent persons from the bench and bar in every branch of the profession, and make a great Court of Appeal, invested with all the jurisdiction now divided between the House of Lords and the Privy Council—entirely independent, permanent, and constantly sitting to hear appeals. The Judges of this Court would have leisure to become perfect judges of appeal; they would be in constant communication with each other, and they would learn one from the other, and so enlarge their minds—and be perfectly independent of the opinions of the Courts below. Without such a Court a code would be comparatively useless. This Court of Appeal would also fill a serious want of our legal institutions—that of a Criminal Court of Appeal. This is a great anomaly. It is true that a Judge may, on the trial, reserve a point for consideration in the Exchequer Chamber. But he is not obliged to do so. Recourse may be had after judgment to the Secretary of State. But it is surely unconstitutional that the liberty or life of a man should depend not on an appeal to a Court of law, but on a Minister of the Crown. At common law, a writ of error in a case of felony does not stay execution, so that a man may be hanged, pending the writ, though it may turn out in the Court of Error, that the judgment was contrary to law; and so Blackstone says, that the reversal of judgment may be some consolation to his friends. The statute 89 *Vict.* c. 69, provides, indeed, that execution shall be stayed in misdemeanor, when a new trial is applied for; but in capital cases the writ of error is still only allowed *ex gratiâ.* The attention of the Common Law Commissioners was directed to this strange anomaly, and they, in their eighth Report, strongly recommended that all judgments, both in felony and in misdemeanor, be rendered liable to revision by new trial on cause being shown. The difficulty was, however, stated, that if such appeals were allowed in criminal cases, the Courts would have no time to decide on them. The objection is strange. It would vanish, if an independent permanent Court of Appeal were constituted. That Court might also be referred to by the Government on questions of legislation and law reform, and so give valuable assistance to the Legislature in various ways. I have now concluded this subject, the importance of which will, I hope, be my excuse for detaining the House for so long a time. The hon. Member then moved—

> "That the present state of the Appellate Jurisdiction in the last resort is unsatisfactory; that a Supreme Court of Appeal ought to be constituted, presided over by permanent Judges of Appeal."

No hon. Member seconding the Motion, the Motion dropped.

THE MILITIA—QUESTION.

Mr. W. WILLIAMS said, that before the House went into Committee of Supply, he wished to ask a question of the Chancellor of the Exchequer. Last year they voted 136,000 men for the militia, and a sum of £3,365,684 was voted for their support. From returns which had been made, it appeared that not one-half of the men had been embodied. There was, therefore, a sum of £1,500,000 which had not been expended. He asked the right hon. Gentleman (Mr. Monsell) the other night what had been done with that money, and he said he thought it must be in the Exchequer; but the Chancellor of the Exchequer, in his financial statement, said that the whole of the money voted last year was expended. What he now wished to ask was, what had become of the money; whether it had been expended on other objects than that for which it had been voted, or remained in the Exchequer?

Mr. WILSON said, his hon. Friend was mistaken if he supposed that when Estimates were voted all the money was supplied which was required for the Estimates, and it did not follow that all the supplies voted in Committee of Ways and Means were expended. In the present case, if the whole of the militia had been embodied, the effect would have been that there would be a further deficiency of £1,500,000 than there actually was. By the Appropriation Act the Government were enabled, if there was an access in one part of the department, to supply deficiency in another part of the department, and the saving of the expense of the militia was applied to other services of the army.

SUPPLY—ARMY ESTIMATES.

House in Committee of Supply; Mr. FitzRoy in the Chair.

(1.) £450,000, Army Civil Establishments (on account).

Mr. W. WILLIAMS said, he must complain of the absence of particulars. There were fifty-five different establishments scattered over the world, and explanations were given in the Estimates only as to three of them; so that the House had no means of ascertaining whether any of those establishments were necessary or not. Now that the Commissariat and Ordnance Departments were placed under one head, he thought the duties of the officers of those departments connected with the civil establishments might safely be united.

Mr. MONTAGU CHAMBERS said, he wished to obtain some information respecting the duties of the superintendents of the Royal gun factory and other departments at Woolwich; also, as to the functions of the captains instructors. He would also take that opportunity of asking what was the meaning of the new appointment of building engineer?

Colonel DUNNE said, he was equally anxious to hear what was meant by a building engineer. He would also ask whether some officers did not hold two offices—the inspector of machinery, for instance? He suggested that it would be more convenient in future to mention the names of the officers in the Estimates.

Mr. MONSELL said, he quite agreed with the hon. Member for Lambeth (Mr. W. Williams) that it was desirable to consolidate the different departments abroad, and that principle had been already acted upon. At present there were twenty-two storekeepers, performing the additional duties of barrackmasters, and during the last year seven or eight storekeepers and eight barrackmasters in the United Kingdom had been dispensed with. In reply to the hon. Member for Greenwich (Mr. M. Chambers), he begged to say that the superintendents of the various departments had the supreme control of, and were responsible for, all the operations of their various departments. The captains instructors were second in command, and it was intended that they should give instruction to young artillery officers and to a certain number of artillery soldiers, whom it was proposed to send through the various manufacturing departments, in order that they might become acquainted with all the operations in those departments. The building engineer was a new appointment which had been made for economical reasons. The building operations of the Royal Arsenal were formerly under the direction of an officer of the Royal Engineers, and it was found that it would be cheaper to employ a civil engineer to conduct those operations. The experiment had been tried, and the result was a saving of about £1,100 a year. As to the question of the hon. and gallant Member for Portarlington (Colonel Dunne), he (Mr. Monsell) could only say that he was not aware of any case in which an officer held two appointments.

Mr. HENLEY said, it was difficult to reconcile the statements just made by the right hon. Gentleman, that the superintendence of certain buildings being committed to a civil engineer occasioned less expense than the employment of a military engineer, with the observation made the other night, that the pay of the Army Works and Land Transport Corps was at a comparatively high rate because they were civilians.

Lord WILLIAM GRAHAM said, he noticed that in some districts the items for rent rates and taxes were higher in the present Estimates than in the last, and he wished to know whether that arose from any addition being made to the barrack accommodation?

Mr. MONSELL replied, that in the Woolwich district additional barrack accommodation had been secured; but in the London district the increase was occasioned by the necessity for having considerably more accommodation for a very largely augmented amount of stores. The Government had been obliged, for this purpose, to make use of storerooms in the London Docks and at some of the wharfs.

Colonel DUNNE said, he wished to inquire what had become of the premises belonging to the Government in Tooley Street?

Mr. MONSELL said, he regretted to say that their predecessors had given a lease, for ever, of those valuable premises, by which considerable difficulty had been caused to the Government.

Colonel GILPIN said, he wished to know what had been done for the accommodation of soldiers' wives?

Mr. MONSELL replied, that he believed, in two or three places, at least in one place certainly, there had been lately erected accommodation for a certain number of married soldiers, and another was provided for by the present Estimates. The whole of the recommendations of the Barrack Committee were under the consideration of the Government now; but he should be much deceiving the Committee if he did not inform them that the expense of carrying out those recommendations would be very considerable. It had been found that, according to the ordinary rate, to provide for six married soldiers in a hundred would cause an expense in building a barrack of about £8,000, or, at all events, £6,000. Now, multiplying that by the number of thousands to be provided for, it would be a very large sum.

Mr. STAFFORD said, he would, while the question of barrack accommodation was before the Committee, take that opportunity of paying his tribute of gratitude to that excellent lady, Lady Alicia Blackwood, for the services she had rendered at Scutari in providing accommodation for the soldiers' wives, who, before she did so, had been living in a state of the most abandoned profligacy and dissipation. With a small aid from Government, assisted by the subscriptions of private individuals, and zealously seconded by Miss Nightingale, she had established an hospital for the women themselves, and schools for their children, promoting among them habits of order and industry, so that now they did all the washing required for the military hospitals.

Mr. HENLEY said, he wished to know whether he was to understand that it would cost £6,000 or £8,000 to provide barrack accommodation for six men and their wives?

Mr. MONSELL said, he must explain that when a number of plans for barracks were sent in to the Committee appointed by Lord Panmure, the first plan selected was for an infantry barrack for 1,000 men, and the cost of it as estimated by sworn surveyors was £147,000, and that share of the cost which would be caused by providing accommodation for such a proportion of married soldiers was £8,000.

Colonel DUNNE said, that the permanent barracks now building at Aldershot were costing, he believed, only £40 or £45 for each man.

Mr. W. WILLIAMS said, he thought

the Committee ought not, without some further explanation, to pass the present Vote, which amounted to about £112,000 more than the Vote of last year, and a very small part of the Vote was required for the seat of war, the greater portion being for the West Indies and other colonial and home establishments. He saw no necessity for that vast increase.

Colonel NORTH said, that the hon. Member and others on the same side of the House had insisted on the Government pulling down a large number of useful barracks; and now the people throughout the country were calling on the Government to put an end to the billeting system; where, then, were the soldiers to go? The Government were not to blame for providing additional barracks, for the soldiers must be accommodated somewhere.

Mr. W. WILLIAMS said, he had not mentioned a word about barracks.

Mr. MONSELL said, he thought that the hon. Gentleman (Mr. W. Williams) was hard to satisfy; for the sum required for the West Indies this year was £1,322 less than the sum voted last year.

Sir GEORGE TYLER said, that there prevailed a great desire that the soldiers should not be billeted on public-houses. In a town in the county he represented there were barracks, but not sufficiently large to receive all the militia stationed there, and consequently a portion of the militia was billeted, greatly to the detriment of the discipline of the regiment. He believed that the Ordnance Department had sent down a surveyor with a view to enlarge the barracks, and he should like to know whether that was the fact?

Mr. MONSELL said, he was afraid he could not hold out any expectation of an intention on the part of the Government to enlarge the barracks in question.

Mr. MONTAGU CHAMBERS said, that the surgeon to Woolwich Arsenal received 13*s.* a day, and the assistant surgeons 7*s.* 6*d.* a day. Their attendance only commenced at ten o'clock in the morning, and, when an accident occurred before that hour, it could not be immediately attended to. He was told that the artificers in the arsenal contributed so much a week to the medical attendants. He wished to know how much the contributions of those men amounted to?

Mr. MONSELL said, the appointments referred to by the hon. Member were quite new, and had been made in consequence of the number of accidents which had occurred in the arsenal. The only salaries received by those surgeons were those described in the Vote.

Vote *agreed to.*

(2.) £450,000, Wages of Artificers, &c. (on account).

Mr. NEWDEGATE said, he wished to know what was the total sum included under the various heads of this Estimate, which it was proposed that the Committee should now vote for the establishment at Enfield in addition to the £30,000 voted in 1854, and the £40,000 voted in 1855? He and his hon. Colleague (Mr. Spooner) had opposed that Vote, on the ground that the supply from the trade in Birmingham and London would be sufficient. They said that if a factory were established it would not be available during the war. He wished to know what portion of the sum now to be voted was for the Enfield factory, which had already absorbed £70,000? The widest estimate given before the Small Arms Committee was £150,000, but he had every reason to believe that that estimate would be exceeded. The right hon. Gentleman the Clerk of the Ordnance had promised that a separate account should be given of the sums expended on this establishment, and of the number of muskets which it had turned out. He was told that not one single musket had been produced there, and he should be glad if the right hon. Gentleman would give them some information on the point, and would also tell them how many muskets had been produced by the trades of Birmingham and of London. The estimate given before the Small Arms Committee was, that Birmingham could not be relied on for more than 25,000 muskets annually, but he believed that Birmingham had supplied more than four times that number during the past year, and was now supplying at the rate of six times that number. The trade of London had also increased in a similar manner. So determined were the Government not to rely on the trade of England for the supply of arms for the defence of England, that they had sent orders to America, Liege, and France, for arms; and he should be glad to know how many had been supplied from those quarters? He believed the number which they had got from abroad was very insignificant. The result would show that the ancient national resources of England—its manufacture of arms—had been fully operative, while the costly experiment at Enfield and the foreign orders had been of no avail.

Colonel DUNNE said, he wished to

know whether the numbers had been reduced at Enfield? It was notorious that that establishment had as yet done no good. The right hon. Gentleman was obliged to get muskets from America. Now, American muskets were notoriously very bad; and the right hon. Gentleman paid America £3 10*s.* for muskets that were not really worth 50*s.* The hon. Member for Birmingham (Mr. Muntz) had correctly predicted last year that not a musket would be made in the factory at Enfield during that year, and he might have added nor during this year either.

Mr. MILES said, he thought it was desirable that the public should know what was being done at Enfield. He had been told that the Enfield musket was a very good one, but he supposed that referred merely to the finish.

Mr. MUNTZ said, he wished, before the right hon. Gentleman replied, that he should know what the Committee were talking about. He asserted that the Enfield rifle, under that name, was almost entirely made at Birmingham. A Committee investigated the subject of arms some time back, and came to the conclusion that there ought to be a manufactory at Enfield to operate as a check upon the trade. It was said that men could not be got at Birmingham to turn out more than 25,000 muskets a year. But the fact was, the trade had turned out 100,000 the year before, and 150,000 last year. Make but the contracts, so that they could be understood by master and man, and there would be no limit to the supply of serviceable arms. The manufacturers could always supply Government 50 per cent cheaper than any Government establishment. If every circumstance and expense were taken into account, it would be found that Government establishments invariably produced a loss.

Mr. MONSELL said, he would most willingly admit that nothing could have been better than the conduct of the gun manufacturers of Birmingham during the past year. They had worked admirably. They had supplied to the Government, he believed, not less than 100,000 muskets, and he was sure that in the course of the present year they would produce a still greater number. This did not, however, alter his opinion as to the importance of the factory now being erected at Enfield. When finished it would produce rifles at a cost much smaller than that at which they could be procured at Birmingham, and would provide the Government with a very salutary check upon the gun trade in times of pressure. It was quite true that the factory was not yet completed, but it must be remembered that, owing to the necessity for altering and reducing the plan as originally presented to the House, the building was not commenced until January, 1855. Nearly the whole of the machinery had now been received, and it might be confidently expected that the factory would commence operations in the month of July or August next. He did not think that eighteen months was such a very long period to be required for the erection of a factory which would contain between 700 and 800 machines, some of them of an entirely new construction. The amount of the Estimate for this factory was £34,470, namely, £15,378 for stores and machinery, and £19,092 for works and building. The cost of erecting the factory at Enfield would be £9,000 or £10,000 more than it would have been had it been built, as was proposed by the Government, at Woolwich.

Colonel DUNNE said, that the existing accumulation of buildings and combustible stores at Woolwich was a good reason why the factory should not be erected at that place. He considered that it would have been a very imprudent proceeding if it had been persevered in.

Colonel BOLDERO said, the right hon. Gentleman the Clerk of the Ordnance asserted that Government could get machinery cheaper from America suitable to the manufacture of arms. That was demurred to at the time, and a Committee was pressed on the Government, the result of which was, that it was agreed a sum of money should be voted for the establishment at Enfield. That establishment had not realised expectation up to the present time. He wished to know what amount of arms had been received from America, from Liege, and from France; what price had been paid for them, and whether they equalled the muskets of Birmingham and Enfield? When a large Vote was taken for Enfield, he had felt a conviction that, by improving the manufactory at that place, it might turn out 1,000 muskets a week.

Mr. MONSELL said, his answer to the last question was, that the factory was not finished. They had received no muskets from America, except twenty as patterns. They had received 12,000 from Liege, which were quite equal to those made in this country. The price was a little less than ours.

MR. SPOONER wished for an explanation of the expenditure which had already taken place, as well as of that which would take place when this Vote was agreed to.

MR. MONSELL said, that that information would be given in the next Vote.

MR. NEWDEGATE said, that £70,000 had been already voted for Enfield. Now, what he asked was this, that Government should state to the Committee what they had done with that amount, how much they now wanted, and how they intended to dispose of it. He had no objection to a Government factory to check trade, but he feared that if the trades were not encouraged during peace, whenever a war broke out there would be a deficient supply. He believed that in such a case there would be found the same deficiency as there unfortunately was when the late war—he hoped he might call it—broke out. He trusted, therefore, that the Government would tell the Committee how the money had been expended, and that the House of Commons would from time to time require to be informed what was being done at the Government factory.

MR. W. WILLIAMS said, he had the same objection to the present Vote as he had to the previous one. They had seventy-five establishments in the United Kingdom and the Colonies, and they had no particulars of any one of them, and they were required to vote £915,000 for wages without any particulars whatever. In the naval establishments they gave them the number of persons employed, as well as the amount of wages. He hoped that hereafter they should not have Estimates supplied in so useless a form.

MR. A. PELLATT said, that last year the House was told that London and Birmingham were fully equal to the work of the supply of arms, provided the orders were given them at proper times, so that their works should not be disorganised. He thought this Vote should be expunged from the Estimates. He had no doubt that if the money granted had been laid out in stores from London and Birmingham, there would have been an adequate supply at the time they were wanted. As it was, he fancied the Government factory would get to work when the war was over. Like Kneller Hall, which was provided for the instruction of teachers, it was an utter failure.

MR. MUNTZ said, he hoped that the Government would see the propriety of giving the Committee all the information in their power respecting an establishment which had cost the public so much money as the factory at Enfield.

MR. MONSELL said, the whole amount, which would be expended upon the building up to the end of the financial year, was £51,124 11*s.* 9*d.*; the amount expended upon machinery was £49,561 9*s.* 11*d.*; the additional sum required for machinery this year, £15,000; and the additional amount required for the building, about £19,000. Some hon. Members appeared to consider that this expenditure was a proof that the Government manufactory did not answer; but it was difficult to understand how they could come to such a conclusion when it had not yet got into working order. Whether the manufactory answered or not could not be known until it produced muskets. He believed it would produce 50,000 muskets a year at a very much lower rate than they would be supplied at by the trade of the country; but, supposing it did not produce them at a lower rate, a Government manufactory of this sort would be of great advantage in checking the exorbitant demands of parties, and in meeting those urgent demands for arms which might be anticipated always at the commencement of a war. Another great advantage of the manufactory would be, that it would diminish the necessity of keeping too large stores in hand, which, when they came to be used, might be found to consist of articles of obsolete pattern. He had every reason to believe the manufactory would succeed, because skilled persons, who had had opportunities of comparing it with similar establishments in America and elsewhere, had almost pledged their reputation upon that point. The manufactory would be at work in three or four months; and, next year, they would be in a better position to form a correct opinion as to its usefulness.

MR. SPOONER asked, whether there would be any objection to furnish Parliament with a detailed account of all the money spent at Enfield, whether for machinery, building, or any other purpose?

MR. MONSELL said, he had no hesitation in giving such a promise.

COLONEL DUNNE said, he did not doubt that the manufactory would be successful when the war was over. Every one of the arguments put forth by the right hon. Gentleman in support of the Vote had been combated in the Committee, and had failed to convince them of the necessity for such an establishment. He was not convinced by them at the time, and he was not convinced by them now.

MR. MONTAGU CHAMBERS said, he thought such an establishment useful in checking the exorbitant demands of private traders when a large supply of arms was suddenly required by the Government. He wished to call the attention of the Government to a demand that had been made on the artificers of Woolwich Arsenal for the payment of £5 for income tax up to April last. Some of these artisans had been called upon to work beyond their ordinary hours, and when by so doing they had increased their earnings beyond £100 a year, Government had called upon them to pay income tax on that amount, and not on the average of three years' earnings.

COLONEL BOLDERO said, he thought the question alluded to by the hon. and learned Member utterly irrelevant to the present Vote. He wished to know at what price the American rifle was to be supplied.

MR. MONSELL said, they proposed to make a charge which would pay themselves for the price of the machinery which they had erected for constructing the rifle. The price would be about £3 10*s*.

MR. HUTCHINS said, that it had been stated that £150,000 would be required for the works at Enfield, and that they would be able to turn out 50,000 muskets a year. Now the interest on such an expenditure would be equivalent to about 7*s*. for each musket. He wished the right hon. Gentleman to state what he supposed the cost of the Enfield musket would be, and what was the cost of the Birmingham musket?

MR. MONSELL said, the Government were paying the Birmingham manufacturers £3 4*s*. The price at which they expected to produce the same article at Enfield was £3. This calculation was made by the captain at the head of the Enfield establishment, assisted by one of the most skilful gunmakers of America. He had said that the demand upon the Birmingham manufacturer was likely to continue for two or three years. The troops of the East India Company were not yet armed with the Minié rifle, but they were all to be supplied with that weapon. With regard to our own army, every British soldier had a Minié rifle in his hands, but it was absolutely necessary to have a large quantity in store ready at any moment to put into the hands of the militia and the regular army in case of need.

MR. NEWDEGATE said, that lest it might be supposed that the Birmingham manufacturers were making excessive profits, he wished the House to remark that, while they were charging £3 4*s*., the Americans were asking £3 10*s*.

MR. WILSON said, that with reference to the question of the hon. and learned Member (Mr. M. Chambers) as to charging the artisans with income tax, he begged to state that the House two years ago imposed the income tax on persons having £100 a year. Now, nothing could be more unfair or calculated to excite dissatisfaction, than exempting persons in Government employment. The hon. and learned Member said the artisans were not liable unless their income had averaged £100 a year for three years; that was quite true as regarded trades and professions. Those persons, however, were not charged under Schedule D, but Schedule E, for income from office, profit, or employment. The rule with regard to persons employed by Government was to deduct the income tax from the salary, but that could not be done, when it was not known till afterwards that the salary would amount to £100 a year.

MR. W. WILLIAMS said, he had himself known of a case in which artisans who had earned more than £100 a year through working overtime were assessed to the income tax.

MR. MONTAGU CHAMBERS said, he hoped that the hon. Gentleman the Secretary of the Treasury would submit the point to the law advisers of the Crown; for he did not hesitate to say that if the persons alluded to by the hon. Member for Lambeth had had the income tax stopped from their wages, it had been done contrary to the last Income Tax Act, which declared that the income should be calculated upon the average of the previous three years.

MR. WILSON said, that if the hon. and learned Gentleman would bring the matter before the Treasury, on the part of his constituents, it should be submitted to the law officers; but the Government had themselves no doubt as to the meaning of the Act.

MR. HENLEY said, he thought it would be better to obtain the opinion of the Judges in the manner pointed out by the law.

Vote *agreed to.*

(3.) £4,000,000, Clothing, &c., on account.

Mr. HENLEY said, that, now that the duty of providing clothing for the troops devolved upon the Government, the Committee had a right to know what securities were taken that the large sums expended for that object were judiciously and economically laid out. Already complaints were made as to the inferior quality of the article supplied. The advertisements issued for the contracts stated that the materials from which the clothing was made were to be taken to Weedon, to which place the persons undertaking to make them up must go to fetch them; and that the garments, after being completed, must be delivered into the stores of Messrs. Hayter and Howell, the Government packers. The cloth being purchased by contract, the Committee ought to be told—first, who was the officer responsible for its quality and its fitness for the uses for which it was intended; and next, whose duty it was to inspect the clothing, when made up and delivered into the hands of the Government packers. The Government should also explain the principle on which the charge for "packing" was regulated, and whether it included delivery, because, from the advertisements, it would appear that the clothing had only to be delivered into the stores at Birchin Lane, a place which, from its distance from the river, necessitated the process of recarting before the clothing could be despatched for distribution. At the close of the last war the subject of army clothing was thoroughly investigated, but the present Government did not seem to be aware of the information then collected. They talked of the great exertions in this respect which had been made by this country through the means of its present resources; but the fact was, that during the last war we provided a much larger amount of clothing, not only for our own troops, but also for those of our allies.

Mr. MONSELL said, that the advertisement to which the right hon. Gentleman had just referred was connected with a state of things which he might characterise as one of transition between the establishment of a clothing store at Weedon, and those arrangements by which it was proposed that the supply of clothes to the army should ultimately be carried into effect. He should, therefore, give the best reply in his power to the questions of the right hon. Gentleman, by informing him what the system was which would be followed out after the 1st of April next with respect to the subject under their notice. Up to the present moment not a single suit of clothing had been ordered, received, or issued by the clothing department, inasmuch as it was only within the last few days that the officers and inspectors of that department had been completely organised. After the 1st of April next, however, all cloth which was ordered for the purpose of making army clothing should be delivered at Weedon, and should be there examined by the inspectors appointed for the purpose. The gentleman at the head of the department at Weedon was Mr. Elliott, who lately held a position of considerable importance in Canada, and who would have placed under him five or six skilled inspectors. When the cloth had been received at Weedon and inspected by those gentlemen, it would, in the case of the Artillery, the Cavalry, the Guards, and the Sappers and Miners, be delivered up to the corps themselves, upon whom would rest the whole charge of making up their own clothing. That arrangement, he believed, would be productive of great economy, and it had been computed by an able officer, that the saving likely to be effected in the Artillery department alone, under the new system, would not be less than £14,000 annually. The money thus saved, he might inform the Committee, it was the intention of the Government to apply to the improvement of the quality of the cloth which was provided for the use of our troops. With regard to the rest of the army, the arrangements to be adopted were still under the consideration of his noble Friend (Lord Panmure). In the case of the infantry, no doubt great difficulties would present themselves in dealing with the question efficiently, inasmuch as the regiments in that department of the service were constantly changing from place to place, and were often employed on distant stations. Whether the depôts of those regiments could be made available for carrying out the new arrangements for making up the clothing he was not prepared to say; but in case they could not, it would be necessary to have their clothing made up by tender, and under those circumstances it was deemed advisable that the clothing of the Irish regiments should be made up in Dublin, and those of the English in Yorkshire, or some other locality in the north. The whole of the packing would be done in the Government establishment at Weedon, and therefore the expense of army packers, which amounted to £12,000 or £13,000 a year, would be entirely abolished. He had not yet turned his attention to the documents which showed the course pursued at the expiration of the last war, but he was much obliged to the right hon. Gentleman (Mr. Henley) for bringing the subject under his notice.

Mr. HENLEY said, the scheme which the right hon. Gentleman had sketched was perfectly satisfactory, and he was glad his questions had elicited that statement, because he was convinced it was of vast consequence that both the cloth and the clothing for the army should be inspected by officers of the Government on Government premises, that in the event of the troops being supplied with bad articles the public might know whom to blame.

Colonel GILPIN said, he felt bound to complain of the clothing which had been served out to the militia. He was aware of one case in which clothes had been served, and half the buttons had come off in less than fourteen days. With regard to the boots which had been furnished under the direction of the right hon. Gentleman, he might observe that nothing could be worse. They cost 8*s.* 3*d.*, but the upper leather was of a bad description, and the soles were made of leather shavings, and the consequence had of course been, that they wore out in a remarkably short time. He believed that in the case of trousers a contract had been entered into to furnish them to the troops at the rate of about 4*s.* 1*d.* per pair, but it was perfectly well known that no respectable dealer would undertake to furnish them at less than 5*s.* or 5*s.* 6*d.* a pair. If the soldier were not furnished with a good article, of course it would wear out in a comparatively short time, and he would then be put under a stoppage of pay in order to replace it. This was a subject, therefore, to which he thought the attention of the Government ought to be directed. There was a rumour afloat, that in the case of the clothing of the German cavalry the articles were so bad, that the men were to receive £2 each, in order to refit themselves in pantaloons and boots. That mode of proceeding, he could not help thinking, would be found to entail very heavy expenses upon the public. He regretted that the barracks at Weedon were to be turned into a gigantic clothing depôt. He did not think Government contracts generally answered, and he believed they were extremely detrimental to the interests of the service.

Sir JOSEPH PAXTON said, he must caution the Committee against supposing that by the new arrangement the Government would obtain the clothing much cheaper. He was satisfied the country would be quite ready to pay a fair price for better articles than were at present supplied to our troops. He found that the cost of clothing for the cavalry now averaged from £9 to £10 per man, and for the infantry the cost was £5 per man; but was it likely that two suits of clothing, well made, and of good materials, could be obtained for £5 ?

Colonel DUNNE said, he had lately ordered uniforms for the regiment he had the honour to command from a clothier in Dublin, who stated that he would have to send the clothing to Weedon. Now, could any arrangement be more absurd ? With regard to the system of inspection, he thought it should be conducted by the officers of the respective regiments, who were the best judges of the suitability of clothing and accoutrements. Inspectors of saddlery had been appointed, and among others a man named Brodie, who was formerly in the Dragoon Guards, but who, in his opinion, was not to be trusted in such a position. He hoped the Committee would be informed whether any compensation was to be given to the German Legion for the bad clothing issued to them, which had been condemned by a board of regimental officers. The Land Transport Corps had been supplied with trousers which were wholly unfitted for the service in which they were engaged, and he wished to know by whom those trousers were made, and whether they were to be issued to the troops. He also begged to ask, whether the saddlery supplied to the 2nd Regiment of German cavalry had been condemned by the officers, and whether the contractor had been required to pay for efficient equipments ? He saw that there were to be inspectors of accoutrements, but he defied any one who had not seen the accoutrements worn by the men themselves to give a proper opinion of their efficiency. He felt certain that the system of the soldiers making up their own clothing would not answer, because the soldiers were for a great part of the time abroad on foreign service. The system had broken down in the French army when in service abroad.

Viscount EBRINGTON said, he was much gratified to hear that measures had been taken to improve the quality of the clothing issued to the soldiers of the British army. He doubted whether the contract system was the best that could be resorted to for the clothing of the army, because there was frequently great disinclination on the part of the higher class of manufacturers to tender for Government contracts. He hoped the Government would, in future, pay less regard to economy than to the quality and excellence of the articles which were required for the use of the troops.

Colonel NORTH said, he had received a letter from the Messrs. Isaac and Campbell, in which those gentlemen denied the justice of a charge brought against them in that House on a former evening, in reference to the mode in which they had fulfilled an army clothing contract. The firm in question had supplied in a very satisfactory manner the regiment which he commanded.

Colonel BOLDERO said, he was glad to find that the Government did not propose concentrating the whole of their stores at Woolwich. For his own part, he thought it would be very advisable to make Weedon the great rendezvous for the stores.

Lord WILLIAM GRAHAM said, he wished to know what provision was made for the repayment of the Sardinian loan, and also whether payment had been made for the forage which had been supplied to the Sardinian army?

Mr. MONSELL said, he was not aware that any repayment had been made. Last year the Estimates had contained an item for provisions to be supplied to the Sardinian forces; but there was no such item this year. The noble Lord had also inquired about forage for the Sardinian army: the calculation was for a supply for 60,000 animals, with an addition of 25 per cent for contingencies.

Mr. MILES said, he could only find 46,000 animals included in the Estimates.

Mr. MONSELL said, there were at this moment 30,000 animals in the East; there were others at home; and the Estimate was framed on the assumption that it might be necessary to keep 60,000 at the seat of war.

Mr. FREDERICK PEEL said, the 60,000 of course included the artillery, the cavalry of different forces, and all the Commissariat forces.

Vote *agreed to.*

(4.) £2,500,000, Stores (on account).

Mr. STAFFORD said, he wished to inquire what proportion of soldiers in the Crimea was supplied with huts?

Mr. MONSELL replied, that nearly the whole of the army was under huts at the present moment.

Mr. STAFFORD said, that it was announced in an authoritative manner some time ago that the entire army was hutted. He regretted now to learn that some of the men were still without huts.

Mr. MONSELL said, that abundance of huts had been sent out to accommodate all the soldiers in the Crimea.

Colonel BOLDERO said, he must complain that the Estimate was not sufficiently clear as to the amount required for huts. In another page he found an item of £250,000 for huts, which ought to have been placed under the same head as it appeared under last year.

Colonel KNOX said, that great complaints were made in the Crimea with reference to the supply of huts. It appeared that they had not been furnished in sufficient number to afford shelter to half the army; and he had further to observe that he could prove that the greater portion of the huts had not been sent from this country until the period which elapsed between the 25th of November and the 1st of January. That was, he asserted, an indisputable fact. He wished to know whether any supervision had been exercised over the contractors who had furnished the huts. The articles supplied had in many instances been so bad that the boards would not hold nails; and in fact the wretched way in which the contracts for huts had been fulfilled was perfectly notorious in the army. He believed the present heads of the War Office prided themselves greatly on the efficiency of the provision made for the comfort of the troops; but he undertook to say that, if Sebastopol had not been taken, the army in the Crimea would have been in a worse position this winter than that from which it had suffered so much during the preceding winter. Some of the troops were not hutted even at the present moment. He would give an instance of the very imperfect and unsatisfactory arrangements made under that head. In one division the huts for the officers would only accommodate eight of their number. The commanding officer had, in a very generous spirit, determined on applying the huts to the use of younger and less seasoned officers than himself, and had therefore been compelled for his own part to live in a tent. He knew the right hon. Gentleman (Mr. Monsell) would tell him that the officers were now actually hutted. But how had that taken place? Why, the officers, and the sergeants too, had hutted themselves out of the *débris* of Sebastopol, and if Sebastopol had not been taken they must have remained unhutted throughout the winter. At the end of November two-thirds of the army had been under canvas, and many of the men had been frost-bitten in their tents. With regard to the huts at home, he confessed it seemed to him that the right hon. Gentleman was spending too much money in those temporary buildings. In his opinion the present unsatisfactory state of the barrack accommodation in London deserved the serious consideration of the Government. There were no means of accommodating troops in the heart of the empire in case of any sudden emergency? He much regretted to find that a Vote on account of the Portman Street Barracks still continued in the Estimates, for he believed that such a building in such a spot was a disgrace to the metropolis. He was afraid that it was in contemplation to build barracks at Battersea Park, but he did not believe that they could secure proper exercise grounds in that district. He was given to understand that a better site could be obtained in the north of London towards Bayswater, which was one of the great avenues of London. If the Government considered it necessary to keep troops in the vicinity of London at all, he hoped that they would apply themselves to building efficient barracks, and not year after year coop up the troops in what was little better than a stable-yard, for which, too, they paid a most inordinate price. Above all, it was absolutely necessary to provide them with sufficient exercise ground, without which they would be paralysed.

Mr. MUNTZ said, he wished for some explanation with respect to the sum mentioned in the Votes for gun factories.

Colonel DUNNE said, that as it appeared on the face of the Estimates, he really could not make out what the Vote was for. For small arms the sum of £1,800,000 was put down. Why, if each stand cost no more than was alleged by the right hon. Gentleman opposite, £4, provision was made for something like 500,000 stand of arms. Another item was for the supply of iron ordnance shot and shell. He wanted to know how that shot and shell was to be procured—whether by the old way of contract or by the new method of constructing a foundry for that purpose? If the latter method was to be adopted, he should certainly make the Motion of which he had given notice at once, without waiting till the question of Woolwich foundry came under discussion. He also wished to know whether the saltpetre required would be obtained as usual from the East India Company in exchange for powder? One of the most extraordinary items in the Votes was that for miscellaneous stores. It was not fair to put such enormous sums under such a head without giving some explanation, by way of appendix or otherwise, of the details. Among the charges was one for machinery at Waltham. He believed that better powder-mills were required at Waltham Abbey, and he should be happy to hear that the machinery alluded to was for the purpose of erecting additional mills there, which would be a judicious expenditure. He also wanted to know whether any of the rights of the Ordnance Department with regard to the water of the river Lea in that neighbourhood, or of any tributary streams, had been abandoned, as he feared, from the appearance of one of the items. When he was Clerk to the Ordnance, a water company had applied to take water from the Lea, but the application had been strenuously resisted, and consequently failed. He very much feared, however, that another one had been more successful.

Sir JOSEPH PAXTON said, that an hon. Gentleman had alluded to the large number of huts which were constructed last year. In his opinion the Government had exercised a wise discretion in adopting the course they had. It was impossible to build barracks sufficient to accommodate the very large number of soldiers that required housing at an emergency, therefore huts were substituted; and if they were now roofed with slate instead of with felt, he believed that they would last from twenty-five to thirty years. He should be very glad to know what the hon. Member for North Northamptonshire meant by an observation which he had made, that the officers of the Army Works Corps were far better accommodated than any other portion of the army?

Mr. STAFFORD said, that what he meant to say was simply this:—When he was in the Crimea more attention seemed to be paid to their officers than to the accommodation of anybody else, and he wrote home to that effect.

SIR JOSEPH PAXTON said, he thought that if the hon. Gentleman had adopted the course he did the year before, when he made himself so useful to all classes of the service, it would have been much better than to have raised a prejudice against officers who went out to render essential service to the army.

MR. STAFFORD: I did no such thing. All that I did was to write a letter on the subject, and if I saw the same things I saw when I was out there last, I would do so again. The fact was, that when I was going round with some of the officers, my attention was called to a number of comfortably built houses, which, I was told, belonged to the chiefs of the Army Works Corps. I saw that a great deal of labour was occasioned by the selection of the site, which rendered an arrangement of terraces necessary, while the soldiers were lying in tents worse than any gipsy tents we see at Ascot or Epsom. I did think, and I expressed my opinion that I thought, it would have been better if those gentlemen had contented themselves with humbler lodgings, and expended a little of the superfluous labour upon the soldiers' quarters. At the same time I had no correspondence with the newspapers on the subject. I wrote to the Horse Guards, and if the hon. Gentleman chooses to call for that letter, I have not the slightest objection to its production. I said that there was some reluctance on the part of the officers to mention it, but that a general feeling existed that too much labour had been expended upon those buildings, while horses were unstabled and men unhutted, and I ask the hon. Gentleman whether at that time that was not the case?

SIR JOSEPH PAXTON: If the hon. Gentleman had called upon Mr. Doyne and had stated to him what he has told the Committee, Mr. Doyne would have informed him that the buildings in question were not the huts for the Army Works Corps, but offices necessary for carrying on the works. Considering that 3,000 men were employed, those offices were absolutely required, and so far from Mr. Doyne occupying them, he was at the very time the complaint was made actually living in a tent with the officers.

COLONEL BOLDERO said, he considered that the Committee had a perfect right to demand explanations upon the points which had been raised. Last year they had voted the money with unlimited confidence, because at that time the war was raging; but now there was a prospect of peace, and the state of affairs was entirely changed. The Committee of course would notice the large increase in the sum required for the Land Transport Service. Last year it was £154,776; this year it amounted to £211,000. Perhaps the right hon. Gentleman would inform the Committee how the sum voted last year for that purpose had been expended, and also how much of the present Vote was to be expended for waggon transport and how much for harness?

MR. MONSELL said, that, in replying to the various questions which had been put to him, he must observe that the form of the Estimates was totally unchanged this year, being neither more nor less detailed than usual. It was true that some of the Estimates were larger this year, but not the slightest difference of arrangement had been made. The new Votes had been arranged with great care, and by competent persons, notwithstanding which he had no doubt that they might be still further amended, and he should be much obliged to hon. Gentlemen for any suggestion which would have that effect. The hon. and gallant Member for Marlow (Colonel Knox) had put a question to him respecting the sending of huts to the Crimea. He was perfectly willing to produce any returns which might be called for on that subject; but the Committee would recollect that 60,000 men had been sent out to the Crimea; a demand for huts was made on the 2nd or 3rd of August; and almost all the huts were sent out during September and October, and a large number were sent out within a fortnight of the time they were ordered. He thought the exertions which were made to meet the order were highly creditable to the contractors, who executed their work very well. There were two classes of huts—the Gloucester hut, and one erected under the inspection of Sir John Burgoyne, which had been set up for exhibition, but was not considered by the officers and men more suitable than the Gloucester huts; with respect to the quality of the hut no complaints had been made. They must also recollect that at about the same time an order was received to send out 200 mortars and 200,000 shells to the Crimea, and it was obviously the duty of the Government to supply those stores first, as they were of vital importance with respect to the siege of Sebastopol, and, in his opinion, they were perfectly right in doing so. The tonnage of the huts alone amounted to 30,000 tons, and the difficulties of transport at the time were almost insuperable. With regard to the huts at home, no doubt stone or brick barracks would be better; but it would be recollected that the huts were erected to meet an exigency, and in no other way could accommodation have been supplied so rapidly. An outcry had, with reason, been raised throughout the country against the billeting system, and if the Government had delayed any provision for lodging the militia until they could erect stone and brick buildings they would have had to wait a long time indeed. The real evil was, that Parliament had been pleased, since the year 1815, to get rid of a large amount of accommodation for the reception of troops, which rendered necessary great exertions to supply the want felt at the commencement of this war; but he certainly thought the Government had adopted the wisest course in providing for that want by hutting the troops. With respect to the barracks in London, the hon. and gallant Gentleman (Colonel Knox) would find in this year's Estimate that the Government had taken a sum of £33,000 for the purchase of a site for barracks for the Guards. The necessity of removing the Guards from Portman Street Barracks was much felt by Lord Hardinge, but, though during the last eighteen months they had been looking for a suitable site, they had not been able to find one which was entirely satisfactory to the military authorities. In answer to the question of his hon. and gallant Friend the Member for Portarlington (Colonel Dunne), it would be found that a sum of £572,000 was taken for the supply of iron ordnance, shot, shells, &c. The sum of £8,650 for machinery at Waltham Abbey was for the extension of the powder-mills there, the cost of which extension was mainly defrayed by a sum paid by the River Lea Company under an Act procured by them last Session. With respect to the amount of £211,000, set down for the supply of waggons and harness to the Land Transport Corps, the whole of that Vote, excepting £77,000 for harness, was for the purchase of carts and waggons for that corps. The £30,000 for machinery was required principally for that used in the construction of a gun foundry alluded to by the hon. Member for Birmingham (Mr. Muntz), now building, and for which an item was included in the next Vote, under the head of Royal Gun Factories.

CAPTAIN LEICESTER VERNON said, he wished to call attention to the subject of Lancaster guns, for as there was an item in the Votes for £572,482 for the supply of iron ordnance, shot, shells, &c., he imagined that under the head Ordnance was included the Lancaster guns. He had moved for returns of the number of those guns which had become disabled in the siege of Sebastopol, &c. At the request of the Ordnance he had withdrawn his Motion; but it was reported that the guns had all become disabled except two; much to the satisfaction of those who had to work them, as they were so erratic in their conduct. It was said by those who understood them that the cause was a fault in construction. The Ordnance Department had stated that certain experiments were to take place. He should like to know the result, and whether those guns would be continued in the service. He would also ask if the experiments had taken place under the auspices of the committee at Woolwich, which, he believed, did not stand very well with the public or the service.

MR. MONSELL said, the hon. and gallant Member was entirely mistaken in saying that the committee at Woolwich had not given satisfaction. That committee was appointed by the Duke of Newcastle, and was composed of men of the highest scientific knowledge; and he believed they had given the greatest possible satisfaction to the public. As regarded the experiment of the Lancaster gun, the inventor had not had the advantage of having it placed under that committee, the experiment being made under the supervision of a separate committee—Mr. Lancaster wishing the matter to be kept secret. There had been the most various results from the experiments with the Lancaster gun, even in one day. At one time it was pronounced to be eminently successful, while at another time, and at another place, it was declared to be a failure. At all events, it was impossible, at the present moment, to allow the Lancaster gun to be introduced into the service. It was a gun fit only for special service, and on particular occasions, and not one to be adopted as a part of the regular armament of war. Whether it would ever become so was a question on which officers of high scientific attainments very much differed in opinion.

COLONEL LINDSAY said, he was glad to hear that it was proposed to do away with Portman Street Barracks. He observed a Vote was taken for ground for the new barracks at Chelsea, but no sum was asked for building them. He must express his anxiety that the site at present occupied by the National Gallery and by the barracks adjacent thereto should be secured by the Government. There was a Bill now pending for the formation of a company to be called "The Imperial Hotel Company," the promoters of which contemplated erecting a large hotel on the site of the National Gallery, in Trafalgar Square. That position was once described by the late Sir Robert Peel to be the finest site that was to be found in any city in Europe, and he hoped the Government would never let it pass out of their hands.

MR. MUNTZ said, he saw £9,000 down for machinery for the gun factory. They had no gun factory, and there was a Motion to oppose its erection. If the Vote were passed, they would have the machinery and no factory.

MR. MONSELL: The Vote is merely a Vote on account.

MR. W. WILLIAMS said, that as there were such large sums for machinery, there must consequently be a great consumption of coals; he, therefore, wished to call the attention of the Government to the fact that an efficient system of smoke consumption had been discovered, which, if adopted, would be a source of great economy.

COLONEL DUNNE said, he thought the Vote for machinery should be postponed, because if the factory were done away with, the machinery would be useless. He wished to raise the question whether it would be worth while for the Government to manufacture their own ordnance; he would also remind the right hon. Gentleman the Clerk of the Ordnance that he had not answered his inquiry with respect to the large item of £1,250,000 for miscellaneous stores. He was sorry also to learn that the Government had allowed the Waltham Water Bill to pass. The Government of Lord Derby had opposed it successfully, on the score of injury to the public service.

COLONEL SOMERSET said, that the right hon. Gentleman (Mr. Monsell) had not given any explanation on the subject of the huts in the Crimea. He could speak from experience that the huts there were of the very worst description. He did not believe that any one plank of those originally sent out was sound. He was not speaking of the huts that had been recently supplied, but of the two sorts that were at first furnished, and which were called the Portsmouth huts and Gloucester huts. He believed that there was not a single plank of those huts which had not been split by the sun. He should like to know what was the amount of the contract?

MR. MONSELL said, he could not state the amount of the contract, but he knew that the Gloucester huts were considerably cheaper than the huts that had since been supplied.

Vote *agreed to.*

(5.) £1,794,069 (on account), Works, Buildings, and Repairs.

COLONEL DUNNE said, he had given notice of a Motion to postpone the Vote of £40,000 for the erection of a foundry for iron cannon at Woolwich, in order to allow the subject to be inquired into by a Select Committee. Without giving any opinion as to the propriety of the Government setting up as manufacturers, he thought that, as it had been considered proper last year to appoint a Committee to inquire into the question of the supply of small arms, it would be equally proper to take the same course with regard to iron ordnance. He believed that no iron ordnance in the world was comparable to that of Great Britain. At the siege of St. Sebastian some of the cannon were fired, it was said, 3,000 times, while from 1,200 to 1,500 rounds were considered enough to wear out iron guns in general; but at Sebastopol there were guns which had been fired 6,000 times, and yet were not then completely unserviceable. The right hon. Gentleman (Mr. Monsell) had no doubt heard that iron smelted with charcoal was better than iron smelted with coal, and was desirous of introducing artillery manufactured from charcoal iron mixed with coal-smelted iron. When he (Colonel Dunne) first entered Parliament there was a great outcry against any attempt of the Government to set up as manufacturers, and the hon. Member for Birmingham (Mr. Muntz) had declared that a Government manufacture always cost 50 per cent more than a private manufacture. If that were so, the House surely ought to pause before sanctioning the erection of a cannon foundry, as was proposed by the Vote now before the Committee. The Government could not get charcoal iron in England, but he was told it was to be got from Nova Scotia. That province, however, did not produce sufficient charcoal for such a purpose; the wood there was fir, and not oak or hard wood fitted for conversion into charcoal. He thought it would be cheaper to give a higher price to the manufacturers at home, and then appoint an efficient person to see that the guns were properly made. It had been the custom, many years ago, to send artillery officers to the Carron and other gun foundries, and he believed a similar practice would be useful in the present day. Manufacturers would, no doubt, gladly receive any suggestion for the improvement of iron artillery, while officers would derive very great advantage from a practical acquaintance with the process of manufacture. Unhappily our artillery officers had not generally been instructed in the casting of cannon, so that they could not be competent to superintend factories. Such a duty required the skill which could only be acquired by long experience. Foreign nations obtained cannon from us, which showed that ours was the best. Even America could not smelt iron so cheaply as we could; and we exported iron to every country in the world. We should seek to improve the composition of guns made by the manufacturers. All theory required to be supported by a certain amount of practical knowledge. His right hon. Friend had talked about the scientific department at Woolwich—a body comprising many gentlemen of great scientific attainments, but still only theorists, and whose decisions were not so speedy as could be desired. He had heard of a committee last year to inquire into rifle arms, which did not meet for nine months. Then, again, experiments were not carried out so completely as they should be. He thought he had stated sufficient grounds to justify his request that the right hon. Gentleman would postpone the Vote until a committee had decided upon the propriety of adopting the unusual mode now suggested for procuring a supply of iron ordnance.

Mr. PIGOTT said, he did think this a proper period for voting any large sums for temporary buildings, and he should like to have some explanation as to the manner in which the Vote was to be expended.

Colonel LINDSAY said, that though the right hon. Gentleman the Clerk of the Ordnance, on opening the War Estimates, had stated that they would be referred to the Inspector General of Fortifications to report as to the cost of the improvement of certain existing barracks, he had not explained what were the intentions of the Government in reference to the erection of such new barracks as were needed. For a long period of years the accommodation for the soldiers had been most inferior. They had been kept in crowded rooms, almost without ventilation; and within the barracks there had been no places of recreation for them except the canteens, the letting of which was disgraceful to the Government. Generally, the buildings were almost unfit for the soldiers to go into. He was aware that the system of the army had of late been considerably altered. In former days the soldiers were taught by compulsion; but at present it was endeavoured, as much as possible, to encourage the men to behave properly, and with this view, good-conduct pay, libraries, and schools had been established. Still an improvement in the accommodation of the soldier in barracks remained to be effected. If the soldier was not made comfortable in his barracks, it was not to be expected that he would behave in that meritorious manner which would sustain the character of the army. The Government Committee of last year pointed out that, notwithstanding the improvements in barracks built in late years, the accommodation was generally inadequate for the comfort and convenience of the soldiers, and contrasted badly with the accommodation afforded in gaols to persons convicted of crime. With respect to married soldiers, civilians as well as military men had expressed their abhorrence at the practice of the married soldiers living in common with the single in barracks, and the Government Committee recommended that that practice should be for ever abolished, and that separate accommodation should be afforded to the married soldiers in barracks to such an extent as the Government might approve of. He believed the canteen system had been altered, but he should be glad to hear the right hon. Gentleman explain in what way it had been changed. The introduction of spirits into barracks had been put a stop to with very good results as respected the conduct of the soldiers, and he trusted that spirits would not be again allowed to be brought into barracks.

CAPTAIN STUART said, he wished to call attention to the imperfect manner in which the huts at Aldershot were ventilated, and to express a hope that steps would be taken to effect an improvement in that respect. The supply of water, too, was very bad, and in one or two instances it had been discovered that drainage pipes had been conducted into the wells which had been sunk for the use of the camp. A great want of harmony between the different departments had been displayed in several instances. On one occasion some wheelbarrows were wanted, and, as none could be found on the spot, application was made to the proper department in London. The answer returned was, that there were some wheelbarrows in camp, and sure enough, on further search being made, they were discovered, but the barrows were in one part of the camp and the wheels in another. On another occasion, being desirous of obtaining a stove to place in an empty mess-room, which was used as a school, he had applied to various departments, but from all had received the answer that there was not such a thing to be got, though a short time afterwards he accidentally discovered a whole hut full of them, lying idle and unused.

MR. LAYARD said, he wished to ask whether it was intended to give the plan of Mr. Fergusson, with regard to fortifications, a fair consideration? Mr. Fergusson had devoted a great deal of time and attention to the subject, and he (Mr. Layard) thought that gentleman had been unfairly treated. The subject was one worthy the consideration of that House, and he rejoiced that it had been referred to by a noble Earl in the other House. He should like to have an assurance that the plans of Mr. Fergusson would receive their due meed of consideration from the Government.

VISCOUNT EBRINGTON said, he desired to call attention to the wretched state of the barrack accommodation in this country. In some of the healthiest districts of England the total mortality, including that of infants and aged persons, did not exceed 1½ per cent of the population; while from some statistics which were published about ten years ago, it appeared that in the brigade of the Guards, consisting principally of men in the prime of life, the rate of mortality was 2 per cent, and another 3 per cent were invalided. This high rate of mortality was attributable principally to defective barrack accommodation. He left it to hon. and gallant Members who were familiar with the accommodation of barracks to say how far the space per man in such buildings fell short of the allowance recommended in similar cases by the Poor Law Board. The arrangements for drainage and cleanliness were also, in most cases, shamefully defective. He was willing to allow that much had been done within the last ten years to improve the barracks, but there was yet great need of amendment; and he was glad that the subject still occupied the attention of the Government. At some future day he should himself bring it before the House by a specific Motion.

SIR GEORGE TYLER said, he begged to urge upon the attention of the Committee the importance of the erection of defences upon the coast of the Bristol Channel, and would inquire of the right hon. Gentleman the Clerk of the Ordnance what was being done with respect to such defences.

SIR JOSEPH PAXTON said, he thought that a time of war, when the attention of the heads of departments must be fully occupied, was not a favourable moment for carrying on large and important works unconnected with military operations. In the Portsmouth district it was by this Vote proposed to expend £200,000 upon fortifications. Considering that Mr. Fergusson stated that the fortifications which were being erected would be utterly useless, it was desirable that the Government should consider and decide upon that gentleman's plan before continuing this large outlay. A sum of £150,000 was also asked for, for the erection at Southampton of a hospital which would accommodate 1,000 patients. After what we had recently heard of the good sanitary condition of our army, he hoped that there would, when it returned home, be no occasion for such an hospital. At Woolwich £220,000 was likewise required for works. If the Government were to have foundries for shells and ordnance, no doubt this sum would be needed; but he was entirely opposed to the Government becoming manufacturers of anything except such small things as ball cartridges and rockets, which they could make better than any one else. The work would be performed both better and cheaper under a proper system of contracts, carried out by well-qualified officers. He would instance railways and other works that had been constructed under contracts. All they had to do was to get their articles well specified in the contracts, and afterwards see that they were properly manufactured or constructed. Another reason he had against the Government becoming manufacturers was, that the great and advancing improvements in the construction of machinery prevented them keeping pace with private manufacturers in producing a superior article.

SIR WILLIAM JOLLIFFE said, he thought that the discussion which had taken place had shown that, as this was the first occasion on which the Vote had been presented in this form, so it ought to be the last. It contained so many items that it was impossible for a Minister to explain or for the House to understand it. The provision of barrack accommodation was itself of sufficient importance to form the subject of a distinct Vote. He wished particularly to call the attention of the Committee to our barrack system, which, he thought, was a perfect disgrace to the country. It was useless to build barracks where there was no space to drill the men, and to quarter infantry in garrison towns where they could not even train their recruits. The accommodation for the Guards had lately been much improved, but they still had very little means of recreation. There was one small spot near the Wellington Barracks, and that was the only spot in the metropolis for the recreation of the troops, for the battalion at the Tower had no ground. In France it was very different; there the Chasseurs de Vincennes had a regular training-ground, and so with respect to the other troops of the Empire.

COLONEL BOLDERO said, he thought that the discussion had become much confused, in consequence of the circumstances of so many different things having been mixed up with the Vote. He hoped that the right hon. Gentleman the Clerk of the Ordnance would reply to the Amendment of the hon. and gallant Member for Portarlington (Colonel Dunne) before he entered into any other points urged during the discusion.

MR. MONSELL said, he could not see any valid reason for acceding to the Amendment of the hon. and gallant Member for Portarlington. He did not think that a Committee of that House would be more competent to decide the question than the artillery officers in Woolwich, who had investigated it thoroughly, and had reported in the strongest manner in favour of those manufactories. It would be shown that the guns made at the foundry at Woolwich were considerably cheaper than those purchased within the last few years. What were the facts in regard to the armaments of mortars obtained at a time of great pressure for the siege of Sebastopol? It was found absolutely necessary, on account of the great demands for mortars, to apply to other houses than the two great establishments with which the Government were in the habit of dealing. They selected the other houses in the country, with the best and highest reputation, and ordered from them a considerable number of mortars. Well, the result had been most unsatisfactory, as the failures had been very great, particularly as regarded one of those houses, which he did not think it necessary to name. The Government lost all confidence in those mortars; and in respect to the armament in process of preparation for the Baltic fleet, they were determined to use none but those which had come from the two great houses with which they had been in the habit of dealing. What was the result with even the best of those mortars? Why, everybody knew that at Sweaborg the mortars burst after a very small number of rounds. In all European countries the practice was for the respective Governments to establish their own foundries for the manufacture of their own cannon. By such an establishment they could always have the power of testing their own metal, and of proving its strength. Several experiments had been tried at Woolwich in regard to the qualities of foreign and home metal. In the case of the American iron the test proved that it stood a pressure of from 35,000 to 45,000 lbs.; whereas the best iron we had been able to produce could only bear a pressure up to 27,500 lbs., but the average amount of pressure was only 22,000 lbs. Certain manufacturers in Nova Scotia had offered to contract with the British Government for iron, the whole of which was engaged to stand the test of a pressure of 36,000 lbs. The proper charge for the largest gun in use in our service was 15 lbs., but there was an order issued to use only 13 lbs. to the charge, because our guns could not be relied upon to stand a greater charge. Was it wise, he asked, to rely upon the trade of the country for the supply of an article which the trade of the country did not require?

Those guns could only be required for this special and exclusive purpose. He was perfectly convinced that he could show to the House that the course suggested was an economical one. Last year he recommended the establishment of a shell foundry, prophesying that by so doing they would reduce the price of shells one-half. Any Member who wished to visit Woolwich would see that prophecy verified. The same result he had no doubt would follow in regard to guns, but he did not rest his case on that so much as on the fact that it was of the greatest importance that they should have the best possible guns for either attack or defence.

COLONEL BOLDERO said, he hoped that the firm to which allusion had been made by the right hon. Gentleman, had been mulcted in the largest fine in the power of the Government to inflict. Since we had been a military power, the Government had never cast a single iron gun. And if they adopted the suggestions of the Government, they would be in the same position in which he told them two years ago they would be in with respect to gunpowder and muskets. It was then proposed to take the whole manufacture of powder into the hands of the Government. But he deprecated doing this, because in time of war the resources of these private establishments would be available. The same remark was applicable to the case of cannons. If they ceased to take guns from the private houses which now supplied them, they would in a future war find themselves without other resources than in their own establishments.

VISCOUNT PALMERSTON: Sir, I entirely concur in the opinion expressed by various Members in the course of the debate, that, as regards articles required in large quantities, and matters of ordinary industry, it may be desirable that Government should obtain their supplies by contract. Nothing could be more absurd than that Government should make clothes, shoes, belts, and things of that kind, the common produce of the industry of the country; but cannon are matters of a totally different description. If clothes are ordered on contract, the cloth can be examined, and if it should be found of an inferior description, it can be returned on the hands of the contractor. The same is equally true of boots, shoes, and belts, where the remedy is equally obvious; but the defects of cannon are things only to be ascertained by the employment of the gun; and consider what danger you incur by going into action with cannon not perfect in the manner of their construction, or made of materials incapable of withstanding the shock of explosion. This occurred at Sweaborg. I have seen on the quay of Woolwich the mortars that burst at Sweaborg. They were split in two as if cut with a knife. Yet there was no want of thickness in these mortars. The defect was in the metal of which they were constructed, or in the casting of it. Your implements of war should be the very best that science can devise and money procure. It will not do to take your soldiers into action with muskets that will not carry, with guns that burst, and with mortars that split. Therefore I say that, from the very necessity of the case, implements of war form a proper exception to the general rule of obtaining your supplies by contract. It has been said that, in periods of singular emergency, when the imminence of the occasion renders it necessary that there should be a rapid increase of the implements of war, the Government can scarcely avoid having recourse to the trade; but, conceding this, and granting that your permanent system contemplates that a large proportion of your implements should be procured by contract, still, you should have a basis of operation in a great establishment of your own, where you may make experiments in the different modes of manufacturing these weapons, test new inventions, and practise new improvements in the material or in the manner of fashioning that material. In point of economy, I have not the slightest doubt that the country will gain by such a system, and in illustration of this opinion I may be allowed to refer to the works at Woolwich, where a small quantity of Lancaster shells has been manufactured at a much smaller cost than they could have been procured from the trade. With such facts before them, I trust that the Committee will not assent to the Motion of my hon. and gallant Friend (Colonel Dunne)—if he will permit me so to call him—for nothing could be more injurious to the public service than to prevent the establishment, at least to a limited degree, of factories for the manufacture of iron guns as well as brass ones. What, I would ask, is the difference in this respect between brass and iron? Why, if it is proper to make brass guns at Woolwich, should it not be equally expedient to make iron ones? If it is right that the Government should have the power to make one class of guns, why should it be wrong for them to make another? The distinction appears to me unintelligible. With regard to barracks, it were vain to deny that their construction, distribution, and interior economy have not been such as it is desirable that they should be. I have a confident expectation that the Committee, sensible of this fact, will not refuse to assist the Government in an attempt to improve the plan of structure and the general arrangements of these edifices in such a manner as to make them more conducive to the health of the troops, and more consistent with their social and moral habits and their mode of existence. There can be no doubt that the barracks in this country are far inferior to those of any other country in Europe. Wherever you travel on the Continent you find that buildings of this character are more airy and spacious, more judicious in the plan of their construction, and in all respects better adapted for the accommodation of troops than in England. Every day we are reminded of the necessity of providing suitable habitations for the civil population, and I cannot suppose that the House will not deem these considerations to be of equal importance in the case of our soldiers. I confidently rely, therefore, on the liberality of Parliament in enabling the Government to take the necessary steps for the improvement of the barracks throughout the country. With regard to fortifications, an hon. Member has adverted to a system which has attracted much attention—that proposed by Mr. Fergusson. Everybody who has read, with the attention it merits, the pamphlet published by that gentleman on the defences of Portsmouth, must be aware that it contains a great deal of matter well deserving of careful consideration; but it would be a mistake to draw a conclusion in favour of his system from what passed at the siege of Sebastopol. The operations at Sebastopol were very different from those of ordinary sieges. At Sebastopol there were two great armies confronting one another. One of those armies was lodged behind trenches and earthworks, from which it was the object of the other to dislodge them. But the first army had resources, both of men and ammunition, almost unparalleled in the history of war. As fast as their guns were dismounted others were substituted, and as fast as men were slain others were forthcoming to supply their places. We have been authoritatively assured that at the last bombardment the Russians lost, in killed and wounded, something like 1,800 or 1,900 men a day. Fresh reinforcements, however, were always forthcoming from the other side of the harbour, and new supplies of men were continually brought up from the army in the rear. Operations such as these furnish no parallel for a limited fortification, where reinforcement and replenishment cannot take place. It is, therefore, a mistake to suppose that the earthworks system is invariably applicable to limited fortifications. I will not go into those details which those who are familiar with the subject must have attended to, but it is well known that earthwork will not stand perpendicularly like stone. It must have a slope of forty-five degrees, and these slopes can be ascended by an attacking force much more easily than perpendicular walls terminating in a ditch. However the merits and advantages of this system are being very much considered, and no doubt the addition of earth in front of stone walls has been found to be a mode of considerably strengthening the stone revetment of a fortification.

Mr. HUTCHINS said, that the Government could not be surprised at the jealousy with which the Committee viewed the present Vote. The Small Arms Committee had considered £25,000 to be sufficient for this purpose, but now it was considered that £150,000 was not sufficient. If they went on at the same ratio, £250,000 would be found to be necessary. The noble Lord said the only way to test a gun was in battle, but he (Mr. Hutchins) begged to doubt the fact. The Government had said that they had been defrauded by certain contractors, and he must agree with the hon. Gentleman opposite, that nothing could be more disgraceful than the conduct of those persons. But if the Government undertook all the different departments, they must expect to meet with deceptions, and they might as well think of becoming farmers, and grow their own hay, because last year they were provided with supplies of damaged hay.

Mr. LLOYD DAVIES said, he had understood the right hon. Gentleman (Mr. Monsell) to complain that there were only two firms in England capable of supplying the Government with large guns of a satisfactory description; for that, in fact, a long experience was required to enable manufacturers to produce such guns. Surely, then, they were not going to establish a foundry when they must necessarily begin their work perfectly inexperienced. Would it not be better for them at once to avail themselves of the information and experience possessed by manufacturers, and endeavour to stimulate them to greater exertions, than run the risk of failure in an attempt to set up an infantine institution. At Aldershot they had had nothing but failure from beginning to end; and if the superintendence was so imperfect in that instance, how much more so would it be in the case of a foundry like that which it was proposed to create? Before he sat down he could not help stating that he thought the name of the firm which had produced such guns as those adverted to by the right hon. Gentleman the Clerk of the Ordnance ought to be mentioned, in order to be consigned to infamy. There was not an honest man in the country who heard its name that would not treat the members of it as felons of the lowest order.

MR. LAYARD said, he wished to remind the noble Lord (Viscount Palmerston) that Mr. Fergusson's system did not consist of earthworks, but of bringing a large number of guns to bear upon a particular point. Did the noble Lord intend to appoint a Committee to inquire into Mr. Fergusson's scheme?

VISCOUNT PALMERSTON: I beg the hon. Gentleman's pardon. Mr. Fergusson's system essentially consists of earthworks. He arms his earthworks with three tiers of guns, and the essence of his system is to bring an immense mass of direct fire upon the works of an attacking enemy. Usually the besiegers bring a larger fire to bear upon a particular point than the defenders; but Mr. Fergusson reverses the position, and by means of earthworks, containing three tiers of guns one above the other, he brings upon the besiegers a greater fire than they can direct against the place. His plan consists of mounds of earth instead of revetments.

VISCOUNT EBRINGTON said, he thought that if those hon. Members who had confidence in the honesty of the manufacturers and others who executed contracts had attended, as he had, the sittings of the Committee on the Adulteration of Food, they would find that, not only were frauds committed upon the public of a comparatively harmless kind, but frauds most injurious to health and even dangerous to life. Those hon. Members might then have less confidence in the patriotic sentiments of traders and manufacturers than they now seemed to give them credit for.

MR. MUNTZ said, that if the principle of the noble Lord (Viscount Ebrington) were carried out to its fullest extent, the Government would manufacture everything. When he objected some time ago to the Government undertaking for itself the manufacture of small arms, he was told that he had only the interest of his constituents at heart, although he was certain that he was advocating the best interests of the country. His constituents had no interest in large guns, but he was just as much opposed to the Government commencing this manufacture. If the guns were not good, the fault was with the Government, whose officers neglected to test them. It was probable that, in the case mentioned by the right hon. Gentleman (Mr. Monsell), the fault was with the workmen, and that the master knew nothing about the flaws. If the Government wanted guns made of a particular iron, let them say so, and state the proof they wanted, and he felt confident that the manufacturers could and would execute the order. Much depended on the quantity of charge put into a gun, and, however good the quality of the weapon, it could not be expected to withstand the effects of an improper charge. The mortars which the noble Lord had seen broken up were, perhaps, fired with the Lancaster shot; in which case it was no wonder that they had exploded. In the make of the guns adapted for that projectile there was a peculiar twist; so that if the rotatory process did not operate, the shot acted on the gun exactly like an inclined plane; and the great chance was that the explosion would split it. The theory on which those guns were constructed had been proved beyond question to be a bad one; and it was found more dangerous to use them than it was to face their fire. In being their own manufacturers the Government were adopting a vicious principle. Instead of taking up the casting of iron guns, they ought to desist from themselves making any more brass ones. Of the two, however, sound brass guns could be easier cast than iron. At first the Government might save a little by their plan, but, in the long run, private enterprise must beat them to fits in cheapness. After the immediate pressure subsided, things would gradually find their level, and then cannon would be made at a reduction of one-third their present cost. The Government ought not to manufacture anything for themselves that could be well manufactured by others, and certainly there was nothing more capable of being tested than cannon.

VISCOUNT PALMERSTON: I think, Sir, that the hon. Gentleman who spoke last has adduced the best possible argument against the very course that he advocates, because he tells us it is impossible for a contractor to know whether the article he furnishes is good or bad, inasmuch as he is entirely at the mercy of his workmen, who may any day fill up holes in a gun with pieces of bad metal without any fault attaching to their employer. It is vain, therefore, to talk of the guarantee afforded by the character of a great contractor, when we have so high an authority as the hon. Member avowing that such a person has no power of controlling his workmen, who may easily cheat him, and, through him, cheat the country also. The hon. Gentleman says the Government ought to manufacture nothing. Then let us abandon our dockyards and the building of ships, and likewise rescind the Vote in favour of a limited manufactory of small arms. In regard to cannon, we want what we now have in respect to small arms—namely, the nucleus of a factory under the superintendence of the Government, which shall act as a check upon the trade, and enable you to make weapons which you know to be good and efficient for their purpose. The mortars of which I spoke before did not split at the first discharge, but after a certain number of discharges; and unless you fire off a gun supplied by a contractor as many times as it would be fired in action, you cannot be assured of its proper solidity. And I need hardly say that to subject to such a repeated test every gun coming from a contractor would consume a quantity of powder that would soon make the article somewhat dearer than those made at our own arsenals. The hon. Gentleman mixed up things that are totally distinct when he said that the mortars to which I referred split from being charged with Lancaster shot. I did not allude to Lancaster guns at all. The mortars supplied by those contractors on whom we are recommended solely to rely, when sent to the Baltic, all burst on being fired off with shells a limited number of times; and the fleet was consequently unable to prosecute the operations of the war with the success which might otherwise have been attainable. I hope, therefore, that the Committee will not be induced by the arguments of the hon. Member for Birmingham in favour of private contractors to deprive the Government of the means of providing the country with instruments of war of a quality that may be safely depended upon.

SIR CHARLES NAPIER said, he quite agreed with the noble Lord that if they sent fleets and armies into action, they ought to be supplied with proper arms. He did not think, however, it was quite fair to throw so much blame upon contractors. During the last war, which was a very long one, iron guns were supplied entirely by the trade, and it was a very rare thing indeed to hear of a gun bursting—so much so, that during the entire of his period of service he had never seen a gun burst, and he had seen guns fired three times in a minute. At the same time he would admit he had heard of their bursting. The bursting of those mortars had been ascribed to the quantity of powder —no less than 13 lbs.—with which they were charged. Now, that depended not so much upon the quantity of powder used as on the celerity with which the guns were fired. If they were the best mortars in the world, he would have defied them to have held together under the fire against Sweaborg. He was at the siege of Martinique, which was taken entirely by mortars, and he remembered they never thought of firing off a mortar more than once every quarter of an hour; whereas both at Sebastopol and Sweaborg they were fired as quickly as they could be. The fact was, he believed, that the mortars were fired a great deal too quickly, and that they would never be able to obtain mortars that would stand such rapid firing. The Birmingham muskets supplied to the fleet in the last war were perfect drugs, and hardly ever out of the armourer's hands; so that it was a common expression among the sailors with reference to anything faulty, "Oh, it's as bad as a ship's musket." Good muskets were never known in the service until the Government took the manufacture of them into their own hands, and he thought the noble Lord was perfectly right in establishing a gun factory.

MR. SPOONER said, he must defend the contractors from the blame that had been thrown upon them in the course of the discussion. With the greatest possible care on the part of the manufacturer, workmen would "patch up" work when it was cast imperfectly because it saved them trouble. He thought the danger of deception by workmen would be greater in a Government manufactory than in a private establishment. He feared the Vote now asked for was not intended merely for the purpose of making an experiment; but that it was an attempt to begin a large manufactory, and he was sure that that was the worst thing they could do.

VISCOUNT PALMERSTON said, it was not the contractor, but the Government, who had discovered the bad workmanship. The cannon was delivered to the Government, and it was the officers of the Government who discovered that the workmen of the contractors had made a bad article. The contractor, if he had made the discovery, would not, for the sake of his own character, have sent it. It appeared, therefore, that the check of the Government was superior to that of the contractor.

COLONEL DUNNE said, he thought the fault was with the Government and not with the contractors, because the Government might have tried the mortars either by the hydraulic or the powder test. After the discussion which had taken place he should leave the responsibility of the Vote with the Government.

In reply to Sir GEORGE TYLER,

MR. MONSELL said, the Government had already concluded the purchase of land for the erection of a fortress at Swansea; but he did not believe they contemplated doing more for the present.

MR. BONHAM-CARTER said, he wished to put a question to the right hon. Gentleman (Mr. Monsell) respecting the erection of a military hospital, which he understood was to be erected at Southampton at an expense of £150,000.

MR. MONSELL said, the Government had taken a great deal of trouble in selecting the best position for a new hospital, and had fixed upon Southampton as having been recommended by the highest medical authorities in the country.

MR. BONHAM-CARTER said, he wished to know who the medical authorities were?

MR. MONSELL: Sir James Clark and Dr. Middleton. He also begged to state that the Inspector General of Fortifications had been called to report upon barracks generally.

Vote *agreed to*. House resumed.

METROPOLIS LOCAL MANAGEMENT AMENDMENT BILL.

Order for Committee read.

THE ATTORNEY GENERAL said, he wished to propose that the Bill should stand over till after Easter, as there was certain amendments which it might be desirable to make in it.

VISCOUNT CHELSEA said, if the Bill were not to become law till after Easter, great inconvenience would be caused in all the parishes of the metropolis, since under the old law the elections of the open vestries must take place on Easter Tuesday, and the doubt which the Bill was intended to settle was, whether those vestries were entirely superseded by the Act of last Session. In every parish there was a number of persons who were in the habit of contesting anything or everything, and the expense of the litigation would fall on the ratepayers. He believed the Chief Commissioner of Public Works was not of the same opinion as the hon. and learned Attorney General about the necessity for this Bill, but thought that his Act of last Session absorbed all the powers of the old vestries.

THE ATTORNEY GENERAL said, he was anxious to carry this Bill speedily, to solve doubts and prevent litigation, but the Government were threatened that day with a very formidable opposition to it, a numerous deputation from all the parishes coming to him to complain of the haste with which the Bill had been brought in, and to request some delay, that they might have time to petition for the maintenance of the open vestries. The hon. Member for Finsbury (Mr. T. Duncombe) had asked that the Bill should not be pressed on at a late hour that night, and considering the number of parishes concerned, the Government thought they would not be justified in doing so. It would, therefore, be quite impossible, even if the Orders of the House were suspended, for the Bill to become law before Easter. No such difference of opinion as had been alluded to existed between him and the right. hon. Baronet (Sir B. Hall), with whom he agreed in thinking that the effect of the 8th section of the Act of last Session was to supersede the open vestries; but there were great doubts entertained about it by men of legal eminence, and he had himself changed his opinion on the subject.

Committed *deferred* till *Friday*, 11th April.

House adjourned at half after One o'clock, till *Monday* next.

HOUSE OF LORDS,

Saturday, March 8, 1856.

Their Lordships met; and having gone through the Business on the Paper, House adjourned to Monday next.

HOUSE OF LORDS,

Monday, March 10, 1856.

MINUTES.] PUBLIC BILLS.—1ª Mutiny; Marine Mutiny; Out-Pensioners (Greenwich and Chelsea); Consolidated Fund (£26,000,000).

THE FALL OF KARS.

THE EARL OF **MALMESBURY** said, taking it for granted that the armistice, which had been agreed upon between Russia and this country, would *bonâ fide* expire on the 31st of the month, and that whatever course events might take his noble Friend the Secretary of State for Foreign Affairs would be in his place after the recess, he would, therefore, give notice that if at that time no inconvenience would result to the public service from his doing so, he would call their Lordships' attention to the blue book laid upon the table, containing the correspondence relative to the siege and taking of Kars by the Russians.

THE EARL OF **ELLENBOROUGH** said, he desired to know whether there was any objection on the part of the Government to produce some further explanations relative to this question, over and above what was contained in the blue book? For instance, he observed that at page 198 mention was made in a communication of General Williams of a letter written by Lord Panmure, expressing his decided objection to General Williams taking an active part in the purchase of provisions. Now, that letter was not forthcoming. Again, in a subsequent part of the correspondence, General Williams said that he had guaranteed the prompt payment of supplies. He thought they ought to have before them the letter in which General Williams was authorised to guarantee such prompt payment, as well as any letter, if any such existed, stating what sum had been placed at the disposal of General Williams for that purpose. Towards the end of the correspondence allusion was made to a conference that had taken place, in which the Seraskier expressed himself very strongly on the subject of the delay that had taken place in handing over the proceeds of the Turkish loan to the Turkish Government. The Act authorising the loan was passed upon the 14th of August, and on the 25th of November the Seraskier complained that he was unable to pay for supplies actually purchased; that the army of Eupatoria was destitute of supplies, and all in consequence of his not having received the proceeds of the loan. Now, he thought the House ought to have a return of the periods when the proceeds of the Turkish loan, or any advances on the credit of the loan, were placed at the disposal of the Turkish Government. He observed, also, that there was a letter from General Williams alluding incidentally to an expedition under Schamyl, which took place in consequence of his intervention, in which Schamyl had made captive certain Russian ladies, and which expedition must have very materially affected the movements of the Russian army at the time. However, of that expedition no mention whatever was made in the blue book, except incidentally in the letter of General Williams; and he thought, therefore, the whole of the correspondence ought to be produced. He thought, also, that it was very desirable that they should have before them a return of the force, together with the distribution of that force, of the British, Turkish, and Sardinian armies in the Crimea, during the first week of July and the first week of September.

EARL **GRANVILLE** said, that he would make inquiries respecting those matters.

THE MARQUESS OF **CLANRICARDE** said, that he hoped the noble Earl (the Earl of Malmesbury) would give them a more definite notice on this subject. He had said that he should call attention to the blue book; but the blue book contained matter of a very various nature. He wished to know exactly what the noble Earl meant to call their attention to.

THE EARL OF **MALMESBURY** said, that he was not prepared to say what the exact terms of his Motion would be; but his object was to call the attention of the House to the papers now lying upon the table, and to express his humble opinion as to the cause of the disaster to which they referred.

LEASES AND SALES OF SETTLED ESTATES BILL.

Order of the Day for the House to be put into Committee (on Recommitment) read.

Moved, That the House do now resolve itself into a Committee upon the said Bill.

Lord ST. LEONARDS rose to call the attention of the House to the leading measures which had been proposed by Her Majesty's Government for the improvement of the law in England and Ireland, and their probable effect upon the administration of justice. He hoped to be able to comprise what he had to say within a narrow compass. He believed that he should best make himself understood, if he stated in the first instance the present state of the Court of Chancery in England, and then referred to the Courts of Chancery both in England and Ireland in reference to the proposed measures. The Court of Chancery in England was divided into a Court of original jurisdiction and a Court of appeal. The Court of the Lord Chancellor was a Court of original jurisdiction; but the Court of appeal consisted of the Lord Chancellor and two Lords Justices; the Lord Chancellor having a power to sit alone, and the two Lords Justices having a similar power. There were besides, as Courts of original jurisdiction, the Courts of the three Vice Chancellors, and of the Master of the Rolls, each having a separate independent original jurisdiction, subject to appeal. Since the year 1852 the business of the Court of Chancery had been put upon a new and very different footing from that which prevailed in former times; and it could not be doubted that now, at least, the Court of Chancery was in a very satisfactory state—the advantage had indeed been purchased by the country at a very considerable cost. The grand feature of the recent alteration was the abolition of the Masters' offices; so that there remained only the Judges of each Court—that was, the three Vice Chancellors and the Master of the Rolls—who exercised jurisdiction personally, if he might say so, from the beginning of each cause to its final determination; for, according to the present arrangement, instead of having Masters with an independent jurisdiction, although subject to an appeal, they had Vice Chancellors, each of whom had a chief clerk, with other clerks under him. The chief clerk was in constant communication with his Vice Chancellor, and received from him instructions how to act in every case, but, unlike the Masters, he had no independent part in the administration of justice. The system at present worked admirably, but its success depended upon the Judge of each Court not being overworked. While the Judges kept up a constant communication with their clerks, the business brought before them would be well and satisfactorily done; but the moment one of the Courts became overworked, the Judge could no longer exercise personal superintendence; a new independent jurisdiction would fall into the hands of the chief clerks and the under clerks, and the mischiefs of the Masters' Offices would again come into existence, and the country would lose all the advantages of the new system, which had been introduced at so much expense. Now, he did not hesitate to say, if all the measures which the Government proposed were carried out, that, step by step, the Court of Chancery, both in England and Ireland, would be overpowered, and in both countries would be rendered totally inefficient for the administration of justice. He would remind their Lordships that there were two jurisdictions in Chancery—one the contentious, the other the administrative jurisdiction. Well, such being the case, the Bill now before their Lordships was introduced by his noble and learned Friend on the woolsack, and met with general approbation. Now their Lordships were aware that the law of England was very tender of the rights of property—being remarkable in that particular over the laws of all other nations. An owner of property had entire jurisdiction over it; he was entitled to dispose of his estate, either by settlement or by will, subject to certain limitations, precisely as he desired, and the law ensured the permanency of that property in the hands of his heirs for a sufficiently reasonable time. Consequently, at no period of English law could a settlement, either by deed or will, be broken in upon by a Court of justice, nor had any Court of justice in the realm the power to alter a will or to give any such authority to the person taking under a will. Where, therefore, a will or settlement did not contain leasing powers that were required, or where it did not allow of a sale or exchange under circumstances where such a course was desirable, no relief could be obtained except by legislative interference. The measure giving that leave was introduced into their Lordships' House; but that application always led to a severe scrutiny; and when the Bill authorising such a departure from the original settlement was finally prepared, it was always referred to two of the Judges, who were assisted by counsel and solicitors, who, with the title deeds before them, went through the Bill, word by word, to see that Parliament did nothing beyond granting the necessary relief. It was objected that this relief could not be obtained without great delay and expense, and all persons who were tenants for life of property, and did not possess all the powers they desired—and nine-tenths of their Lordships were probably in that position—were in favour of a general measure of the nature of the Bill now before the House, which would give the same facilities to tenants for life generally as had heretofore been given by a Bill in each particular case. But if this measure were passed, it would effect a great inroad upon the law of property, because for the first time jurisdiction would be given to the Court of Chancery to empower persons to make leases of settled estates, or to sell them, although no such powers were contained in the settlements under which they held. He would warn their Lordships, that, should the Judges be overworked, the power would be in reality exercised by the chief clerks of the Vice Chancellors and of the Master of the Rolls, whose administration could never be distinguished by the caution or legal knowledge of the heads of the Court, to whom the Bills had been heretofore referred, and without the publicity obtained when Bills had to pass through both Houses of Parliament. These powers would fall, not under the contentious jurisdiction of the Court, but under its administrative jurisdiction. He thought it would be a great mistake to measure the number of applications that would be made to the Court of Chancery by the number of such cases hitherto coming before their Lordships, for the delay and expense attaching to the passing of a private Bill interposed to prevent such relief being asked for. On the other hand, the going before the Court of Chancery and asking for the relief in a summary way would be attended with but very little expense, for questions of law would but seldom arise, as there was no adverse party to raise an issue. The effect would be that the labours of the Judges would be greatly augmented. Again, the measure before them was to extend to Ireland as well as to England. Now, he should press his noble Friend to postpone the measure at least until the fate of a certain other measure affecting Ireland, and now before the other House of Parliament, had been determined; and for the following reason. The provisions of the other Bill to which he referred, and which related solely to Ireland, went infinitely beyond the beneficial operation of the present measure for those who were desirous to sell. That Bill proposed to give to the Court of Chancery in Ireland power not only to sell settled estates, but to confer upon the purchaser a Parliamentary title: the present measure, on the other hand, proposed to give to the Court of Chancery only the power to sell settled estates in the usual way. It was, therefore, quite a delusion to suppose that the present Bill would act consistently with the Irish Bill, for it offered to the purchaser no better title than was to be had under any ordinary sale. The Government would, therefore, do well not to press this Bill forward until the Irish measures were disposed of. Independently of these considerations, however, there were other reasons why a measure which would give to the Court of Chancery so much additional business should not be pressed, and why their Lordships should object to any measure increasing the duties of that Court until they were told the exact nature and scope of all the measures which it was intended to introduce into that and the other House of Parliament in relation to the Court of Chancery. There was a Bill transferring ecclesiastical jurisdiction to that Court, and a Bill relating to questions of divorce which would throw additional duties upon the Court. It would be utterly impossible for the Court of Chancery to perform the duties that would devolve upon it, unless Parliament increased its powers and gave it additional facilities. In considering the case of England, it was impossible for their Lordships to lose sight of the effect of the measures proposed by the Government in regard to the Court of Chancery in Ireland. It could not be imagined that anything that was found really advantageous to property in Ireland could be ultimately withheld from the proprietors of the soil in England. But if the additional duties which would be a necessary consequence of the adoption in England of the measures found beneficial in Ireland were thrown upon the Court of Chancery in this country, let their Lordships see the vast mass of business which it would be called upon to discharge. The Incumbered Estates Court in Ireland was an act of exceptional legislation which inflicted great injury upon certain persons, but the interests of a few were sacrificed to the general good, and, looking to Ireland, no one would deny that the Incumbered

Estates Act had partly worked the salvation of that country. He had on a former occasion compared the operation of the Incumbered Estates Act with the suspension of the Habeas Corpus Act. It was an act of power, contrary to the spirit of the law, introduced to meet an exceptional state of things, and as soon as the necessity for it had ceased the law ought to revert to its ordinary channel. It sometimes seemed to him that there was a want of concert between Her Majesty's Government in that and the other House of Parliament, and between the Irish branch and the English branch of the Administration, which was much to be regretted, as it might cause dissimilarities in legislation for the two countries that would ultimately lead to the most inconvenient results. It was proposed by a measure, now before the other House, to give to the Irish Court of Chancery the power of selling estates in Ireland with a Parliamentary title. Let them consider for a moment what a Parliamentary title did. A Parliamentary title destroyed every person's interest in the property, no matter what that might be. When estates were sold in the ordinary course, the seller had to make out his title, and the purchaser had a deep interest to examine into the title, and to see that he was not buying adversely to the rights of third parties. But if a Court had the power of selling an estate with a Parliamentary title there would be no security against the interests of absent persons being entirely destroyed. He was told that the Commissioners of the Irish Incumbered Estates Court perused the abstracts of title; but he knew that no man was competent to discharge that duty unless it had been his special occupation; there was no Judge, however high his qualities, who would not find himself at fault at every turn, and miss half-a-dozen points in a title which would be at once detected by those who were accustomed to scrutinise such documents. It was now proposed that every owner of an estate in Ireland should be able to go to the Court of Chancery and desire that Court to sell his estate, whether incumbered or unincumbered, whether settled or unsettled, and upon that sale to give a Parliamentary title. The effect would be, that the moment the Bill passed, the Irish Court of Chancery would be the agent for managing the sales of the estates of every owner in Ireland. No man would be such a blockhead as to buy an estate without a Parliamentary title if he could get one. The intended purchaser of an estate would say to the seller,—"I would rather not look into your title. I might get some knowledge that would vex me. I might find out something which the Judges will not; but if you can get an order of the Court of Chancery for the sale, I will buy the estate." Such duties did not pertain so much to a Court of justice as to a court of auctioneers, surveyors, agents, and others, who were conversant with sales of estates. It was a most dangerous power to give to any Court of Commissioners as regarded the interests of absent parties—it would open the door to great frauds, because the rights of parties not before the Court might be altogether ignored. He was perfectly convinced that if the measure passed for Ireland it must be adopted in England, or otherwise the great boon of a Parliamentary title would give Irish property a greater value, and place English property at a disadvantage. But if these powers were thrown into the Court of Chancery in England, with the addition of they knew not what duties in connection with the Ecclesiastical Courts, that Court as at present constituted would wholly and hopelessly break down, and there would be greater delays in the disposal of suits than before the great changes which were accomplished in 1852. Even since 1852 the Lord Chancellor had been compelled to ask for power to appoint additional clerks, which proved that the business of the Court was more than was estimated in 1852. He hoped that his noble and learned Friend the Lord Chancellor and Her Majesty's Government would think it right not to press this or any other measure until they could tell their Lordships and the country what were all the measures which they proposed, not only with respect to the contentious, but with respect to the administrative jurisdiction of the Court of Chancery. There was a great tendency in the present day on the part of tenants for life and persons having limited interests to throw all expenses of improvements upon the remainder men, and nothing could be more injurious to the objects which it was the end of settlements to accomplish. The result of such a system, if permitted and realised, would be that, as was the case in Ireland, no man would succeed to an unincumbered estate, and then would arise the necessity of selling settled estates in order to pay off the charges upon them. If the Bill now before the House should pass into law he felt satisfied that very many settled estates would be sold injudiciously and without reference to the expediency of the proceeding—estates which, without the existence of such a law as that now proposed, would pass naturally to the descendants of the settlers in conformity with their intentions. He next wished to call their Lordships' attention to what would be the effect of the measures proposed by the Government upon the Court of Chancery in Ireland. That Court, in point of fact, had been reformed before the Court of Chancery in England, the latter having undergone its so-called reform in 1852, while the Court of Chancery in Ireland was reformed in 1850. At the last-mentioned period there were in Ireland the Lord Chancellor and Master of the Rolls, and also five Masters and the Incumbered Estates Court, composed of three Commissioners. In 1850 an alteration took place whereby one of the Masters continued in his function to consider matters relating to receivers under the Court. The other four Masters, by the Act of 1850, were, in point of fact, converted into Vice Chancellors, with the power of transacting business in chambers. The Lord Chancellor and the Master of the Rolls were to hear the general business of the Court, and he (Lord St. Leonards) took upon himself to say, from his knowledge of business in the Irish Courts, that those two Judges were fully competent to the discharge of all their duties. They wanted no aid, and had asked for none. However, the four Masters were constituted four independent Judges, and certain administrative jurisdiction was assigned to them, comprising six different subjects—five definite and one indefinite. They had entire jurisdiction over the administration of real and personal estate, over foreclosure and redemption of mortgages, over the appointment of trustees under deeds and wills, over guardians and the maintenance of minors, and over partnerships. Those powers were definite; and there was an additional indefinite jurisdiction conferred by the Act of 1850, by which the Masters were authorised to deal with any matters which the Lord Chancellor or the Master of the Rolls should, by order duly made, transfer to them. If that system was approved of, no new powers were necessary; but if higher powers were to be conferred, then the whole of the Courts must be remodelled, and it was the advantage of any such remodelling that he felt disposed to question. There were at present three Commissioners of the Incumbered Estates Court. In a comparatively short space of time the powers of that Court would expire, but it appeared to be the intention of the Government to transfer its powers to the Court of Chancery, which was for ever to deal with the landed property of Ireland. There were now three years' arrears of business in the Incumbered Estates Court, and millions of money yet undistributed; fresh business was springing up every day, and yet it was proposed to abolish the three Incumbered Estates Commissioners and the four Masters altogether, to follow the example of this country, appoint two Vice Chancellors, and to allot to each and to the Master of the Rolls two chief clerks to assist them. Never was there a scheme so sure to break down—so unfit for the object sought—so totally uncalled for. If the powers of the Incumbered Estates Court were not to be continued, at least that Court should be allowed to dispose of its arrears, even if all future business were to be transferred to the Court of Chancery. The Master of the Rolls in Ireland, of whom he might say that a more able, painstaking, and diligent Judge had never sat in the Court of Chancery in that country, had declared that this measure would completely paralyse his efforts to execute his duty, by imposing upon him vast additional labour, and he strongly deprecated such a measure being passed into a law. This opinion from a very competent Judge, and from one who had never shown himself disinclined to perform every possible labour which his office required, was deserving of their Lordships' serious attention. If the alteration proposed should be considered one that ought to be adopted, it at least ought to be deferred until the arrears in the Incumbered Estates Court were disposed of. No new business ought to be transferred to the Court of Chancery, consisting of arrears of business in another Court. If any such arrears were to be thrown upon the Court of Chancery, the whole scheme would inevitably fail, and the business of the Court would be more inextricably involved than it was at the present moment. The Report of the Commission, however ably drawn, was, he thought, in many points open to objection. Upon the question of appeal he differed from it altogether. In Ireland there had always been an appeal from the Master of the Rolls to the Lord Chancellor; and during the five years that he had exercised that jurisdiction he had never heard of any complaint where justice had been administered by the Court of Chancery as a Court of appeal. It was proposed that a common-law Judge should be associated with the Lord Chancellor to assist him in the business that came before him by way of appeal. But in what character was the appointment of that Judge to be made? Was it during good behaviour, or during pleasure? He hoped that no Judge would ever be called upon to sit in a Court of appeal during the pleasure of the Crown. Such a system, if acted upon in this country, would be most objectionable. No common-law Judge could strengthen the Lord Chancellor in his own Court of appeal. It would be most objectionable that a common-law Judge should sit with the Lord Chancellor upon matters of equity in his own Court, and, perhaps, overrule his decisions. There was another point deserving of attention. It was proposed that the fees and duties which had been hitherto paid should be abolished, and that the charge should be imposed on the Consolidated Fund. This was a national question, an Imperial question, and one which regarded the Courts of England as well as the Courts of Ireland. If persons were to obtain the benefit of a Parliamentary title to the estates they purchased by the intervention of the Court of Chancery, it became a question whether they ought not to be subjected to a reasonable charge for the benefit they so obtained. It was a question in what respect they ought to reduce the fees and duties in Courts of justice; and what were the fair and necessary expenses of the administration of justice in the abstract. He admitted that they ought not to tax the administration of justice; but the question of fees and duties to be paid for the administrative jurisdiction exercised for private purposes was a very different matter. He had already adverted to the alteration made in the practice of the Court of Chancery in England in 1852; and it was from an anxious desire that that system, which had hitherto worked so well and so much to the satisfaction of the suitors, might be continued, that he had been induced to make these remarks. He certainly had expected that long before this the Masters of the Court would have been able to close their offices by disposing of the arrears of the business before them. He hoped their Lordships would pardon him for having so long occupied their attention, but, as the matter was one of great and vital importance, he thought it deserved the consideration of the House, and particularly that of Her Majesty's Government.

THE LORD CHANCELLOR said, that although their Lordships were always willing to listen to his noble and learned Friend, he must be allowed to observe that a large portion of what had fallen from his noble and learned Friend on this occasion was extremely inapplicable to the subject before the House. He did not wish to insist too much on the forms of the House, but surely it was rather inappropriate that, upon nearly the last stage of a particular measure, such as this, their Lordships should be called upon to discuss the merits of another Bill introduced into the other House of Parliament, and there referred to a Select Committee. While, however, he said this he was far from meaning to say that the fact of other measures being in progress might not be brought forward as an argument; and still less did he mean to say that some of the observations of his noble and learned Friend were not worthy of present consideration. The present measure was one introduced by him (the Lord Chancellor) to obviate the great expense and great delay occasioned in the course of applications to this House for private Bills in order to obtain powers for the lease and sale of settled estates. Last Session he had given some startling details of the cost of obtaining such Bills, and the present measure would give to the Court of Chancery the power of doing cheaply and expeditiously that which was done in this House at very great and unnecessary cost. When first introduced, this Bill was confined to England only, but a noble Friend of his called his attention to the extreme importance of extending it to Ireland; and, therefore (as he thought, with the approbation of all connected with that country), the measure was made to apply to both England and Ireland. His noble and learned Friend had suggested several reasons why the Bill would not work well in England, one of which was, that it would overwhelm with work the Judges and others connected with the Court of Chancery. Now, he must say, he thought that was a chimerical apprehension, when on looking back they found that only some twelve or thirteen Bills of this kind came before Parliament in the course of the Session. Then his noble and learned

Friend complained that the business must be delegated, and would be carried on by one of the clerks. Now, it was to be carried on subject to rules and orders framed by the Lord Chancellor, such rules and orders to be laid upon the table of the House. Why should his noble and learned Friend suppose that the Lord Chancellor, whoever he might be, would be guilty of such an oversight as not to make due inquiry, before conferring these powers, as to the capability of those upon whom they were conferred? In 1853 his noble and learned Friend introduced a Bill for facilitating and improving the administration of justice with regard to the estates of lunatics, and he did not hesitate then to give to the Lord Chancellor and the Lords Justices the most extensive powers of ordering leases, sales, mortgages, and of dealing in any way with lunatics' estates. The same objections as those first urged by his noble and learned Friend would apply to the Bill of 1853, but no such abuses as those now apprehended had been found to result from that Act. It seemed to him that they were quite as safe in the hands of the Court of Chancery with respect to settled estates as they were with regard to the property of lunatics. He had taken the precaution of laying down in the measure now before their Lordships that whatever securities were at present required in the progress of a private Bill through this House should also be imposed by the Court of Chancery, and as the best inquiry which the case admitted of would be made with regard to such application he could not anticipate the evils apprehended by his noble and learned Friend. With respect to the application of the Bill to Ireland, the only argument he had heard used against such a proposal was founded on the fact that another measure was before the other House of Parliament which would do away with much of the necessity for this Act. Now, he thought it would be something approaching to childish legislation to say that they ought not, by the insertion of a few words, to extend the present Bill to Ireland, because, peradventure, at the end of the Session another measure would come before their Lordships so large as to render the present one unnecessary. If the other Bill alluded to did pass, the measure now before their Lordships would do no harm; but every one must be aware that there were breakers ahead with regard to legislation of this kind; and, therefore, he thought it absurd to say that minor reforms should cease because another reform might possibly be made which would render them inoperative. He felt great difficulty in discussing what had fallen from his noble and learned Friend upon a measure which had been brought into the other House of Parliament, and had been referred to a Select Committee; but that measure did not afford the slightest ground for not allowing the Bill before their Lordships to extend to Ireland. True, it was a Government measure, but it was mainly founded upon the Report of the Incumbered Estates Commissioners, who had felt that the Incumbered Estates Court must either be annihilated or its future operation extended to other than incumbered estates—that this Court was either a boon to be continued and more widely conferred, or was not a boon, and should at once be put an end to. His noble and learned Friend said, "Why don't you extend the Incumbered Estates Court to England?" Well, there were two or three objections to such a proposal, and one of these was that you had not in England, as in Ireland, a general registry of title deeds. Their Lordships would recollect that three years ago he had introduced a Bill for the purpose of establishing registration, and that Bill had gone to the other House of Parliament, where it had been met by the suggestion that it would be better to have a registration of titles than of deeds; that suggestion appeared to carry great weight, and, therefore, on account of a matter of detail rather than of principle, that Bill had not passed into law. As regarded what was called a Parliamentary title, such titles were accruing every year in England, as in the case of sales of land to railway companies, and in all those cases the money was brought into court and distributed; and he had never heard of an instance in which the wrong persons had received the money. From that circumstance he was led to think that to give Parliamentary titles generally was not so impracticable as he had at one time been inclined to suppose, although he was not so sanguine as some persons were of the possibility of making the transfer of land as simple as the transfer of stock. He wished, also, to remind their Lordships that, in practice, the business of the Incumbered Court had been carried on entirely by the Judges; and that, in point of fact, under the Bill referred to by his noble and learned Friend, the same would be the case, with the exception that the names of the Judges would be changed and they would be called vice chancellors, and no additional business would be cast upon the Master of the Rolls. It was, however, impossible to follow his noble and learned Friend in detail upon a measure not yet before their Lordships, and he would, therefore, conclude by asking their Lordships to go into Committee upon the present Bill.

On Question, *agreed to;* House in Committee accordingly.

Bill *reported*, without Amendment, and to be read 3ª *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 10, 1856.

Minutes.] New Member Sworn.—For Boston, Herbert Ingram, esq.

Public Bill.—2° Police (Counties and Boroughs).

CASE OF MAJOR DOWBIGGIN—QUESTION.

Sir DE LACY EVANS: Sir, on Friday evening I gave notice of my intention to repeat on this evening the question which I then put, relative to the production of a certain passage in a telegraphic dispatch from Lord Panmure to General Simpson, and referring to a gallant officer whose name has been before mentioned to the House. I do not wish to press the Government to lay this passage on the table of the House if it be inconvenient to them to do so; but as I have seen it stated in an apparently authorised paragraph in the *Globe* newspaper that this passage, instead of being an objectionable one, was one calculated to reflect honour on Lord Panmure, I suppose there can be no objection to its production; and I therefore repeat my question, and ask the noble Lord at the head of the Government if he will produce it?

Viscount PALMERSTON: I have in my hand a copy of the telegraphic message, which is rather long, and relates to many other affairs besides that referred to by my hon. and gallant Friend; but there is a passage in the middle of the message which does refer to the gallant officer to whom the hon. and gallant Member for Westminster has alluded; and these are the words in which he is mentioned:—"I recommend young Dowbiggin to your attention if he is fit, and you have a vacancy." I do not think it would be desirable to lay the dispatch upon the table, but at the same time I have no objection to show it to the hon. and gallant General. I wish at the same time to read an extract from a letter written by the gallant General commanding to Lord Hardinge. It says—

> "In the trenches again last night the Russians made a strong attack to regain the Cemetery, but we were prepared for them. Captain Dowbiggin and the 4th Regiment party behaved admirably."

CHURCH RATES—QUESTION.

Sir J. PAKINGTON: Sir, I rise to ask the right hon. Gentleman the Secretary of State for the Home Department a question; and I do so in consequence of the announcement made last week by Her Majesty's Government of their intention to support a prospective proposal for the total abolition of church rates. I wish to ask the right hon. Gentleman whether, in the opinion of the Government, this House and the country ought not to be put in full possession of the amount received for church rates, and the mode in which it is applied? It is now some ten or fifteen years since we had any statement of the amount of church rates; and it would be satisfactory to know whether the Government will now furnish the House with a statement of the annual produce of church rates during a certain period of time—say ten years, and also with a statement as to the districts and parishes in which church rates are now levied, and of those in which the making and levying of those rates have been refused or discontinued.

Sir GEORGE GREY: On the Motion of the hon. Member for the Tower Hamlets, a return on the subject of church rates was ordered last Session. I do not know whether it included the precise information now called for by the right hon. Gentleman. There would, no doubt, be great difficulty in getting from every parish in the country those returns; there would be a great deal of time consumed in procuring returns from about 1,000 parishes, when we have no means of compelling those parishes to give those returns. However, if the returns already made out do not include those required by the right hon. Gentleman, I have no objection to ordering a supplemental return, though I am afraid a long time will elapse before it can be presented to the House.

ST. PANCRAS WORKHOUSE—QUESTION.

Sir JOHN PAKINGTON: I wish to ask the right hon. President of the Poor Law Board whether his attention has been drawn to the Report of the state of the St. Pancras Workhouse, presented by Dr. Bence Jones; whether the Board of which the right hon. Gentleman is President has any jurisdiction in the district to which the workhouse belonged; and what steps the Government intend to take in consequence of that Report?

Mr. BOUVERIE replied, that it would not only not be creditable that the state of things alluded to in the Report of the inspector of poor houses should continue, but he believed that every one who had read that Report would be of opinion that there had been ample foundation for the inquiry which (Mr. Bouverie) had directed. He had directed Dr. Jones's Report to be communicated to the managers of the poor, who, under a local Act, had the management of the St. Pancras Workhouse. That body had recently been changed; and he understood that the new members were taking active and willing steps to remedy the evils disclosed by Dr. Jones's Report. The right hon. Gentleman might also rest assured that the attention of the Poor Law Board would be directed to the matter, and that every power they possessed would be exercised to procure the remedying of the deplorable evils that had hitherto existed in this workhouse.

POSTAL TREATY WITH SPAIN—QUESTION.

Mr. OLIVEIRA asked the hon. Secretary of the Treasury whether the negotiations which had been carried on for some time past in reference to a treaty with Spain, with a view to a reduction of the rates of postage between that country and Great Britain, were likely to terminate satisfactorily and without delay? Also, whether there was any objection to lay upon the table of the House the correspondence that had taken place upon the subject?

Mr. WILSON replied, that the postal negotiations between this country and Spain, which had some time ago been broken off, in consequence of a difference of opinion between the Spanish Government and the Post Office authorities, had lately been resumed, and with every prospect of a satisfactory termination. The negotiation, however, was not in such a state that the correspondence respecting it could, with propriety, be laid upon the table.

SALARIES OF CUSTOM-HOUSE OFFICERS—QUESTION.

Sir S. NORTHCOTE asked the Secretary to the Treasury whether any petition had been received by the Treasury or the Board of Customs from the officers in the Department of the Receiver General of Customs, for increase of their salaries, in consequence of the increase of their official labours; whether any answer had been returned to such petition; and whether there would be any objection to lay the papers on the table?

Mr. WILSON replied, that such a petition had been received by the Board of Customs. No doubt additional duty had been imposed upon the department referred to; but four additional clerks had been appointed, and the Commissioners had, therefore, answered that they could not comply with the request? There would be an objection to lay those papers on the table.

THE COLONY OF BAY ISLANDS—QUESTION.

Mr. MILNER GIBSON asked, whether the Queen's warrant had been issued constituting the colony of Bay Islands? If so, what was the date of such warrant, and whether it would be laid before Parliament? Also, what was the date of the appointment of the Presiding Magistrate of the Bay Islands Colony?

Mr. LABOUCHERE said, the Queen's warrant constituting the Colony bore date March 28, 1852. If his right hon. Friend moved for it, there would be no objection to lay a copy of the warrant on the table. The first appointment of a Presiding Magistrate was on the 5th of August, 1852; but he believed there had been a recent appointment to that office by the Governor of Jamaica, in whom the patronage was vested; and he (Mr. Labouchere) was unable at present to state the name of the gentleman appointed.

LOCAL DUES, &c. ON SHIPPING BILL—COMMITTEE—QUESTION.

In reply to Sir Frederic Thesiger,

Viscount PALMERSTON: Sir, it seems to be the general opinion of this House that an inquiry should be instituted on the subject of these local charges on shipping; and I do think it desirable and necessary that all parties should agree as to the terms of reference to the Committee to be appointed. I have read the notice of my right hon. Friend the Vice President of the Board of Trade, and the notice of the hon. and learned Gentleman opposite (Sir F. Thesiger), and I see no essential difference between them, so that I apprehend there will be no great difficulty in coming to a conclusion satisfactory to all parties. The terms suggested by the hon. and learned Gentleman may, it appears to me, with some slight addition, be made to contain all that is necessary; and I should propose that the Resolution should run thus—

"That a Committee be appointed to inquire into the several matters referred to and inquired into by the Commissioners appointed by Her Majesty to inquire into the legal charges upon shipping in the ports of the United Kingdom, and the islands of Guernsey and Jersey; and that the Committee do report their opinion thereupon, and that the Report of the Commissioners be referred to the Committee."

If the hon. and learned Gentleman sees no objection, this form of reference may, probably, meet the views of all parties.

Sir FREDERIC THESIGER: It would be impossible for me to have any objection to this form of words, inasmuch as it is my own. The words read by the noble Lord are my own with the single addition—"That the Report of the Commissioners be laid before the Committee." Of course, I can have no objection to that addition; for, as it is expected and understood that the Report of the Commissioners shall form part of the Committee's inquiry, it is quite right that they should have that Report before them.

POLICE (COUNTIES AND BOROUGHS) BILL.

Order for Second Reading read.

Sir G. GREY observed, that although when he moved for leave to bring in this Bill, he had made a full statement of the scope and object of the Bill, and of its provisions generally, yet as considerable misconception prevailed as to its objects and possible effects, and so determined an opposition had been threatened, not merely to certain clauses, but to the whole principle of the measure, he would, with the permission of the House, in now moving the second reading of the Bill, repeat the explanation he had previously made as to the defects of the existing law, the nature and tendency of the provisions by which it was proposed to remedy those defects, and he would also state the modifications he was prepared to make in the Bill, at the suggestion of those who were favourable to its general principle, and who had been good enough to confer with him and suggest such changes in its details as they thought would make it more acceptable by insuring that, while it would improve the police throughout the country, it would also respect the principle of local control and management.

It was necessary that, in the first place, he should call attention to what had been done by this House in respect to this subject. In the year 1853 a Committee was appointed to inquire "into the expediency of adopting a more uniform system of police in England and Wales, and in Scotland." That Committee examined a great variety of witnesses from all parts of the kingdom—persons of high character and position—magistrates, chairmen of quarter sessions, tenant farmers, land agents, chief officers of the existing police both in counties and boroughs, and others, many of them well known to Members of that House, whose opinions were entitled to great weight. That Committee made two reports. The first of these reports contained evidence only, the second included further evidence subsequently taken, and a series of Resolutions which the Committee had agreed to, either unanimously or by very large majorities, based upon and fully borne out by the testimony of the witnesses examined. He would recapitulate the principal points established before that Committee. First, it was proved by accumulative evidence that the county constabulary, wherever it had been established under the existing Acts, which made it optional with the magistrates of every county at quarter sessions to avail themselves of the powers of those Acts or not, had been productive of the most beneficial results, as evinced in the more effectual prevention and detection of crime, the repression of vagrancy, and the enhanced value of property, consequent upon the greater protection it afforded, both to the landlord and the occupying tenant; while it showed, on the other hand, the total inadequacy of the old system of parish constables and superintendent constables as an efficient police system; the obstacles which were placed in the way of the apprehension of offenders and the repression and punishment of crime by the partial application of the present county constabulary Acts, under which, a police force being maintained in one county and none in another, great facilities for escape are given to criminals, and obvious difficulties thrown in the way of their detection; and, lastly, the evils which arose from want of co-operation between the county and borough police. The evidence likewise proved beyond dispute that the apprehensions entertained as to the costly nature of the county constabulary are grossly exaggerated, considering the saving that is effected by its introduction not only directly, but indirectly in the increased security and improved value of property, and by the discharge of various duties by the police which had been previously performed by other persons. He would refer to one or two points as affording some of the strongest arguments—he was speaking now of the counties—in favour of an extension of the existing system of constabulary to all the counties. Under the first head of the Report—the beneficial results of the Act in the increased prevention and detection of crime—it had been the habit of many, in comparing the state of crime in counties where the Act was in operation with those in which the old system of parish constables still prevailed, to take the number of apprehensions and convictions. No test could be more fallacious. It altogether omitted undetected crime. In answer to question 245, in the first Report, speaking of the results of the county constabulary where established, the hon. Baronet the Member for the University of Oxford (Sir W. Heathcote), who, from his long experience as a county magistrate and as chairman of quarter sessions, was most competent to give an opinion, when examined before the Committee, said—

> "The point in which the police is most successful—namely, the diminished amount of undetected crime, cannot be tested by numbers, because there is no return of those offences in respect of which no person was committed for trial before the establishment of the police; but it is a matter of common notoriety that there is much less undetected crime than there was before."

In answer to another question the same witness states—

> "The offence of housebreaking in the daytime has been greatly diminished in Hampshire since the establishment of the police. If we had the means of reckoning up the cases in which the perpetrators used to escape detection altogether, the difference between the two periods of five years which I have mentioned would be enormous."

He hoped, therefore, that the House, before coming to a conclusion adverse to the extension of the constabulary through the country, would bear in mind that any argument based on the statistics of committals and convictions must proceed upon most unsound and imperfect premises, if it excluded from consideration the great amount of undetected crime committed in counties where no efficient system of police had been established. In reference to the result of the county constabulary in affording greater protection to property, one important consideration was the special advantage it conferred upon the poorer classes. They had abundant evidence to show that wherever a county police existed, protection was afforded to the poor man's property in an equal degree to the protection which was afforded to the property of the rich. Upon this point Captain M'Hardy, the intelligent and able superintendent of the Essex police, stated—

> "A great recommendation of the county constabulary is that the poor man is protected, and the same interest is taken to follow up any injury he may receive as in the case of the rich man."

Another witness, Mr. Blathwayte, magistrate for Gloucestershire, Somersetshire, Wiltshire, and Bath, also stated—

> "If a poor person wants a summons executed he must look up his half-crown to the parish constable; whereas, if there is a policeman to serve it, he does it at once for nothing."

The testimony of a land agent in Essex shows that the increased value of property consequent on the establishment of a constabulary force in that county, is regarded by tenant farmers about to enter into the occupation of land as an element in favour of the choice of such a locality in preference to one in which no such efficient police exists and where the tenant must protect his property at his own cost. He might read other extracts from the evidence of the Mayor of Andover, who was not, he believed, opposed to the principle of the Bill, and many others, all testifying upon their own experience to the increased security and consequent increased value of property wherever the county constabulary was established, but he thought it unnecessary to detain the House with them. With reference to the greater economy of the county constabulary, as compared with the parish constables and superintendents, he had previously stated that he thought this point was fully established, but he might be allowed to refer to the evidence of Captain M'Hardy, who, in the Report he presented to the magistrates of Essex, and which had been laid before Parliament, gave the details of the saving which had been effected in that county, and showed that there was a very large balance in favour of the county constabulary as compared with the system which previously existed there. He would call the attention of the House also for a moment to another document—the report of a Committee of magistrates of the county of Hampshire, including eight Members of the House of Commons, one of whom was the right hon. Gentleman in the Chair, appointed to inquire into and report upon the working of the county constabulary. That Committee reported—

> "Your Committee have not been able to ascertain the amount that was yearly paid by parishes to their constables prior to the establishment of this force; but it is calculated that not less than £1,500 per annum must have been expended in this respect, which is now altogether saved to the ratepayers. But besides these sums, which before the establishment of the constabulary were payments actually out of pocket, it must be remembered that considerable saving is indirectly effected to the public by means of this force. The value of the constable's lost time (before the establishment of the county constabulary), for which he was never adequately remunerated, must not be left out of the calculations in estimating the advantages of a paid police. It may also be observed that, coincident with the employment of police constables as assistant relieving officers in unions, there has been a very great decrease of vagrancy, and that without any additional cost to the unions. A considerable credit ought therefore, in their opinion, to be taken in favour of the constabulary under all these heads, as well as under that of saving to the public by the diminution of business at petty sessions, by the recovery and protection of property, by the absence of the necessity for associations for the prosecution of offenders, and by non-payments to special constables; and, although it is impossible to estimate with any accuracy the amount of indirect expense thus avoided by the county, yet when it is recollected that a saving of only 1*d.* per acre would amount to a sum of £4,154, it may be safely asserted that the actual additional cost to the ratepayers is very trifling in comparison with the advantages which accrue to them from the maintenance of the police force."

Such was the opinion of this Committee as to the advantages of a police force some years subsequent to the establishment of the very efficient police force which exists in Hants. The Essex magistrates also in 1850 passed a unanimous resolution in quarter sessions, after having had the means of judging of the results of the new county constabulary by experience: "The Essex constabulary is highly valuable, and is essentially necessary to the protection of the public property, and the proper administration of public justice." These, he submitted, were opinions which ought to have weight with the House when they came to consider whether that system should be extended to all counties alike, or whether it should be left, as it was now, to the option of the counties themselves, to adopt it or not as they pleased. As he had said, the Resolutions of the Committee were in accordance substantially with the evidence on the several points to which he had referred; but having read them when he introduced the Bill, he would not weary the House by repeating them all. He would, however, advert to the last, which was—

> "It is the opinion of the Committee that it is most desirable that legislative measures should be brought in without delay, by Her Majesty's Government, rendering the adoption of a uniform police force imperative throughout the country."

They had, then, a Committee appointed by that House, whose Report—containing Resolutions agreed to unanimously or passed by large majorities—had been laid upon the table, urging upon the Government the necessity of introducing measures on this subject; and the questions which were addressed to him as Secretary of State by hon. Gentlemen on both sides of the House as to the importance of proposing an amended system of police induced the Government to take up this subject, and to endeavour to frame a Police Bill which should be mainly, though not exclusively, founded on that Report, and which would render unnecessary any attempt merely to improve the system of parish constables, which was condemned by the Committee. In accordance with the wish thus expressed, he had, acting upon a sense of the duty which devolved upon him, and being satisfied that there was ample room for improvement, endeavoured during the recess to frame a Bill to accomplish the object which the Committee and the House had in view, at the same time respecting the principle, which he was not prepared to infringe upon, of local management and local control both in counties and boroughs.

He would, first, draw the attention of the House to the existing state of the law and facts as to the counties, and then he would proceed to deal with the law and the facts in regard to boroughs, leaving the House to judge in respect to both, whether there was not room for improvement, and whether, if so, the present Bill, at least in so far as its principle and general provisions were concerned, was or was not the proper remedy. By the existing Constabulary

Act it was optional for the magistrates of any county in quarter sessions to adopt them or not. In consequence of representations made in documents which had been prepared and circulated, not, he believed, by gentlemen acquainted with the subject, but by persons who, with very imperfect knowledge of the matter, had undertaken to point out to their fellow countrymen what they regard as the dangerous tendencies of this Bill, he thought it necessary to state what were really the powers of the magistrates and the degree of control exercised by the Secretary of State. If any county adopts the County Constabulary Act, it was left to the justices to determine how many constables should be appointed, subject, however, to a provision that the number should not exceed one constable for every 1,000 inhabitants, and to elect a chief constable, subject to the approval of the Secretary of State, and the Secretary of State had also power to make rules relative to the government of the force, and the pay, clothing and accoutrements of the men. The chief constable so appointed by the justices, subject to the approval of the Secretary of State, has the power of appointing and dismissing the ordinary constables. Now, when hon. Gentlemen bore in mind these enactments and compared them with the provisions of the Bill, he asked them whether he was making any such new or monstrous proposition as to justify the opposition which the measure had encountered? Now with regard to the facts. In twenty counties and in two of the Ridings of Yorkshire there was at this moment no county constabulary, and in seven others such a force was only partially established; so that about one-half of the whole surface of England and Wales was unprovided with an efficient police. He had before explained the inconvenience which arose from this state of things in reference to the detection of crime and the apprehension of offenders, but he would nevertheless state some facts bearing upon this point which had recently come to his knowledge. The progress of the establishment of the police force in counties had been very gradual. In those counties in which it had been established, a marked improvement had taken place, and in consequence one county after another had adopted it. He believed it had generally been found that where one county had established a police force under the Act and the adjoining county had not, the inconvenience to the latter became so great that they were speedily induced, partly by witnessing the good results in the neighbouring county, and partly by the inconvenience they themselves suffered from the increased number of thieves and bad characters, driven from the district where the police existed to take refuge in the neighbouring county, to adopt it for their own protection. In West Surrey, until the last few years, there was no county police. It was bounded on the one side by the metropolitan police district, and on the other by the county of Hants, in both of which there was a most efficient police force. Proposals had been made for the establishment of a county constabulary in Surrey, but, owing to the dread of the expense, the proposal was not carried. The consequence was, as the House probably would remember, that a gang of housebreakers, known as the Frimley Gang, resorted to the county of Surrey, where, in the absence of a constabulary, they were able to carry on their depredations with comparative impunity. At length a horrible crime was committed—a clergyman was murdered, and the bold and open manner in which the deed was perpetrated caused the utmost horror and apprehension throughout the county; and then the conviction forced itself on the minds of the justices of the county that, had there been an efficient police, that gang would not have been able to meet and arrange their plans for the perpetration of those enormities. What was the consequence? At the next quarter sessions notice was given to establish a county constabulary, and by a large majority a resolution to that effect was carried, and there was now a very efficient police in the county of Surrey. But he put it to the House whether we were to wait in every county until some equally atrocious crime was committed, instead of endeavouring, with the experience we possessed, to establish such a general system of police as would render such crimes impossible? What was the state of the West Riding of Yorkshire? He was sorry to hear the hon. Member for the West Riding of Yorkshire (Mr. B. Denison) announce the other day that he intended to offer his determined opposition to this Bill; but as he did not now see that hon. Gentleman in his place, he hoped the hon. Gentleman was satisfied that his pledge was somewhat rash, and that he was unwilling to give a vote which would be adverse to the interests of the country generally, and particularly to that portion of the country which he so ably represents. He would give the House a description of the state of things existing in part of the West Riding, and in doing so he would refer only to public documents, or to such as were authenticated by the signatures of the persons who had transmitted them to him. The first document he would refer to was a petition presented by his right hon. Friend the Chancellor of the Duchy of Lancaster (Mr. Baines), from certain of Her Majesty's justices of the peace for the County Palatine of Lancaster and of the West Riding of Yorkshire, in favour of the Bill. They stated in their petition that—

> "In the county of Lancaster, a numerous and efficient rural police was established under the statutes 2nd and 3rd Vict. c. 93, and 3rd and 4th Vict. c. 88, and has for sixteen years past been in active operation; that in the West Riding of the county of York there exists no force other than the parish constables and thirty superintendent constables recently appointed under the statute 5th and 6th Vict. c. 109; that in those portions of the West Riding in which the petitioners act a large amount of undetected crime exists, that many offences against good order are committed and remain unpunished, and that the efforts and endeavours of the petitioners to discharge their duties are often rendered useless and of no avail for the want of a more active and efficient police force; and that in the county of Lancaster they experience no such difficulty and hindrance."

This petition was signed by many magistrates who resided upon the borders of the two counties, and the information they gave as to the state of crime in Yorkshire as compared with Lancashire, and the difference in the two counties of the means of detecting crime, was fully borne out by other testimony. He had also a letter from Mr. Jonathan Peel, an active and intelligent magistrate in that district well known to many Members of that House. It was addressed to the Chancellor of the Duchy of Lancaster, with permission to place it in his (Sir G. Grey's) hands. Mr. Peel says—

> "The police question has hitherto been argued upon the hypothesis that crime, properly so called, was all that required repression or detection. It is convenient to the opponents of a rural police thus to narrow the ground, because the number of committals, being the only obtainable criterion of the amount of crime, is made the single test of the necessity for establishing the force. There are many offences against law and order which have not been taken into account, which, though called petty offences, nevertheless seriously affect the security both of person and property. Many of the offences of this class would be entirely prevented or repressed by the mere presence of an independent and well-organised police within the district. For instance, in this border county, which here is purely rural, during the summer season tramps abound, who, watching their opportunity, enter the houses when the men are absent and demand money and food under threats of violence. One road, not far from this place, is rarely without an encampment of these vagabonds during the summer season. Assaults, fights, disturbances, and outrages, sometimes violent and disgusting, are of frequent occurrence. As a magistrate, I feel much of the responsibility, for a state of affairs like this lies on my shoulders. I have done my best to amend it; I have done constable's work both by night and by day, but I cannot make much impression with such aid as the parochial constables afford me. These men are, in fact, entirely useless and inefficient. Two of the superintendents lately placed over them have reported to me that the constables dare not do their duty, that they find in reporting cases (felonies) as they occur, that they will act only in cases where they have half the penalty, and that so far from yielding obedience to the superintendent, some of them have denied his authority and set him at defiance. All along the border many of their duties are, in fact, performed by the Lancashire police. Summonses granted on the Lancashire side of the border are served by them, and they often execute warrants also. Yorkshire prisoners committed from the border petty sessions are invariably conveyed to the Wakefield House of Correction by the Lancashire police. The frequent escapes from the hands of Yorkshire constables rendered this course imperative. Prize-fights, dogfights, &c., organised in Lancashire, are constantly brought over the border. When it is known to the Lancashire police that 'such an event is to come off,' they follow the parties and dog them over the border if they cross it. On the 11th of October last, several Lancashire policemen were seriously hurt on one of these occasions, and at the very time when the establishment of a rural police was last negatived at Wakefield, four men were suffering imprisonment in the House of Correction there for the assault then committed on the Lancashire police."

Such was the defective state of the police in this district of Yorkshire, according to the evidence of a most active and intelligent magistrate who resided upon the spot, and perfectly competent, from his own experience, to describe the actual state of things. Two days ago, he (Sir G. Grey) received a petition from the village of Maltby, also in the West Riding, signed by owners and occupiers of land there, praying that this Bill, with certain modifications, might pass into a law—and he had also received a letter from Lord Scarborough, with authority to use it in that House, stating as follows:—

> "Rufford Abbey, March 6, 1856.—Having myself experienced the very great inconvenience those districts suffer which are deprived of the benefit and protection of a rural police, I most heartily concur in the prayer of this petition; many of those who have signed it are known to me, and reside on my property in the West Riding

of Yorkshire, or in its vicinity, and like myself, suffer from a system of plunder and violence which is going on nightly in and about their dwellings with impunity, the parish authorities being now perfectly useless for the prevention or detection of such offences. In the district to which I allude, two churches were forced open during the night, or very early in the morning, and a collection, made the day previous for the poor, stolen from an iron safe; the shop of a shoemaker broken open, and his goods carried away; subsequently the house of the vicar of the parish was entered by housebreakers, and my agent's office was forced open also, and robbed. I exerted myself in trying to detect the offenders by employing the parish constables, but found them both incapable and unwilling to perform such a duty. As a temporary expedient to meet this deplorable condition of the district, a fund has been collected by a contribution from some of the residents, and applied to the payment of a few persons who have undertaken a kind of night patrol, but as such a fund must be very precarious, I fear the protection afforded by it will soon be discontinued."

He would trouble the House with one more document with reference to the West Riding of Yorkshire, upon which he dwelt at such length, because he had received a great deal of information about it, and because it was one of the districts in which the proposal to establish an efficient constabulary under the existing law had been negatived on the ground that there was no necessity for it. The document which he was now going to read was one entitled to great weight. It was taken from the newspapers of the 5th inst., and purported to be an address delivered by Mr. Wilson Overend, chairman of the quarter sessions held at Sheffield, to the grand jury, on the increase in the number of cases of violence as compared with last year. Mr. Overend says—

"At these sessions there were forty-five prisoners for trial, making, with thirty-one summary convictions for felony, a total of seventy-six in the short period of six weeks, as against fifty-seven in the corresponding period of last year. The average of the last ten years for the same period had been only forty-three, or little more than half the number of this year. This, he remarked, was a sad state of things. Although they heard a great deal of the diminution of crime in the country at large, he was sorry to say such was not the case in this neighbourhood. Magistrates around him informed him, that crime was so rife in their respective localities, that the landowners and farmers had been obliged to employ their own servants to patrol the country in order to protect their property. This he found had been done at Dalton, Thryberg, Wentworth, Hooton Roberts, Kilnhurst, Maltby, and Rawmarsh; and the jury would all, no doubt, have heard of the extraordinarily daring robberies which had taken place in this district of the Riding, some of them in midday. There was a degree of crime never before known since he (Mr. Overend) had been on the bench. Something must be done to prevent it, for it was clear that, under the existing state of their protective force, property was not safe."

This description fully bore out the fact that, as regarded the West Riding, there was sufficient reason, not perhaps to account for the absence of the hon. Member for that division of Yorkshire, but he hoped to induce him, not only not to oppose, but to support a measure which he (Sir George Grey) believed was calculated to relieve his constituents from a state of things disgraceful to a civilised country. An hon. Gentleman opposite had alluded to the county of Somerset. In that county, as had been shown by the evidence taken by the Committee, such was the inefficiency of the parish constables there, that on extraordinary occasions—meaning by that term the occurrence of periodical fairs or races —frequent applications had been made to Bath for the assistance of the very efficient borough police which was there established. That assistance had been given many times; but it was obvious that that assistance could only be given partially, and in places in the immediate neighbourhood of the borough; and though the borough authorities were at all times willing to aid the county as far as they could, the House would agree that it was not creditable to the county that it should be dependent upon the justices of the borough for assistance which could not be given without inconvenience to the borough which the police force was appointed to protect.

He had, he thought, now stated all that was necessary in regard to the law and the facts as to the counties, and he would now proceed to state the law and the facts as to the boroughs; for it had been asserted, that though such a Bill might be necessary in reference to the counties as a substitute for the inefficient system of parish constables which appeared in many of them to prevail, there was no reason why Parliament should apply it to the boroughs, and thus infringe the principles of local self-government contained in the Municipal Act; and, further, it was urged that the police in the boroughs was, as was stated in the petition from Colchester, which had been presented by the noble Lord opposite (Lord John Manners), fully efficient for its purpose, and that there was no necessity for any interference. Now, let us see what was the existing law in regard to boroughs, and then let them consider whether Parliament had really abdicated its functions with regard to borough police, when it passed the Municipal

Reform Act, and whether it had no right to take additional precautions, if necessary, for rendering the police in boroughs more efficient? Under that Act, the 5 & 6 *Will.* IV, caps. 76, 77, & 86, the town council in every borough was empowered to appoint a watch committee in each borough, which, when appointed, was to provide a sufficient number of fit persons as policemen for the protection of the borough, to keep the peace by day and by night. That was the legal obligation cast by the Municipal Act on all boroughs, and by which they were to provide a police efficient in point of numbers, and efficient in other respects. Did the Act stop there? It had been assumed in the opposition to this Bill that it did—that the whole authority in connection with the police was delegated to the municipal bodies, that Parliament had pledged itself to no further interference, and though there might be put in motion the cumbrous machinery of a *mandamus* to compel the municipalities to perform the duties cast on them by law, yet that no further legislative interference was to take place. But did the law stop there? It was said by the opponents of this Bill, that even by instituting an inspection into the numbers and efficiency of the police, there would be a violation of the Municipal Act. But he must remind those hon. Gentlemen, the Municipal Corporation Act required that every quarter a return should be made by every municipal borough to the Secretary of State of the number of policemen kept up in each borough; and not only that, but the regulations established by watch committees of town councils for the management of the police were to be transmitted to the Secretary of State quarterly. The object of these provisions in the Municipal Act unquestionably was, that the Secretary of State might be enabled to have under his eye in one collective form, returns made by all boroughs of the condition of the police, in order to determine whether the provisions of the Municipal Act had been complied with. This clearly implied that Parliament had not abrogated its functions in this matter. That Act, no doubt, did not give power to the Secretary of State to adopt any compulsory measure for the purpose of removing defects which he might find to exist, nor was it now asked to give the Secretary of State powers to interfere, which would have been exercised long ago if he had had them; but if the Secretary of State should come to Parliament and show, that in some boroughs the Municipal Act in respect of police was not carried out at all, and in many others it was inefficiently carried out, making use of the information which he had received under the provisions of the Municipal Act, ought he to be met *in limine*, not with any opposition to the Bill upon its merits, but that although counties might be dealt with by Parliament at pleasure, boroughs were sacred ground upon which Parliament could not venture, because they had been exempted from legislative interference. He conceived that he should not have done his duty, if in coming to Parliament to deal with the question of the police of the counties he had overlooked the defects which existed in the police of many boroughs, while at the same time he was ready to maintain the principle of local self-government, so long as the effect of the proceedings of the boroughs was not to neutralise the provisions of the Municipal Act. Why apply that argument to the question of police only? Prisons were placed also within the control of the municipal authorities in boroughs, giving to the Secretary of State supervision over the local control of prisons. That is a precaution adopted by Parliament to secure an important public object. It was easy to talk of centralisation; but it should not be forgotten that in matters of this kind the principle involved did not apply solely to particular localities, but the benefit sought to be obtained was one in which the whole community at large was interested. That which was now sought to be done, had been done with regard to the management of prisons without any complaint of the exercise of the powers given to the Secretary of State; and why should there be such exaggerated apprehension of the powers to be exercised by the Secretary of State in the case of police? The case was argued by the opponents of the measure as if the boroughs were the only localities interested, and it was said that if they thought one policeman to 3,000 inhabitants was an establishment sufficient for the protection of the lives and property of the ratepayers, why should we interfere? But the answer to that argument was, that this could not be considered as an isolated question, but that it affected the whole community, and not alone the county or the borough in which crime was allowed to be undetected and unrepressed. Besides, in this matter the public generally had a direct pecuniary interest. When the Municipal Act passed there might, indeed, have been some pretence for the argument with regard to the expenses attendant on the apprehension and prosecution of criminals, for those expenses were borne by the places in which the proceedings were carried on; but since then Parliament had thrown on the community at large the expenses of maintaining prisons and of the prosecution of prisoners. If, therefore, through the failure of proper means for the repression and detection of offenders, either in a county or a borough, there was an increase of crime, there was an increase immediately of the burdens on the public. That being the case, he must say he thought the public had a direct moral and pecuniary interest in seeing that there was an efficient police maintained for the repression of crime in all parts of the country. He hoped he should not be met by the right hon. Gentleman (Mr. Henley) with the argument that there would be an increase of the expense owing to increased committals; for the question was, putting aside undetected crime altogether, whether, even if there was an immediate increase of committals consequent on the establishment of a police, the effect would not eventually be the diminution of crime? He would come now to the question whether it could be shown by evidence that the police in boroughs was as effective as it could be made, and whether it fulfilled the intentions of the Municipal Act—namely, the adequate protection of life and property in boroughs. If that could be proved, he would not gratuitously have encountered the opposition which had been raised against the Bill for the sake of a mere theoretical amendment of the law. He would state to the House some facts with regard to the number of police in boroughs, which would, he thought, show how inefficient, in many cases, the police must be in respect to numbers. He admitted the statement made by a right hon. Friend of his, that the report of a Committee which sat on that subject referred principally to the county police; but he did not rely exclusively on that or any other report with regard to the condition of the police in boroughs; but he rather relied on information furnished by the boroughs themselves, in the quarterly returns he had mentioned; upon information sent to him from reliable sources, and on discussions on the subject which had taken place in the town councils of the boroughs themselves. Some alterations had taken place since a return of the numbers of borough police which he had formerly quoted were laid before Parliament, but that return substantially contained the numbers of the police, and the amount of the population of all the boroughs under that Act. With regard to the amount of the police, it appeared that in several of the smaller boroughs there was no police at all, in which, therefore, no attempt whatever was made to comply with the requisitions of the Municipal Act. In eight boroughs, containing an aggregate population of 32,500 persons, there was one policeman each for day and night duty. In twenty other boroughs, with an aggregate population of 82,000, there are two policemen in each for the performance of the duties imposed on the police in those boroughs by the Municipal Act. It might be said that this applied only to the smaller class of boroughs; but he would now come to some of the larger boroughs, and would show that it was not only in the smaller boroughs that the police was defective. With regard to some of the largest boroughs, he was happy to state that they had fulfilled all the obligations imposed upon them by the Act. Taking some of the largest, such as Liverpool, Machester—where there was an admirable police, and in which the town council had judiciously followed the example of counties, and appointed a head constable in whom they had confidence, and who was entrusted with the appointment and dismissal of the constables—Birmingham, Bristol, Newcastle-on-Tyne, Hull, and others, he believed that, if the Bill he now proposed was passed, there would practically be no alteration in respect to their police. But in others of the secondary class, though important as regarded the extent of their population, the case was very different. In Ashton-under-Lyne, with a population of 30,500, there were 17 policemen, including officers; and, therefore, not 17 effective policemen employed in patrolling the streets. In Berwick, with a population of 15,000, there were 4 policemen; in Blackburn, with a population of 47,000, there were 26; in Bolton, with a population of 61,000, there were 27; in Coventry, with a population of 37,000, there were 21; in Oldham, with 53,000 inhabitants, there were 32; in Preston, with 70,000 inhabitants, there were 37; in South Shields, with 29,000 inhabitants, there were 14; in Stockport, 24 policemen to a population of 54,000; in Tynemouth, 15 to a population of 29,000; in Warrington, with a population of 23,000, there were 10; and in the city of York, with a population of 36,000, there were 29 policemen. It was hardly possible to read these relative numbers of population and police without at once seeing that the police force in these boroughs was inadequate to the protection of life and property. What were the facts? Did they bear out any presumption that the police force was adequate to its requirements? It was proved to be insufficient in numbers by the frequent applications from time to time—fortunately not so frequent now as they formerly were—made to the military authorities of districts, to the Horse Guards, and the Home Office, that the military, the yeomanry, or the armed pensioners should be called out for the purpose of keeping the peace on extraordinary occasions, in aid of the police, inefficient in point of numbers, even when supported by special constables. Hon. Gentlemen would find in the evidence of the chief constable of Lancashire, where there was an admirable body of county police, that he had received repeated applications from different boroughs situated in that county for the aid of the county police. That was the converse of the case of the county of Somerset, where application was made to the city of Bath for the aid of its police, while in Lancashire the county constabulary were called on to aid the boroughs. The chief constable of Lancashire stated that on some occasions the required aid was given, and in others it was of course refused, meaning that it could not be given on account of several different boroughs asking for that aid at the same time; the granting of which would have had the effect of temporarily depriving the ratepayers of the county of the protection to which they were entitled; besides which, he said, he was not very much disposed to give aid in the case of some of the boroughs which had separated themselves from the county in order to avoid contributing to the expense of the county police, and had set up a separate police force for themselves, which being found inefficient for their protection, they came to ask the aid of the county constabulary. In the course of last year his (Sir G. Grey's) attention having been called to the state of the police in many boroughs, and the Government having determined to withdraw the small military detachments from many places where they were stationed—both on account of their being required for the purposes of the war, and also on account of the serious injury to discipline and to the habits of the soldiery by their being detached in small bodies at a distance from their head quarters—he (Sir G. Grey) felt it to be his duty to address a circular to a certain class of boroughs in which there was an inefficiency in the police force, warning them that they could no longer depend on the aid of the military as a substitute for police in cases of emergency, and urging them to render their police efficient. The circular was dated 28th March, 1855, and was addressed to boroughs which, containing 20,000 inhabitants, had not a police force in the proportion of one in 1,000 inhabitants. It was as follows—

> "I am directed by Secretary Sir George Grey to inform you that his attention has been called to the inadequacy of the police force in many of the large and populous towns of the kingdom. The consequence of this is that, while insufficient provision is made to check the commission of ordinary crime, the civil force alone is nearly powerless in the event of any disturbance of the public peace. It is of great importance that there should be a sufficient police force in all large towns, not only for the protection of life and property under ordinary circumstances, but also, with the assistance of special constables, for the repression of any sudden disturbance of the peace without requiring, as has been too often the case, the aid of a military force, to which recourse never should be had unless when the civil power alone, duly organised for the purpose, is unable to maintain the public peace. A military force should not be relied on as a substitute for the police; but when called for by the magistrates, in case of serious consequences, it should act only in support of the civil power. Her Majesty's Government feel it necessary to discontinue, as far possible, the practice of posting small detachments of troops in various parts of the country, and their withdrawal renders it the more important that an efficient police force should be maintained. Sir George Grey requests that you will take an early opportunity of calling the attention of the council to this subject, and that you will urge upon them the necessity of taking prompt measures to place the police force of the borough upon a more satisfactory footing. Sir George Grey is confident that the council will be fully alive to the importance of the subject, and that it will receive their early and careful consideration.

That circular was sent to thirty-eight boroughs, and he was sorry to say that only fourteen of them took any notice of it. Two or three of the boroughs, as, for instance, Leeds and Wolverhampton—which last borough was distinguished for having presented an unanimous petition in favour of the Bill he had proposed to Parliament—had taken measures for remedying the deficiency. Several others stated that his suggestions were under consideration, but he (Sir G. Grey) had not yet learnt whether they had been adopted; while others stated, in their answers, that they were quite satisfied with the condition of their police, and that no increase was necessary. That circular had found its way into the newspapers, and he in consequence received a letter from the Mayor of Stafford, to which borough the circular was not addressed (as it had not 20,000 inhabitants), stating that he supposed the circular was not sent to the borough through inadvertence, arising from an erroneous impression with regard to the state of the police in that borough; and he sent to him (Sir G. Grey) a statement of the condition of the police of Stafford. His letter was dated 4th April, 1855. It was as follows—

> "I beg to state that this is the county town, that the population is about 12,000, and in it is the county gaol, where are confined 600 prisoners on an average. On a very recent discharge of a number of men from the 2nd Regiment of Staffordshire Militia, billeted in this town, I was apprehensive a disturbance might possibly have taken place, and the only force at my disposal was one superintendent of police and four men under him; the county force being called away to attend to the disturbances in the mining districts of South Staffordshire."

That was some evidence, coming from that very class which was best able to form an opinion, namely, those who were responsible for the peace of the boroughs, and who stated that the present state of things was unsatisfactory. He had alluded to Preston as one of the boroughs with a large population and an inadequate police force. He had received two letters from justices of the peace; one of them was from Mr. Broughton, who stated that there was considerable opposition to the proposed Bill in that borough, but that when it was said that the police was efficient, it should also be stated that in one part of the town the inhabitants were in the habit of subscribing a sum of 4*d.* in the pound for the purpose of paying private watchmen to protect their property, owing to the inefficient state of the police. He had also received a similar statement from another magistrate, in which it was stated that in another district the inhabitants were paying 6*d.* in the pound for a similar object. That showed that all the inhabitants of Preston were not convinced that the establishment of police in the town was sufficient for the protection of their lives and property. The borough of Portsmouth took a very prominent part in the opposition to this Bill. He had letters from a gentleman well known in that borough, he meant Mr. Emanuel, a member of the town council, a gentleman possessing large property in the borough, being a jeweller and silversmith, and who, being in the habit of supplying naval officers when fitting out their ships, was obliged to keep a large amount of valuable property on the premises. That gentleman was alarmed at the opposition to the Bill, and strongly deprecated its withdrawal. His letter was dated February 21, 1856. It was as follows:—

> "We have nearly 80,000 inhabitants (with about forty miles of gas main pipes already laid down), and for the towns of Portsmouth, Portsea, Landport, Mile-End, Milton, Buckland, Tratton, and Southsea, only forty or forty-two police constables for day and night duty, and no supernumeraries, and during this month one-fifth of the force, or eight men, were from death or disease short of that number for some days. We have only four constables for night duty, and two for day, within the walls of Portsmouth. More than that number is at times required for drunken sailors, soldiers, &c. What is required by owners of property is sufficient police by night to prevent robbery and crime. The council, a year or two ago, voted funds for the watch committee to remedy the evil complained of by the coroner at an inquest. Up to this moment nothing has been done."

He had also received a letter, dated February 24, 1856, from a gentleman connected with another great seaport town—that of Plymouth—where he was not aware that any opposition had been organised against this Bill. This gentleman was mayor of Plymouth last year, and was also alarmed at the possible abandonment of the Bill; he deprecated such a proceeding, and said it would cause great disappointment to a large number of persons in Plymouth, who looked with satisfaction on the prospect of the Bill becoming law. He said, "that the Bill would be productive of the greatest advantage; that with a population of from 50,000 to 60,000 there were, including superintendent and inspectors, only forty-nine policemen, a force which his own experience had proved very inadequate for the purposes of the borough." He also stated his belief that the reason why the police had not been augmented was the increase of expense it would cause to the ratepayers, and that he had no doubt that the aid afforded by this Bill would be accepted by the borough, and that the placing of the police on an efficient footing in point of numbers would result in the greatest possible advantage in the repression of crime. There was another extract he would read which related to the borough of Derby. That extract was taken from the *Derby Mercury*, of the 14th November, 1855, which contained a Report of the Superintendent of Police to the watch committee of the town council. He would read a passage from that Report:—

> "The police force for this borough now consists of one superintendent, one inspector, three sergeants, two summoning constables, and twenty-seven police constables. One policeman is employed as lock-up keeper, and, through old age, is quite incapable of performing any other duties. One day-duty policeman is employed two days in the week assisting the inspector of weights and measures. In the absence of the machine-man a policeman takes his place; this often reduces the number of day-duty men to four, a number quite inadequate to perform the duties required. There has been no increase in the number of the force for the last eight years, except two men being appointed in the place of supernumeraries who were constantly employed. The town has greatly increased in size and population since that period; I cannot, therefore, afford that protection to property in the new localities which is constantly required by the inhabitants."

These statements he read as confirming the fact of the inadequacy of the number of the police, not as a charge against the watch committee, for they appear to have recently appointed a man of ability as superintendent of the police force, and he trusted they would take measures for remedying the defects, so far as related to the number of the police. Those were the facts he should adduce with reference to the inadequacy of the numbers of the police in boroughs. He should not give any other instance, but would leave it to hon. Gentlemen to judge for themselves on the point from the returns which were before the House.

He then came to the question of the efficiency of the force itself. In many of the boroughs the police might be adequate in point of numbers, but still the regulations might not be such as to ensure such an efficiency as we had a right to expect. The regulations in many instances were excellent;—in the largest boroughs they were mainly taken from those of the metropolitan police. But there were still many boroughs where there were great anomalies and defects in the regulations. One great defect was, that there was no prohibition against the payment of police constables by fees; and there could be no doubt that if police constables were paid by fees and not by salary, they had a different interest in different cases, and there might be an unequal administration of the law as regarded poor men and rich men. In many boroughs there was a prohibition against the payment of fees to police constables; but in others it was accompanied by a qualification that in certain cases the watch committee or the head constable might permit such payment by fees to be made. In some small boroughs not only was there not any prohibition of such a mode of payment, but fees were the only payment; in the borough of Leominster there was an extraordinary regulation, that no sergeant or police constable should be allowed to serve any summons, precept, inquest, or any other legal document, or to swear appraisers or convey prisoners, because the fees payable in such cases were the perquisites of the superintendent. Those duties, therefore, which were essentially police duties, were confided to the superintendent alone, and paid for by fees in which he had an interest; and however distant he might be from the spot where such a duty might be required, or however otherwise occupied, or however much prompt action might be required, no police constable could perform the duty, because he would be interfering with the perquisites of the superintendent. In the borough of Norwich a system of payment to police constables by fees existed not long ago, but on the representation to the watch committee, by Mr. Dunn, the head of the police, of the injurious effects which arose from that system, it was immediately abolished. He regretted to find that a petition had been presented by the town council of Norwich against this Bill, although it was carried only by a majority, and was not adopted unanimously; but there had been a counter petition presented by the court of guardians, a body of great influence in that borough, who were unanimous in their approval of the measure. Generally speaking, in those boroughs where the best system of police was established, there he thought the least opposition was manifested against this Bill. The regulations in force in many boroughs provided imperfectly for the physical qualifications of the police constables. The city of York had taken an active part in opposition to this Bill, and a gentleman well known to him, Mr. Leeman, who had formerly been lord mayor, and who was undoubtedly a valuable citizen of that town, had been very prominent in that opposition. But when Mr. Leeman and the Lord Mayor of York told him that no interference was necessary with regard to the police of the city of York, he (Sir G. Grey) must inquire into the state of the police in that city. In the city of York there was a population of 36,000 persons, and there were only twenty-nine policemen! He had before him a copy of the *York Herald* of the 19th of February, 1855, containing a report of the proceedings of the council of the city of York, at which the Lord Mayor, aldermen, and councillors were present, including his friend Mr. Leeman. The first business was the reception and adoption of the report of the watch committee, and when it had been received and its adoption moved, a town councillor rose and made a speech which contained specific statements impugning the efficiency of the police, and several of those statements, made with the utmost circumstantiality, tended to show that there was ample room for reform in the police. That gentleman (Mr. Charlton, a town councillor) said—

> "The power of preventing robberies was not so effectual as it ought to be. He would mention a case in which prompt and immediate measures might have enabled the persons committing the robbery to have been tracked and apprehended. In that case the feetmarks of the parties could be seen as plain as possible, and were rather peculiar, and the person robbed thought that circumstance might lead to the detection of the thieves. He accordingly went to the station-house, and a policeman said that a warrant might be obtained. It was explained that it was expected the persons who had committed the robbery were well known, and there being also the feetmarks, he considered there might be some chance of discovering the thieves. The policeman, however, said they might get a warrant, but the injured party said he would not be at the expense of 4*s*. or 5*s*. to look after the men. The citizens pay police officers to prevent robberies, and then they were to be taxed in endeavouring to detect those who had committed them. By these means justice was impeded; it was unfair that such a tax should be levied, when the police were already paid to do their duty, and he believed that until they altered the system of paying the police force by fees, they would never find it work well. He looked upon it as a great injustice to tax individuals to the extent of 4*s*. or 5*s*. before the police would look in a proper manner after those who were suspected."

He went on to state, and he challenged inquiry, and it was not denied by any of the town councillors or members of the watch committee present, that the inspector of police was the possessor of several houses of ill-fame, in a particular part of the town, which were the resort of thieves and other bad characters, and that the police constables did not dare to visit these houses, in consequence of the inspector being the proprietor of them. That was not denied, and an inquiry was ordered, at the suggestion of the Lord Mayor, which would no doubt result in the remedy of such a glaring abuse; but how after that could the town council go on to assert that the police of the town was in a state of efficiency; and how could they place themselves at the head of the opposition which was organised against this Bill, denouncing all Government interference as injurious to the efficiency of its police. Several other members of the town council expressed a similar opinion, and the Lord Mayor, who had presided over the meeting, summed it up by saying—

> "That they should not regret the discussion which had taken place on the occasion, and the council no doubt felt obliged to Mr. Charlton for bringing the matter forward. With regard to Inspector Turner, he never before had the slightest intimation of what had taken place that day. He had often been struck with his incompetency as an inspector, and the other day he (the Lord Mayor) said to Mr. Chalk how unfortunate they were. Mr. Chalk replied that the inspector was an honourable man, that they might depend upon him, but added that he was not a very competent man. He should feel it his duty to call a special meeting of the watch committee immediately. The police force was really very inefficient, and any one who saw the machines which came before the public to give evidence must consider that it was really very pitiable, and there was great room for improvement."

Such was the state of things in the city of York within a recent period. He hoped and believed that effectual means had been taken to apply a remedy to effects so gross and evils so glaring; but knowing as they did that those defects and evils were in existence only twelve months ago, and that they were long permitted to exist before a correction was applied, he thought it was rather too much to declare that the present system was so efficient and so perfect in all its details of management as to render any amendment unnecessary.

He would now proceed to explain the provisions of the Bill. First, as to the counties; the option which, as he had before stated, was given by the existing Acts to the justices in quarter sessions either to adopt the County Constabulary Act or not, would be taken away by this Bill, and it would be rendered compulsory upon them to do so; upon which the counties would be subject, with one or two exceptions, to precisely the same provisions of the law which now existed with regard to all those counties where the magistrates have, of their own free will and accord, thought fit to adopt the County Constabulary Act. Now, on this subject much misconception unfortunately prevails. He saw it stated two days ago, in a newspaper, usually conducted with great intelligence, and supplied generally with very correct information, that "if this Bill were allowed to pass into a law, the rural police of every county would be subjected to the absolute control of the Home Secretary for the time being;" and as an instance of this it was pointed out, that the first clause of the Bill would make the appointment of the chief constable subject to the approval of the Secretary of State. But that was the law at the present moment, and it had been in force for the last fifteen years; during which time, no instance had occurred of a difference of opinion on the subject between the justices and the Secretary of State. This was due to the care with which the county magistrates had made their selection of the chief constables. As far as his experience went, he had found that the justices had been influenced in such matters by an honest desire to appoint, without regard to personal or political consideration, the most efficient men; and some of those gentlemen, with whom he had himself been brought into intercourse, were gentlemen of great intelligence and very fit for their duties. The only instance he could remember in which the interference of the Secretary of State in the selection of the chief constable by the justices had been exercised, was one in which a special application had been made to him to sanction the appointment of a person whose age somewhat exceeded that prescribed by the regulations, but who possessed some other special qualifications; and the interference of the Home Secretary in that case was only to promote the views of the magistrates, who desired that that objection should not be deemed fatal to their appointment. This was the manner in which this power, which was vested in the Secretary of State, had worked during the last fifteen years. There were one or two points in which it was proposed to make some alteration in the law. One of the most material was this. By the existing law, when justices had established a county constabulary, they had a further discretionary power to divide the county into police districts, with a view to the more equitable apportionment of the rate. The Committee were induced to recommend that this division of counties, in certain instances, should be absolutely enforced, instead of being left to the discretion of the justices. In many counties the population, though large in the aggregate, was unequally divided; one part of the county might be pasture land thinly peopled, and another part might be occupied more densely by a manufacturing population. In such cases great objection had been made to the establishment of a police, because it was apprehended that the ratepayers of one part would be obliged to pay disproportionately for the protection of the inhabitants of the other. It was now proposed to render the proceeding more obligatory than it had heretofore been by empowering the Queen in Council, on the representation of the ratepayers, and after hearing all parties, to require the justices of any county to do that which it was now left at their discretion to do, and divide the county into districts for the purposes of police. The most material provision of the Bill, however, which affected both counties and boroughs, was that which empowered Her Majesty to appoint inspectors, to examine into the state, the number, and discipline of the police, and its efficiency, throughout every county and borough of England. That was connected with another provision of the Bill, founded also upon the Report of the Committee, and which was also in accordance with the recommendations of the Commission of 1839—namely, that a portion of the expense of the county, as well as of the borough police, should be defrayed out of the public revenue. He must say that he could not propose to defray one-fourth or any other portion of that expense out of the national exchequer, without taking some effectual means to ascertain that the police in each locality was maintained in complete efficiency. For that purpose he thought periodical inspection was indispensable. He was happy to find that, so far as the counties were concerned, no objection had been raised to this portion of the Bill; indeed he was not apprehensive that the county Members would object to go into Committee on this Bill, for they had taken an active interest in it, and had offered many valuable suggestions which they would have abundant opportunity of considering in

Committee. But with regard to the boroughs, he was sorry to say that, to his great surprise, a most strenuous opposition had been raised to this measure. This opposition, however, was not indeed so universal as it might be for the interest of some persons to represent. Some boroughs had petitioned in favour of the Bill, others had taken no part in regard to it; and from other boroughs he had seen representatives, members of their town councils, among which he would mention that of Manchester, who came to him to object to certain provisions of the Bill, but were favourable to its general principle, and willing to accept it with certain modifications. But with regard to a great number of the boroughs, he found that those members of their town councils who had waited upon him were under the greatest misconception as to the provisions of the Bill. The object of it, as he had stated before, was to provide an efficient force with due regard to the principle of local management and control. It had been asserted, however, that by this Bill the control was to be wholly transferred from the town councils and the watch committees to the Secretary of State; that there was a power intended, if not expressed, of taking into the hands of the Home Secretary the appointment and dismissal of constables; and it had also been industriously circulated that the Home Secretary would insist, in all cases, on the adoption of one uniform standard for police all over the country—namely, of one for every 500 of the population; and that there was to be an attempt by compulsion to consolidate the boroughs with the counties. Now he was prepared on the part of the Government to give to each and all of these allegations the most unqualified denial. The control of the police and its management were not taken, even by the Bill as it then stood, out of the hands of town councils and watch committees; there was no interference with the appointment or dismissal of constables, though it had been urged upon him, before he brought in the Bill, that it was desirable to give the Home Secretary such control; but, not caring to have a measure theoretically perfect, but aiming only at effecting a great reform without interfering with local self-government, he had declined to insert any such provision, and had chosen to leave the appointment and dismissal of constables to the watch committees. There was no compulsion attempted as to the number of the police to be provided by any borough. The right hon. Baronet the Member for Droitwich (Sir John Pakington) had suggested that it might be desirable to prescribe a minimum of police force; but he (Sir G. Grey) said he thought it was better not to attempt by law to fix the minimum, the circumstances of one county or borough being often different from another, and he was persuaded that it would be better to leave the matter open. He must also emphatically deny having entertained, even secretly, as he was supposed to have done, any intention of insisting upon any uniform standard of the number of police. Clause 4 gave to the county constabulary a jurisdiction in boroughs corresponding to that which, for the due prevention of crime, borough constables now exercise in the counties in which their boroughs are situated, or in the contiguous counties. This was the reciprocal provision as between the counties and boroughs, and one to which he had not heard any objection. The borough constables now, for the purposes of justice, for the prevention of crime, and apprehension of the offenders, had jurisdiction within the adjoining county, and it was thought desirable that the county constables should have a similar jurisdiction in the boroughs, but acting in the borough under the orders of the borough magistrates, just as the borough constables acted in the county under the orders of the county magistrates. The fifth clause provides that constables, whether borough or county, "shall, in addition to their ordinary duties, perform all such duties connected with the police as the justices or the watch committees shall from time to time appoint, or as are from time to time, by any regulations made under this Act by the Secretary of State, declared to be police duties to be performed by such constables;" and the clause went on to declare it lawful for the Secretary of State, from time to time, to make such general regulations as he should think fit for that purpose. Now he would state the object with which that clause was introduced. It was one of the clauses to which objections had been made, and he was bound to say that those objections were entitled to weight; but the object of the clause had been misunderstood, and, perhaps owing to its phraseology, had been misrepresented. He had alluded to the saving of expense effected in some counties and boroughs by imposing upon the constables, who were paid for devoting their whole time to their duty, certain collateral duties connected with the police, such as the inspection of weights and measures, the conveyance of prisoners, the serving precepts or notices, and the inspection of nuisances, which were performed gratuitously by the policemen, he meant, without any extra payment to them, and by which a great saving was effected to the public, although the perquisites of certain persons might in some degree be affected by it. Now, in some places doubts had arisen whether the local authorities had power to enforce the performance of such duties by the police, though in many places no objection was made to it. It was, therefore, desirable that those doubts should be removed, and that there should be an express power of declaring what were the duties to be performed by the police, and it was to solve these doubts and to legalise this power that the clause had been introduced. But he was bound to say, having heard the objections which had been made, that, although introduced with no such object, the clause in its present form might sanction the exercise of a power beyond what was required, and he would therefore omit all the words which gave the Secretary of State joint power with the local authorities to issue regulations as to this portion of the function of the police, it being really unnecessary for any practical purpose. It will be left, therefore, to the local authorities to determine, as they now practically did in most places, what duties should be performed by the police in addition to what might be termed the ordinary police duties. The next clause, the sixth, which had also been greatly objected to by the boroughs, proposed to place them under the same power of the Secretary of State, that of making regulations for the police, as the counties were. It would enable the Secretary of State "to make rules for the government, pay, clothing, accoutrements, and necessaries of the constables of any borough," in the same way and to the same extent only as he made rules for the county police, the words being identical with those of the County Constabulary Act. There had been great apprehensions expressed that it was intended by this clause, and under these general terms, to take into the hands of the Secretary of State the power of interfering to a great extent with the local authorities in the management of the police. Again he must say there had been no such intention. It was intended only to place the borough police under the same control as the county police, and no doubt the power would be exercised in the same manner, which had raised no dissatisfaction. He held in his hand the printed regulations which had been issued under that clause of the County Constabulary Act. The object of these was—first, by prescribing the age and stature of the constables, to secure men physically qualified for the office; next, to secure that they should be adequately paid, not by requiring one fixed standard of salary, but fixing a minimum and maximum, from the chief constable to the common constable, leaving a wide discretion to the local authorities, but securing to the men an adequate remuneration for their whole time, and leaving them no pretence or excuse for engaging in any other occupations; prohibiting altogether any payments by fees to the county constables, but not interfering with special allowances made by express permission, for the expenses of any journey, or with a reward given to any constable by the direction of a court of justice when he should appear to have deserved it. The regulations further provided for the amount of clothing to be given to the men, the arms and accoutrements they should be furnished with; the object rather being to check the practice of arming them with dangerous weapons, such as firearms or cutlasses, and to have them only furnished with the common staff, except upon extraordinary occasions, when violence was apprehended. These were the whole of the regulations, except those instructions to the chief constable about the reports to be made by him to the Secretary of State, of which the object was to secure that information should be given of the number of crimes committed, the number of offenders apprehended, and other statistics of crime, which it was desirable for the Government to have, and, if necessary, to lay before Parliament; and it was also required that, in case of any serious disturbance being apprehended, information should be given by the chief constable to the local authorities, and, if necessary, to the Secretary of State. These were the regulations made under the County Constabulary Act, and he certainly had not anticipated there would have been so great an apprehension of an arbitrary and tyrannical exercise of the same power with regard to boroughs. But he found that many Gentlemen who approved of the Bill feared that advantage would be taken of this clause at some future time to exercise an authority beyond what the law intended; and they were anxious that the clause should be omitted. Now, he had given no pledge to those Gentlemen about the omission of that clause; but this he would say, that if the main object of the clause could be accomplished in any other way by this Bill—and he was inclined to think it could—he should not insist on the theoretical uniformity of the provision with regard to counties and boroughs, or on adopting the clause from the County Constabulary Act; and if it would remove the objections of those Gentlemen, he thought their support of the Bill would be cheaply purchased by substituting in the Bill itself other provisions which might render this clause unnecessary. If, therefore, the House should consent to the second reading of the Bill, what he should propose to do, was to omit that sixth clause in Committee, and substitute a clause which would prohibit the payment of fees to the constables, and which would further secure the same amount and kind of information which was required by those regulations to be transmitted to the Secretary of State, so that the statistics of crime in any borough might be supplied to the Government. This brought him to the eighth clause, to which some objections had been made, but which he thought were not of a very tangible nature. The object of that clause was to obtain information, which there is great difficulty in acquiring, but which Parliament desires to possess, with reference to crime throughout the country, and he proposed in Committee to define the nature of this information. Omitting, therefore, the latter part of the fifth clause, omitting the sixth, and making an alteration in the eighth with the above object—he should now propose that the Bill be read a second time and committed *pro formâ*, not intending to proceed with it in Committee till the House should have seen the alterations printed, with the clauses which he meant to substitute, and which would, he knew, altogether remove the objections of many Gentlemen, objections not altogether unreasonable. In this manner, he thought, the object of the Bill might well be accomplished.

He had now stated the main provisions of this measure affecting boroughs as well as counties; and he would ask the House whether they were prepared to assert that this Bill, with these modifications, was liable to the charge of violating the principle of local control and management, or whether it went one degree beyond what was necessary to remedy the defects of the existing system. He confessed, when he introduced the Bill, he was somewhat apprehensive that he might be told it did not provide an adequate remedy for the evils to which it was intended to apply. But he did not aim at perfection; he did not wish so much to compel alteration in the police, as to hold out inducements to the local authorities—such as relieving them from a portion of the expense—to adopt such a reform as was necessary. In saying this, he was speaking of the boroughs; from the counties he did propose to take away the option of establishing a police, or not doing so, under the existing Act. He had said, there were some municipal councils which had petitioned for the Bill, and he ought to add that there were other cases in which, though the town councils had objected to the Bill, the inhabitants had strongly urged its adoption and petitioned in its favour. He had, however, seen with surprise that day a petition from the Common Council of London against this Bill, repeating the common objections to it. Now, the City of London had really no interest in the matter, direct or indirect. He had not said one word about the City of London police, because it would not be affected by this Bill; but the City of London had a most efficient police, extremely well managed; and the Act under which it was established gave much more extensive powers of control, in the management of their police, to the Secretary of State, than were suggested in the present Bill for the boroughs. The corporation of the City of London could not appoint a commissioner or chief officer of police unless the approval of the Crown was signified through the Secretary of State, and fourteen days' notice of such appointment must be given. In case, also, of the absence or illness of the commissioner, the corporation cannot appoint an officer to discharge his duties without applying to the Secretary of State for his assent to the appointment. By the City Police Act the Queen, upon the recommendation of the Secretary of State, may, without any consent on the part of the corporation, remove the Chief Commissioner of Police from his office, and all the regulations made for the City Police were subject to the approval of the Secretary of State. Such being the case, he could not help thinking that the opposition of the City of London to this Bill was only to be accounted for by supposing that, in the expectation it would be his duty to bring in a Bill shortly for the reform of the City corporation, they had thought it politic to make common cause with the boroughs against him upon this occasion. He had now explained fully the objects of the Government in this Bill. He received some time ago, a very large deputation, the Lord Mayor of York being the spokesman, who insisted on the withdrawal of the Bill, and who, while they denounced it as an attempt at centralisation, stated distinctly that they had no desire to offer any suggestions for its amendment, and that no amendments would be tolerated. The deputation objected, as he understood, to the introduction of any measure with regard to the police. He then said that the proper place for the discussion of such a question was the House of Commons. The time for that discussion had now arrived, and it would be for the opponents of the measure to show upon what grounds they think no Bill ought to be introduced on this subject. He conceived, however, that he should have grossly neglected his duty if, after the reception the Bill met with when he obtained leave to introduce it, he had consented to its withdrawal. He now left the subject to the decision of the House. If they thought the facts he had stated rendered it their duty to entertain a Bill, the object of which was to provide a more efficient police force, they would give it their support. If, however, they thought that no case had been established for altering the present system, or that the provisions of this measure—with such alterations as he had suggested, and with such others as might seem likely to be beneficial—were not well adapted to attain the object in view, it would be their duty to reject it; and he left the decision in their hands, confident that they would take such a course as they thought most conducive to the welfare of the public.

Mr. C. FORSTER said, he had given notice that, on the Motion for the second reading of the Bill, he should move as an Amendment that the Bill be read a second time that day six months; and, although the right hon. Baronet had announced that he was prepared in Committee to remove the most obnoxious portions of the measure, still he had not so far met his objections as to justify him in withdrawing his Amendment. But even if the right hon. Gentleman had taken the boroughs altogether from the operation of the Bill, there would still have remained this danger, that the principle of centralisation applied this year to counties might another year be urged with greater chance of success to boroughs; and Government, by dividing the opposition, might be able to effect that in detail which they could not accomplish if the boroughs and counties were united against them. In saying this he conceded to the right hon. Baronet all that he had said as to the importance of having an efficient police. He agreed that, from the increased facilities of communication, and the somewhat questionable alterations in the system of transportation, the introduction of a police force in all counties and boroughs of England had become a matter of necessity; and if the object of the measure had been to impose upon counties and boroughs, where no efficient police force existed, the duty of raising one, leaving it to be managed by the resident magistrates in the same manner as the borough police was managed by the watch committees of the town councils, he should not have opposed it. More than that, he believed such a proposal would have met with general concurrence from all parts of the country. Nor did he stand up to defend the anomaly which prevented a police constable from stepping out of one jurisdiction to apprehend an offender who had passed into another, where the offender, when apprehended, was to be brought before a magistrate having jurisdiction where he was caught. The boroughs were quite anxious to remove that anomaly, and would consent to larger powers than were proposed by the Bill to effect that object. There was another portion of the right hon. Baronet's statement from which he differed; that was where he expressed an opinion that there was a jealousy between the county and the borough police. His (Mr. Forster's) experience went directly the other way, for he had acted some years as a magistrate for the county in which he resided, and had always found the most harmonious feeling to exist between them. The right hon. Baronet, by consenting to withdraw the whole of Clause 6, and by withdrawing that portion of Clause 5 which enabled the Secretary of

State to define the duties of policemen, had relieved him from commenting on that objectionable portion of the Bill. With regard to Clause 3, he agreed that it was desirable to give facilities for the consolidation of small boroughs, but he thought it ought to be their own affair, and that they should have the initiative and the sole determination of it. The inspection clause was liable to great objection, and he wished the right hon. Baronet had given it up entirely. The right hon. Baronet, while appearing to refrain from taking from boroughs the power of deciding what should be the number of police officers they should maintain, did, in reality, in an indirect manner interfere with that right, and to a considerable and objectionable extent. The 10th clause authorised the appointment of inspectors to inquire into the efficiency of the police in boroughs and counties, and if the inspector reported that the police was in an efficient state, then one-fourth of the expense of it was to come out of the Consolidated Fund. By this means the number to be employed would be entirely at the discretion of the Secretary of State, who might commence by insisting, in the first place, on a small increase, upon a promise of paying a portion of the expense, and then require a further increase under the threat of withdrawing the subsidy, and so at any time he pleased throw the whole payment upon the borough. It was monstrous that town councils should be placed in such a state of uncertainty. One of two things would invariably happen: either the town council, true to those principles of local government which they had so unanimously evinced in objecting to the progress of this measure, would refuse the subsidy, or else by accepting it they would have as large a number of policemen as the Secretary of State chose to dictate. There would then arise the risk of those jealousies and animosities which would inevitably render future legislation on the subject necessary. But then, from what source was the aid to come? It came out of the pockets of the selfsame persons who were to have it thus returned to them. Besides, it was only one-fourth of the clothing and the pay; it was not one-fourth of the whole expense. The right hon. Baronet had that night repeated a charge against the boroughs that he had made on a former occasion—that they did not maintain a sufficient force for protection on occasions of riot. Did the right hon. Baronet mean to say that the force which might be required on extraordinary occasions was to be kept up at all times? Were they always to maintain as many policemen in all the towns of England, as if each town was in a state of siege? If that were the case the addition to the police force would be so great as to increase in an intolerable degree the local burdens, and the result would be a state of irritation which it was the professed object of the present Bill to prevent. The necessity for police inspection was attempted to be enforced by an allegation of the inefficient mode in which the police affairs were administered by the local authorities. To such a charge he could, speaking of his own locality, give the most fearless and complete contradiction. In Walsall it was the invariable rule of the watch committee to procure the best men for the duties to be discharged, and all considerations of favouritism were studiously disregarded. Since the passing of the Municipal Act, in no one instance had a local man been elected there to the post of police superintendent. But if it was true that the local authorities mismanaged police affairs, was it likely that those over whom those authorities ruled would unite together for the purpose of opposing the right hon. Baronet's Bill? Granted that the town councils were interested parties, was it likely that those over whom they ruled, if their property was inadequately protected, would not avail themselves of the right of petition, supposing such a grievance existed? But the majority of the petitioners were greatly alarmed at it, and they called for the total rejection of the Bill. They saw in it a stepping-stone to that system of centralisation which, however it might suit the Governments on the Continent, was repugnant to the habits and feelings of Englishmen. It was unnecessary for him to say that he thought no improper use of this measure would be made by the right hon. Baronet; but he warned the House from tampering lightly with those municipal institutions in which English liberty was cradled, and in which they had acquired that aptitude for local government, the want of which had been so fatal in other countries, leaving to them no resource but military despotism. The boroughs felt that they had done nothing to forfeit the confidence either of the Government or the House, but they could not but complain of the conduct which had been pursued towards them since 1853. They felt strongly with regard to the Committee that then sat, that they were tried in their absence, and by a Committee unfairly constituted; that they had been condemned on partial evidence. The Committee was composed exclusively of Members of Counties and small boroughs. The great towns of Manchester, Liverpool, Birmingham, Leeds, and Sheffield—the towns chiefly to be affected by the operation of this Bill—were not represented. Looking at the terms of the appointment of the Committee, it would be supposed that they were appointed to inquire rather respecting the county than the borough police, and the boroughs therefore took no steps, which they otherwise would have done, to place before the Committee evidence which might have led them to a totally different Report. One part of the Report of the Committee spoke of the want of co-operation between the county constabulary and the borough police. His magisterial experience certainly brought him to a conclusion different from that at which they had arrived. As chairman of the petty sessions of the district bordering on the borough which he represented, he had frequently observed the cordial co-operation between the two forces. No sooner was this Report published than the boroughs were astonished at the inaccuracy of the statements contained in it; they complained of its unfairness, and asked for another inquiry; but no more was heard of it till the Bill of 1854 was brought in, which was of a far more objectionable character than this. Not only did the noble Lord at the head of the Government wisely withdraw that Bill, in deference to the plainly expressed wishes of the country, but, when questioned on the subject in the last Session of Parliament, he said he had received so little encouragement that it was not his intention to bring forward any measure on the subject. The question they now wished to be answered was, what had occurred in the interval to render this Bill necessary? Why had the delegates from boroughs been dragged up to town, at great inconvenience and expense, to defend those rights which they thought had been secured to them by the Municipal Act of 1835? It was, of course, with great regret that he, a sincere but independent supporter of Her Majesty's Government, felt himself compelled to vote against them, and he assured the right hon. Baronet how unaffectedly that regret was increased by having to oppose a Bill which had been submitted to the House under his auspices; but it was the Government that was deserting them, and not they that were deserting the Government. The opponents of this Bill were true to this principle of jealousy of the central power, which, if he had rightly read the history of the country, was always one of the doctrines of the Whigs. If he might make a suggestion, it would be, that the right hon. Baronet should withdraw this Bill, and introduce another, free from the objections to which this was fairly liable, because the House must remember that in assenting to the second reading of the Bill they were asked to assent to the Bill as it now stood. The alterations could only be introduced in Committee. He therefore appealed to the right hon. Baronet whether success would not be promoted by withdrawing the Bill, and taking advantage of the Easter recess in preparing another, which he would be able to pass without difficulty? In conclusion, he moved, as an Amendment, that the Bill be read a second time that day six months.

CAPTAIN SCOBELL, in seconding the Amendment, said, the right hon. Baronet's (Sir G. Grey's) speech was too long for him to remember any large portion of it, but he would reply to some of the points it contained. He had told the Chairman of the Committee which sat two or three years ago that he did not think it had been fairly appointed, and when he was invited to give evidence before it, he refused, because two-thirds or three-fourths of the Members had begun the inquiry with their minds made up. As to the evidence of Captain M'Hardy and the other persons connected with the police, to which the right hon. Baronet had referred, it was the old story of "nothing like leather." The right hon. Baronet had said that aggravated crimes were increasing.

SIR GEORGE GREY said, he did not say that. He merely stated the opinion expressed in a charge to a grand jury, from which he had read an extract.

CAPTAIN SCOBELL said, he was glad the right hon. Baronet agreed with him that they were not increasing. It was a remarkable fact, that in Somersetshire the number of crimes in 1855 was smaller than in any year but one for the last twenty-one years. In Somersetshire and Devonshire, which were without this rural police, crime in 1854 was in the proportion of one to 590 of the population;

while in Gloucestershire and Southampton, which had their police, the proportion was one to 478. Very mistaken views, he believed, were taken upon the subject of rural police; it was said that parish constables were not efficient. But why were they not made efficient? Every parish could appoint as many paid constables as it pleased; but, when policemen were paid about £60, and constables not more than 60*s.* a year, the same degree of efficiency could not be expected. What were the few private letters from individuals read by the right hon. Baronet in favour of the Bill, in comparison with the petitions, under the corporate seal, of nearly 100 corporations against it? According to the last return, the number of petitions against the Bill was 145, while there were only five in its favour. That, he thought, was a pretty conclusive proof of the state of feeling throughout the country with respect to the measure. He would not object to a measure which would prevent the employment of an unreasonably small number of police in boroughs and counties, and he admitted that there ought to be something like uniformity in the rules for their control; but the Bill did more than effect those two objects. It had been stated that in certain cases one-fourth of the expense of the police was to be paid out of the Consolidated Fund, but that fourth only applied to the pay and clothing of the police, so that all the remaining expenses would fall upon the ratepayers, the Government, in reality, not paying more than one-sixth of the whole amount of the expenses incurred. But, even if that were an advantage, was it to be supposed that the magistrates throughout the country would submit to be bribed by a mere money payment to the commission of a great wrong upon those municipal corporations which had been so well administered. He must deny that the City of London was not interested in the question. It was one in which all Englishmen had an interest. Who gave municipal corporations to England? Earl Grey; and they formed one of the noblest monuments of his Administration. Who was now trying to take them away? Another of the same family. He lamented having to sit behind a Government capable of introducing a Bill so bad that, on its first discussion, it had been deprived of two of its principal clauses.

"He that 's convinced against his will
Is of the same opinion still."

Captain Scobell

Let not the House imagine that if they accepted the Bill, as now modified, the day would not soon come when another attempt would be made to increase the power of Downing Street. If we were to have arbitrary power, it would be far better to have it in the Crown than in a fluctuating body like the Ministry. Our plenipotentiaries were now endeavouring to make peace abroad, but the Home Secretary was attempting to make war at home. Where were the petitions in favour of the Bill? No amount of cooking would make it palatable to the public. It was the most un-English measure he had ever read, and seemed more fitted for Naples than for England. No Government, however tyrannical, could have constructed a more dangerous measure. If they were to accept it, the magistrates would be digging their own graves, for he believed it was part of a plot to sweep away the unpaid magistracy and replace it by stipendiaries. Let the House pass the Bill, and England would soon be overrun by 20,000 armed policemen—perhaps Irishmen or foreigners—upon whom a bad Government could rely for the perpetration of acts of oppression. He might be asked how it came to pass, that he, a Reformer, spoke so strongly against a measure introduced by the present Government? His answer was, that he entered Parliament to give rights, not to take them away, and he would never support any Government which betrayed an indecent lust of power. An attempt had been made to prove a case for the Bill by the publication of Home Office Returns relating to criminal offenders; but those returns would not bear investigation. On the first page, nineteen counties were mentioned as having increased in crime in 1854 as compared with the four preceding years, the increase in some being as large as 11 or 12 per cent; but it was not stated that thirteen of those counties had got a rural police, that one was partially supplied, and that only five were destitute of that kind of force. The most accurate and best informed of our daily publications was *The Times* newspaper, and yet *The Times*, in dealing with the Home Office Returns, had fallen into a mistake which he wished to see corrected. It stated the other day that the total number of commitments during the twenty-one years from 1834 to 1854 amounted to 196,864, of which 29,359 took place in 1854. That was an error. There were three columns, each for seven years, standing in the Blue-book, and the writer in *The Times* had taken only one instead of the whole three, which would have given 552,811 as the number of commitments during the last twenty-one years, or more than 26,000 for each year. Thus, making allowance for the growth of population, and bearing in mind that 1854 was in some respects an exceptional year, the two preceding years showing a remarkable diminution of crime, it would be seen that the number of commitments had not increased, as mistakenly stated in *The Times*. At the end of the Blue-book there was a table showing the number of commitments in each of two contrasted quinquennial periods; and what did he find there? From 1845 to 1849 the total number was 136,408, and from 1850 to 1854 it was 138,699, being a difference of only 2,291, an increase which arose chiefly from the number of female prisoners. There had evidently been a desire to mystify the subject by the compiler of those returns—the figures of one column contradicted those of another. He contended that those who paid the money ought to have the arrangement and disposal of the money under proper returns. He agreed with the right hon. Member for Buckinghamshire, who, in one of his works, has said, that "England should think more of the community and less of the Government."

Amendment proposed, to leave out from the word "now," and at the end of the Question to add the words "upon this day six months."

SIR HENRY STRACEY said, it was his intention to support the Bill, partly because he had not received from his constituents, who were very numerous, any complaints with regard to its proposed enactments, and partly because he had seen in the public prints many cases of late which satisfied him that some such measure would be very desirable. One thing, however, had surprised him, and that was, that two such Bills as this and the Loan Dues on Shipping Bill should have emanated from the same Government; for while the Shipping Bill was a very specious attempt to justify an abstraction from the property of others, the measure now before the House seemed to be an earnest and honest attempt to protect and preserve property. The right hon. Baronet (Sir G. Grey) had clearly shown that little or no increased power would be conferred upon the Secretary of State; but they might rest perfectly assured that no Minister, even if he had the will, would ever have the hardihood to make an unworthy use of any power the House of Commons might entrust to him. In proof of that, he might refer to the history of Police Bills which had already been passed; for wherever a police had been established, there had been a progressive increase not only in the number of the force, but in its popularity. He regarded the 4th clause—that by which the country constabulary would have power to enter towns, and the town constabulary to enter the country, as the best in the Bill; for it would put an end to the practice of making one district a sort of refuge for the rogues of another. With respect to the 9th clause, he was sorry to say that he could not quite agree with the right hon. Baronet. Counties would be very willing to pay an active and efficient chief constable; but he was afraid they would show some discontent, if they were called upon to find retiring allowances for perhaps two or three, or even more superannuated ones. Now, as the chief constables were persons selected from an honourable position in life—persons, in fact, who had often been officers in Her Majesty's service—it would be very distressing for them to receive their pension amidst the groans of discontented ratepayers; and he, therefore, hoped that the Government would take that charge upon itself. With respect to superannuation funds generally, he might also remind the right hon. Gentleman that they were in very few instances able to bear the burdens thrown upon them by the Act of the 3 and 4 *Vict.*, by which a policeman might look forward, after fifteen years' good conduct, to a retiring allowance of half his pay; and if he served twenty years to one of two-thirds. He thought that the scheme for superintendence provided in the Bill was neither the cheapest nor the best that could be devised. He considered that one Commissioner of Police, with an assistant Commissioner to travel about wherever his services might be required, would constitute an amply sufficient machinery. With respect to the Government allowance of one-fourth the cost of the pay and clothing wherever the police was efficient, he was afraid that great difficulty would arise in defining the word "efficiency." There were, of course, many cases in which there could be no doubt as to a force being inefficient. There were, for instance, places where there was not one policeman to

3,000 of the population. There was one borough which returned no police force whatever; and he had received a letter from a town councillor, stating, that in the place where he lived the force was regarded as a sort of refuge for the destitute, and was in fact a kind of pension list. No doubt the Bill would lead to an improvement in cases like those. One considerable advantage to be expected from the Bill would be, that in case of any popular tumult a considerable force might be thrown into any district where a rising was anticipated; and a riot might thus be at once nipped in the bud, which, if unchecked, might soon become a serious mischief. As, too, the force would be a well-disciplined one, it would be a great addition to our means of national defence, if ever the country should be in danger of invasion. For these reasons he should support, very cordially, the second reading of the Bill.

SIR GEORGE PECHELL said, the right hon. Baronet the Home Secretary had laboured with great ability to make a good case out of very bad materials, but it appeared to him that he had signally failed, although he had certainly succeeded in introducing a good deal of mystification into the discussion by means of the statistics he had quoted. The clause by which he would place towns and counties under the jurisdiction of the county police would act very injuriously in many instances. Thus, the Parliamentary borough which he had the honour to represent, comprised not only the municipal borough of Brighton, but a neighbouring parish. Under a local Act that parish was put under the very efficient force which had been established in the municipal borough of Brighton; but if the Bill passed in its present state, the parish in question would become for police purposes a mere portion of the county. He had hoped that he should this year have had a quiet Session, and that he should not again have had occasion to lift up his voice against the principle of centralisation. He had come into the House just as the New Poor Law had walked out of it; and until the right hon. Gentleman the Member for Leeds (Mr. Baines) succeeded to office, never a Session had passed without his having been compelled to resist some inroad or other upon the constitution. The present measure was another of those attempts, but he trusted that, if not withdrawn, it would be promptly rejected by the House. The Bill had been designated as a measure framed for the protection of the poor, but in his opinion it might more properly be called a measure favourable to the rich. There were, indeed, various objections to the Bill, and he should therefore vote against the second reading.

MR. PACKE said, that were he to form his judgment of the Bill from the observations of hon. Members on the opposite side of the House, he would be induced to regard it as a measure introduced for the purpose of harassing the various town councils throughout the country rather than for the more effectual repression of crime and the maintenance of good order. They must be all perfectly well aware that in many instances in which crime was committed in the rural districts, the culprit betook himself into large towns such as that represented by the hon. and gallant Member who had just spoken, and it was very desirable that the constable should have the power of following him into his retreat and of thus forwarding the ends of justice. The hon. and gallant Member for Brighton had remarked that the Bill would be found favourable to the rich rather than to the poor, but he (Mr. Packe) must contend that the poor man's property would be in many instances effectually protected under the operation of the measure. Now that the garden allotment system had become common, they had a great deal of property exposed to depredation. Nothing was more common than to hear of the robbery of potato grounds; and that was a species of loss from which the labourer especially required protection. To hear the hon. Gentlemen who had spoken against the Bill, one would have thought that this was a measure that would greatly infringe upon the rights and privileges of municipal corporations. He should like to know in what respect the Bill would infringe upon those rights and privileges? Hon. Gentlemen had alluded to the efficiency of parochial constables, but he feared they were not always so efficient as was desirable. He remembered some years ago a constable coming to him, to give him information respecting a very serious crime; but no sooner had he taken up a pen, in order to write down the man's depositions, than he said, "Can't you send to the police at Leicester, sir? If it is known that I have interfered I shall have my cattle maimed and my property destroyed." He had listened attentively to the speech of the hon. Member for Walsall (Mr. Forster), and also to that of the hon. and gallant

Member for Bath (Captain Scobell), and he could not understand from them in what clauses of the Bill they found the infringement on the principle of local self-government of which they complained. [An hon. Member: The 12th clause.] He was referred to the 12th clause, a clause which related to the pay and clothing of the police; and he had to observe that counties that adopted the Rural Police Act were, in those particulars, guided entirely by the rules laid down in respect to them by the Marquess of Normanby, who had been Home Secretary at the time of its becoming law. The right hon. Baronet having given way as regards the borough police, and on another clause which gave him the power to define the duties of the police, he (Mr. Packe) could not see what else was in the Bill to which the borough Members could justly object. An objection had been raised to the appointment of three inspectors under the Bill. It was, however, in his opinion, a matter of some importance that they should have regular and correct returns of the number of committals and convictions in the several counties, as also well-authenticated statistics with respect to the amount of undetected crime. For that reason he approved of the appointment of inspectors in connection with the police force, and saw no reason why they should be objected to, any more than were inspectors of gaols or any of our other great public institutions. With respect to the Bill itself, he should like to see the borough Members take a more comprehensive view of it, and, considering that since the passing of the 5 and 6 *Will.* IV. the introduction of railways had furnished malefactors with greater facilities of escape than they had previously possessed, endeavour to meet such an altered state of things by a corresponding activity in legislating for the detection of crime. They all should, he thought, instead of inquiring in what particular the dignity of a borough was hurt, give their attention to how best they could protect the lives and property of their fellow-subjects. Immediately on the passing of the Rural Police Bill, he (Mr. Packe) proposed to the sessions of which he had the honour to be chairman, that they should adopt it in the county (Leicester) of which he had the honour to be the representative, and he could say that there was not in that county an individual who had not the highest opinion of the good working of it; and as he was anxious to see the benefits which resulted from it extended, he would support the second reading of the Bill.

SIR JOSHUA WALMSLEY said, he could not concur with the hon. Member for South Leicestershire, that this was specially a poor man's question. It was a Bill affecting the whole community, and interfering unnecessarily with local self-government. He regarded the measure as one which, in whole or in part, ought to be rejected. He, however, agreed with the hon. Member that the boroughs should take as great an interest in the maintenance of an efficient police as the counties; but he contended that they had not only done so, but had evinced an anxiety to manage and control their own affairs worthy of example even by the county gentlemen. He was satisfied that the police, and its regulations in boroughs generally, would successfully compare with the best regulated county force. He (Sir J. Walmsley) was only sorry to see many of the county gentlemen so willing to surrender their local management into the hands of the Secretary of State. He believed they could manage their police far better themselves, and the sop which had been held out of payment was a delusion; it would still come out of their own pockets. The right hon. Baronet the Secretary for the Home Department had passed a just tribute of praise on the municipal councils generally. How he reconciled such praise with the framing of such a measure as the present, he (Sir J. Walmsley) was at a loss to discover. It was the duty of the Government, before they attempted such interference, to show its necessity. He had listened in vain to the long speech of the right hon. Baronet, for any justification of such measure. He had, it was true, produced a long array of statistics to show that in those counties where there were the fewest police, crime was the rifest; but the figures were not only disputed, but, as far as he had been able to gather from the adverse statement of his hon. Friend the Member for Bath, totally set at nought. So far as the boroughs were concerned, he had scarcely attempted to palliate the measure. At most, he had only shown that there was a deficiency of force in some of them; but surely the shortcomings of a few was no justification for a general interference with municipal self-government. To justify such a measure, the right hon. Baronet should have shown that in the boroughs generally, and not in a few only, the authorities had failed in their duty. The removal of the authority of the Secretary of State from the 5th clause, and the abstraction of the 6th clause from the Bill, as now proposed, would, to some extent, induce the boroughs to regard it with less antipathy; but he believed it to be a measure fraught with much evil and little good, uncalled for under the circumstances, and one which ought to be rejected. What were the feelings of the municipal authorities generally on this subject, and they were the best capable of forming a correct estimate of the measure proposed, might be inferred from the fact that nearly all the principal boroughs had petitioned against the Bill. There had been 150 petitions against, two for an alteration, and ten for the Bill. Whilst the ten petitions in favour of the measure were from individuals, those against it represented the feelings of all the principal boroughs in the kingdom. The Municipal Councils had given abundant proof of their growing interest and able management of their own affairs, and of their desire to have an active and well-regulated police force. They saw no need of interference by the Secretary of State, and believed that none would be so deeply interested or more determined to sustain the respective boroughs in good order and efficiency, than those who were locally bound up in their prosperity. He (Sir J. Walmsley) had exercised some control as member of a watch committee, in a borough where the police force were not less than 800 to 900 men, and he could testify to the excellent manner in which the duties of the police were performed entirely under local control and management. He was able, also, to speak to the efficient management of the borough he had the honour to represent, where the affairs had been admirably administered ever since the passing of the Municipal Corporation Reform Act, and in which the police consisted of one to each 1,000 of the population. He objected to the Bill because it was striking a blow at the independence of municipal institutions, and was calculated to lessen self-reliance and self-government. It was the Whig Government who introduced and passed the Municipal Act—one of the wisest and best measures they ever introduced; and, without the slightest proof of its necessity, they were now attempting to lessen its efficiency. It was a measure of which they should be proud, and which they should endeavour to sustain; in fact, it was the duty of a wise Government to foster and sustain local management, as the very germ of political liberty. In seeking to interfere with the local councils, they were bound also to show that they were well fitted to supersede their powers; but the events of the last two years were not calculated to give confidence in Government management. They might take a lesson in this matter from the natives of India, who, however controlled by British rule, had always sustained their own municipal arrangements with singular care. In one large town, when the English general attempted to levy a rate for municipal affairs, rather than submit, man, woman, and child left the town and encamped on the plain, and refused to return until they should have the control of their municipal affairs. They succeeded, and had left an example of firmness worthy of imitation. He felt bound, on every principle of right, justice, and expediency, to give the measure his unqualified opposition.

Colonel SMYTH said, he fully concurred with the right hon. Baronet the Home Secretary as to the necessity of an improved police in the West Riding of Yorkshire. The right hon. Gentleman had dwelt a good deal upon the condition of the city of York, and no doubt had been induced to do so by the active part taken by the Lord Mayor of that city in pressing upon his notice the objections that existed to the Bill. The right hon. Gentleman had referred to a case where a police inspector at York was accused of keeping a house of ill-fame; but the real fact was, the officer was owner of a house which was let for purposes of the kind referred to, and upon the fact becoming known he was immediately dismissed from his situation. The police of the city of York at every assize and gaol-delivery had been complimented for the absence of crime within their district, and there was a general belief that the police of that city efficiently performed their duties. With respect to the Bill itself, he must admit that the alterations announced by the right hon. Baronet had removed many of the objections which he (Colonel Smyth) had previously entertained. He thought, however, the right hon. Gentleman would succeed better if he were to withdraw the present Bill and introduce a measure applicable only to counties.

Mr. BENTINCK said, he had to express his entire concurrence in the general objects of the Bill, and any objection he might have formerly felt to its details had been removed by the very eloquent and able speech of the right hon. Baronet the Secretary for the Home Department. He entirely agreed in the statement of the right hon. Gentleman that a measure like that, which had for its object the suppression of crime and the protection of property, ought to be considered as being essentially one of a general and not of a merely local character. But it seemed to him that there was one very unfortunate omission in the Bill, inasmuch as it did not provide that there should be a minimum below which the police force should not be reduced in proportion to the population. He believed that without such a provision the measure would be successfully evaded, and it might be turned into a mere dead letter. By one of the clauses the powers of the county constabulary were not to extend more than seven miles from the boundaries of their special district. Now, he could see no reason why those powers should be thus limited. In his opinion, a policeman employed in catching thieves ought to be allowed to execute his duties in any part of the United Kingdom. He regretted that the objections urged to the 6th clause had induced the right hon. Baronet to withdraw it, because he considered it to be a proper and a useful one. By an amendment introduced into the 7th clause, constables were to be prevented from voting at Parliamentary elections, and he should say he hoped that a similar prohibition would be enforced in the case of municipal elections. It was proposed by the 11th clause that one-fourth of the cost of the police force should be borne by the Treasury. But as the objects to be attained by the Bill were national and not local objects, it seemed to him to be only fair that one-half of that expenditure should devolve on the Treasury; and he meant to move an Amendment to that effect when the Bill was in Committee. He did not think that the Bill, as it had been amended, would unduly interfere with the principle of self-government, and he utterly rejected the notion which some hon. Members seemed to entertain, that it would only serve to create a certain number of gamekeepers. Under these circumstances, he should feel it his duty to vote for the second reading of the measure.

MR. W. J. FOX said, his principal object in rising was to repeat the request which had been made by several hon. Members that the right hon. Baronet the Secretary of State for the Home Department would withdraw this Bill altogether, and introduce a new one having chiefly or exclusively reference to the county police. It seemed to be admitted on all hands that the police of the counties generally needed improvement, but that necessity did not apply in an equal degree to every portion of the kingdom. There was a great difference between agricultural districts and town districts. It was contended that the suppression of crime and the protection of property were general objects of legislation. That was true, but it was equally true that a measure which was well adapted for counties might be very ill adapted for towns and cities and boroughs which possessed a police force of their own. In fact, a uniform system of police could not be applied with equal advantage to the variety of circumstances existing in different localities. He could not, therefore, see the justice of making the whole country pay for the protection of the several counties into which England was divided. The wants of the counties and of the boroughs were essentially different. Boroughs, those at least that had municipal institutions, were self-governed; not so counties. There was responsibility in boroughs; the town councils were elected; they were continually obliged to answer to their constituents; there were ready means at hand of punishing their negligence or of correcting their ignorance or stupidity; and under such circumstances the best thing that could be done was to cherish them in the exercise of their legitimate authority. The people who inhabited the boroughs must know whether they were protected; they knew they had the means of rendering those who represented them more on the alert for their protection, and no doubt they were ready to employ those means. There had been no petitions from the boroughs for a Bill of this kind. There was no evidence whatever of dissatisfaction in any of those boroughs. The right hon. Baronet had given some instances of the great disproportion which existed in his view between the number of police and the number of inhabitants, in certain great manufacturing boroughs in the north. The disproportion certainly appeared very considerable to those who were used to a more numerous police; but, on the other hand, such was the state of the people of those boroughs, that, under ordinary circumstances, the police were found perfectly sufficient. He heard no complaints in the town he represented of insecurity of property; and as to the police not being on the alert, they were so busy that one man could not shave another on a Sunday, but they found it out and brought him to justice. The practice of calling for military assistance in those boroughs had been much condemned. But was it to be imagined that they could keep at all times a police so numerous, orderly, well paid, and equipped as to cope with those great outbreaks that sometimes took place when multitudes of people were gathered together? The expense of doing so would be perfectly overwhelming; they must either submit to the occasional necessity of looking to extraneous aid, or they must have a police force perfectly disproportioned to the population under its control. The chief occasions—he believed the only ones—on which it had been necessary to invoke the aid of the military in those boroughs had been contested elections, and those strikes on the part of workpeople which had almost amounted to insurrection, though none such had occurred of late years. For the suppression of these no police force whatever, that they were able to support, would be adequate. They must either have the occasional aid of the military under such circumstances, or, what would be better, they must instruct the people, so that strikes might diminish in number and violence; and they were doing so rapidly. As to elections, let our electoral system be put on a more rational basis. Elections might be rendered as quiet as a Quakers' meeting. There was no difficulty in that matter if the House would but sanction the proper means. Give them the secrecy and protection of the ballot, and give to those who were taught that they had a right to control the electors, and for whom it was said the electors were trustees, the right to vote themselves, and they would cut away the great motive to violence even on such exciting occasions. It had been said that no Secretary of State would ever have the hardihood to fly in the face of public opinion in the exercise of the powers entrusted to him. He had not so much faith in Secretaries of State, or their moderation. He was old enough to remember the time when the police of this country was connected with a spy system which placed the liberty, and perhaps the life, of every man in danger who dared to differ from the prevailing opinions. Such circumstances might occur again; we never could tell into what hands power might fall; and therefore undue power should not be created. The municipalities had done nothing to forfeit that honourable confidence which they deserved from the people generally, as well as from those over whom they were placed; and therefore he could not consent to subject them to the degradation of inspectorship, or even of that modified control which this Bill gave to the Secretary of State. In the exercise of local authority was found the great pledge for the firmness of the civil and religious liberties of the country; for corporations and municipalities existed, not merely for the protection of life and property, but also of liberty and right.

Mr. HENLEY said, that, as he belonged to one of the counties that had not adopted the rural police, he wished to say a few words upon the question; and, in the first place, he would beg the hon. Gentleman who had just addressed the House to bear in mind that one of the surest modes by which the Government could be enabled to deal with either the boroughs or counties at their pleasure was, by dividing their strength; and he would therefore advise the boroughs to stick to the counties in the matter, and to oppose together what both must consider to be a hardship. The right hon. Gentleman the Home Secretary, in the long and very able speech in which he had introduced this subject to-night—a speech, no doubt, induced by the difficulties in which he found himself involved—had mainly rested this Bill upon the report of the Committee of 1853. The Government, he declared, had no wish to bring it in, but they felt bound to act on the report of that Committee. Now, he (Mr. Henley) wished hon. Members connected with boroughs to consider what the report of the Committee of 1853 really was. Here was one of its recommendations:—

> "That the efficiency of all existing police forces is materially impaired by the want of co-operation between the rural constabulary and the police under the control of the authorities of boroughs or other local jurisdictions. That, in order to secure that co-operation, which uniformity can alone afford, your Committee are of opinion that the smaller boroughs should be consolidated with districts or counties for police purposes, and that the police in the larger boroughs should be under a similar system of management and control to that of the adjoining district or county, and (where practicable) under the same superintendence."

Now, the Government with which the noble Lord now the First Minister of the Crown was connected the year before last, proceeded in a different manner from that in which the right hon. Gentleman was proceeding. That Government, if he might use such a phrase, endeavoured to take the House by assault on this subject. This failed; and now the right hon. Gentleman was more prudently proceeding by sap—very often a more efficacious engineering process. The right hon. Gentleman occupied himself, so far as regarded the counties, mainly in depreciating the evidence which he thought might be brought against the Bill. It was not unusual for an advocate, if he thought he had an indifferent case, to abuse the witnesses, and that was just the course which the right hon. Gentleman took. He (Mr. Henley) thought it impossible, upon the evidence taken before the Committee of 1853, to have come to any other conclusion than that actually arrived at; but he must say this evidence seemed to him singularly deficient in some particulars which the Committee might easily have obtained, if it had suited the purposes of the witnesses to give them. It had been said, and with great justice, that one of the most efficient county police systems was that established in Essex, and statistical papers were largely brought forward relating to that county, and similar returns were handed in from some other counties, but he was very much surprised that, with the exception of 1840 and 1841, which were the two years in which the system had been set at work in Essex, and for a period of five years in Hampshire, where it had been established for thirteen or fourteen years, no comparative account was given of the number of offences reported to have been committed and of the detections. Now, that was exactly the evidence wanted; and, failing such evidence, the House had nothing before them except what were commonly called criminal returns. The county of Southampton, he believed, put in a statistical account of the crimes and detections, running over a period of five years, from 1847 to 1852, and the average of detections upon the crimes was 49 per cent upon the average of the five years. The right hon. Gentleman said that criminal returns were not of much value; and he (Mr. Henley) was quite willing to admit that if you took these returns for a year or two only they were not of much value. If, however, you extended them over a long series of years the case was quite altered, because you could not go on catching thieves, say for fifteen years together, and still have the same number remaining at the end of that time, unless you were dealing with a soil which was peculiarly apt to grow thieves. They were now and then told of a man who was always cleaning his land, and who yet at the end had more rubbish upon it than when he began. Such a man they were accustomed to call a bad farmer, and they generally said that the system upon which he farmed was not the best that could be adopted. He would not pursue this parallel, but at all events he would trouble the House with no statistics relating to less than fifteen years, which might, perhaps, be considered a sufficient length of time to show the working of the system. Besides vagrancy, two material points were touched upon in the report of the Committee to which he alluded. One was the decrease in the crimes of sheep-stealing and horse-stealing; many of the witnesses spoke much of that, and they also dwelt much on the superiority of the police system in procuring the convictions of the criminals who were apprehended. Now, he should take the liberty of calling the attention of the House to the number of committals in some districts of England, and to the cases of horse and sheep stealing, which almost always occurred by night, and therefore formed a class of offence more likely than any other species to be detected by what was called the patrol system. It was quite clear, when people spoke of a defective police, that they did not think the police effective unless there was a patrol by day and night. Such persons thought a shiny hat should be seen everywhere. Now, a constable, as distinguished from a policeman, was not a man who was always on the look-out for offences; he was only employed when an offence was known to have been committed; and the real question was, whether the state of society was uniformly such all over England that you wanted these shiny hats—these day and night patrols—everywhere. He confessed he was one of those who believed that in many cases such a constant patrol was unnecessary. The right hon. Gentleman, on the contrary, seemed to think it necessary, although he stated very fairly in his speech that he had no wish for a uniform system, adding, when he went into the question of the numbers, that circumstances varied so much that he could not fix them. Well, now, if circumstances did vary so much, where was the justice in having a patrol in all cases, whether necessary or not? He would call the attention of the House to two districts in England, and he ventured to say they would not be of opinion that he had taken what was an unfair example. Much stress had been laid by all the witnesses upon the great disadvantage suffered by counties which had not a police of their own in having criminals hunted, as it were, into them by the police of adjoining counties. Now, by way of instituting a comparison, he would take a police district where all the adjoining counties, as far as possible, were under one system. The House would remember that great stress was also laid by the witnesses upon the inconveniences felt in cases where there was no authority in the adjoining county with which the police could properly communicate. They talked of the jealousy of other authorities; but where a police force was adjacent all went merry as a marriage bell—nothing could exceed the harmony with which the heads of the two forces acted together. Well, then, he would take the district comprised in Essex, Norfolk, Suffolk, and the county of Cambridge. Here were four counties lying all together, the sea cutting them off on one side, the river Thames on another—bounded by the London district, where there was an efficient police system—adjoining Hertfordshire with its rural police, and again Bedfordshire; leaving only the small corner abutting on Lincolnshire and Huntingdonshire in which the system of police had not been adopted. The population of that district was, according to the last census, about 1,334,652. He would now take a district comprising four other counties—Kent, by no means a favourable specimen, because it was not altogether an agricultural county, and because it abounded with watering places and seaports; Buckinghamshire; Lincolnshire, and Oxfordshire—counties working under a system of superintending constables, the aggregate population of which was about 1,349,000 persons, so that the population of the two districts was about the same, while the area was also of nearly equal extent, the acreage of the former district being 3,886,000 acres, and that of the latter 3,758,000 acres. The police district was, it was true, almost surrounded by other police districts, but the same was true of the district not employing a rural police, so that both districts were in the same position as to thieves being driven into them by the working of the police in neighbouring counties, and, in strict point of fact, that district which did not employ a rural police was placed in slightly a disadvantage when compared with the other district as regarded thieves being driven into it. Now, he had referred to the statistics of crime furnished by them for fifteen years; and what was the result? He found by the last returns, which were published in 1854, that the number of persons committed in the district under the rural police was 1 in 588 of the population; in the other district 1 in 630. It was true that no very strong argument could be founded upon returns for a single year, but, anticipating that objection, he had taken an average of five years; the Government returns having been made up for that period for the express purpose, he supposed, of ascertaining how the system had worked. In those four counties which had a rural police, there were tried, in the five years ending 1844, 11,094 persons; in the five years ending 1849, there were tried 10,208 persons; and in the five years ending 1854, there were 11,038 persons tried; so that the numbers were about equal in the first and last period of five years. In the four counties which had no rural police, in the same periods the numbers were respectively 10,321, 9,796, and 10,316, so that as far as a decrease in numbers went, both sets of counties were nearly the same. The House would observe that he had extended his inquiries over fifteen years, and was giving the results of intervals of five years, at which the returns were made up. It would, therefore, be impossible for any hon. Gentleman to argue that there was not more weight to be attached to statistics spreading over a series of years, than if they had been all derived from one, and they would observe that in both these instances the decrease had been in about the same proportion. There was, however, another element which should not be lost sight of, and that was, that in those counties which had a rural police, according to the Census of 1851, the population had, from some cause or other, in that period increased only at the rate of 7 2-3rds per cent, while in the other district it had increased at the rate of 10 1·5th per cent. If, therefore, there was so great an increase of population without any proportionate increase of crime, it appeared to him evident that the system in operation in those counties was not so much to be condemned. He did not mean to say that those counties which had adopted a rural police had not acted rightly in doing so; but he wished it to be clearly shown what they had gained, and he wanted that demonstrated to him by facts, and not asserted as a matter of mere opinion, before he would consent to having thrust down his throat that of which he saw no reason to approve. Many opinions were no doubt in favour of the adoption of a general system of police; but he had listened to opinions *usque ad nauseam*, and now he wished to hear some facts which would go to establish such a position. There was some strong evidence given before the Committee on the subject of sheep and horse stealing, which were supposed to be crimes which a system of rural police was most effectual to prevent, and the chairman of the quarter sessions had expressed his opinion that in Essex those crimes had immensely decreased. Now, in considering this question, he did not do so from a financial point of view, but he did not feel himself justified in spending money unless he could see that something would be received for it, and he certainly could not see that such would be the case under the measure proposed. He would beg the House to pay attention to a few statistics regarding horse and sheep stealing. In the four counties, under a system of rural police, the number of persons brought to trial for those offences in the five years ending 1844 was 311, in the second five years that number decreased to 274, and in the third five years to 249. In the other district, without the police, the number of persons brought to trial in the first five years was 319, in the second five years 254, and in the third period 231; so that the decrease had been considerably greater in the latter district than in the former, being in the one case 19 and a fraction per cent, and in the other 27 and a fraction. Now, as regarded what had been said in reference to convictions and acquittals, and to the superior manner in which the police got up informations—and that was by no means an unimportant point—he would trouble the House with a few more figures. In the year 1853, in the four counties which had a rural police, there were 2,104 persons committed for trial, of whom 589 were acquitted, being about 28 per cent. In the year 1854 the numbers respectively were 2,266 and 557, being 24⅗ per cent. Now, in those four counties which had no rural police the numbers were, in the year 1853, 2,029 persons committed, of whom 521 were acquitted, being 25 per cent; and in 1854, 2,155, of whom 482 were acquitted, being 22 5-6ths per cent; so that it was clear that, on the subject of acquittals, the district under the rural police had no advantage. He had now, he believed, gone through those cases which he considered to bear most strongly upon the point, and there was only one other subject to which he should wish to allude, and that was to show how far the two systems had gone to produce a decrease of crime. If this system had the effect, as they were told it had, of causing a decrease of crime, the presumption was, that over a series of years the number of committals, or rather of apprehensions, would be found to have decreased; but the contrary was the fact. By a return presented to the House on the Motion of the hon. Member for Bath, it appeared that in the four eastern counties before named the number of persons committed by the police, in the years 1840 and 1841, was 4,291, while in 1852, the last year to which the return came down, it was 5,038. That certainly was no evidence from which to infer that crime had been diminished by the rural police. These, then, were the grounds on which he thought no case had been made out for applying the police system to counties in which it had not hitherto existed.

He did not think the right hon. Baronet had made out any case against the boroughs for including them in this Bill. In speaking of the boroughs the right hon. Baronet had taken a very extraordinary course. Coming from that bench, it certainly sounded strange to hear letters from single individuals quoted against the unanimous opinions of town councils. How would that argument have been received from his (Mr. Henley's) side? A pretty outcry there would have been had a Tory attempted to set up a letter from a private individual against the opinion of a town council! But the right hon. Gentleman had gone further. In the case of Norwich, he had read a letter from some society in the city for the purpose of neutralising the representations of the town council. That showed how easily town councils could be thrown over by the Government when it suited their purpose. Looking at what had been attempted two years ago, and what had been attempted this year, it was not surprising that town councils were beginning to be uneasy in their minds. It was not very long ago since the right hon. Gentleman the Vice President of the Board of Trade made an onslaught on the property of corporations. According to him, their musty charters were of no value, and might be swept away whenever it was convenient; their only title to their property was simply a holding of some twenty years under an Act of Parliament. The right hon. Gentleman's Bill only applied to seaport boroughs, but inland boroughs had dues too. For instance, he himself paid *2d.* every time his waggon went into Oxford; and if the principle of that Bill were once established with regard to shipping dues, it might be applied to the dues of inland towns, too, whenever the Government had the power. It was the task of the right hon. Gentleman the Vice President of the Board of Trade to attack the property of the boroughs, and the right hon. Gentleman the Home Secretary undertook to despoil them of their franchises; so, between the two, it was no wonder that the boroughs began to feel afraid as to their ultimate fate. Stripped of their money and their franchises, nothing would be left to them. These matters were valuable as feathers to show which way the wind blew, and as indications of what the intentions of the Government were if they had the power. The right hon. Gentleman had paid a very high and well-deserved compliment to the police of Liverpool; but it was rather odd that in that very day's paper there was a report published from the police authorities of Liverpool, stating that crime had very greatly increased there. Perhaps the soil of Liverpool was one fertile in crime, in spite of every preventive; but this great increase in a place where the police system was so admirable was not an argument calculated to reconcile the House to the advantages of the new system. The right hon. Gentleman stated that a county police had been established in Surrey, in consequence of an unfortunate occurrence which took place in that county some years ago; but did the right hon. Gentleman mean to argue that police stopped crimes? It was but a few weeks ago that an unfortunate gentleman was shot down in the streets of London in open day; and what would the right hon. Gentleman have said had that crime been committed in a county where there was no police? In the Bill of 1854, and in this Bill as originally introduced, a provision had been inserted, giving the Home Office power to fix the duties of the police; therefore it might be assumed that it was the settled purpose of the Home Office to obtain that power if it could. It was manifestly the purpose of the Home Office to take the conservancy of the peace out of the hands of the magistracy, and to transfer it to the police. But how had that system worked where the Home Office had the entire power? What had happened in London only last year? A certain measure was introduced into that House. On the next Sunday disgraceful scenes occurred in a place of public resort in the metropolis; people were insulted, and a scene was exhibited which was unbecoming that or any other day. Whether it was by connivance he could not say, but there was on that occasion no effectual interference of the police. After that it was vain to say that wherever a police force was established order would be preserved. What occurred on that day was scandalous, and a very small exertion of the power in the hands of the Chief Commissioner of Police would have put it down. Next Sunday there was a good row. Perhaps the Government wanted a good row. It might be the case of Bristol over again. In that instance a Whig Government was warned, but would take no step to prevent the disturbance, and Bristol was burnt. The Government took no steps to put down the first row in Hyde Park, and the result was a second row, which was enough for them, and would probably have been enough for any Government. There was then a very large and disorderly meeting, and a large organised force was brought against it—no magistrate was present — and police inspectors conducted the operations. As to how the work of quelling the disturbance was executed, there was so much difference of opinion that the Government was forced to appoint a commission of inquiry; and he did not think that the members of that commission were quite satisfied with the way in which that duty was performed. What happened besides? Large numbers of persons were arrested; and, after being incarcerated in places which were not very fit to receive them until the afternoon or evening following, they were, without being taken before a magistrate, discharged, whether by the authority of the Chief Commissioner of Police or of the Secretary of State never clearly appeared. He did not think that that was exactly a state of things which would induce people to establish a police which it was clear the Government would, as soon as it had the power, take into its hands as completely as it now controlled the metropolitan police. In the case to which he had referred, order was not kept, and the duty of conserving the peace was entirely dissevered from the magistrates. Such a severance was a very large question, and it was desirable that it should not be effected by a side wind. Perhaps he should be told that the Chief Commissioner was a magistrate. He believed that he was, but the practice of our constitution had always been to separate executive from judicial functions. In accordance with that principle—which he believed to be a sound one—a sheriff could not act as a magistrate during his shrievalty. He (Mr. Henley) was, therefore, of opinion that it was undesirable that, without further security than was contained in this Bill, the entire preservation of the peace should be put into the hands of the police apart from the magistracy.

He had thus gone through some of his principal objections to this measure. He wished that the establishment of a police force had been left to the discretion of the magistrates, because he thought that those who who were anxious to preserve the peace of a county would not, if they saw distinct evidence that such a force was likely to be of benefit, be slow to adopt it. Upon the financial part of the question the right hon. Baronet had quoted a document published by the chief constable of Essex; but he had not said—indeed, he had carefully avoided saying—how far he affirmed the calculation contained in it. If he did not credit that calculation, it would throw some light upon the confidence to be placed in the other statements of this officer; while, if the right hon. Baronet did credit his witness, he (Mr. Henley) should like to know on what principle he proposed to pay one-fourth of the cost of the police force? If the right hon. Baronet believed that the force would be self-supporting, he (Mr. Henley) could not understand on what principle he proposed to throw 25 per cent of the cost upon the Consolidated Fund. There was another matter to which, though it was somewhat of a local character, he wished to refer. The right hon. Baronat had presented a petition in favour of this Bill signed by thirty-two or thirty-three persons living in the county which he (Mr. Henley) had the honour to represent, and near the residence of his hon. Friend opposite (Mr. Harcourt), which contained statements of so extraordinary a character that he felt it to be his duty to comment upon them. The petition had been printed in the appendix to the Votes; but one word—a word with which he (Mr. Henley) was not previously acquainted—had been altered. After stating that the want of a police force was much felt, and that the population of the district was generally degraded, the petition went on—"In fact"—this was not an opinion, but a statement of fact—"in fact, the constables are generally too much mixed up in social relation with the criminous part of the population to be able to carry out their duties." The right hon. Baronet (Sir G. Grey) was kind enough to show him this petition at the time he presented it. His education did not inform him what was the meaning of the word "criminous," and he had no doubt that many Members of the House would be in equal ignorance in regard to it. Thinking it might be a law term, he showed it to the hon. and learned Member for Stamford (Sir F. Thesiger), who replied, "Perhaps it is Scotch." He (Mr. Henley) then turned to his right hon. Friend the Member for Droitwich (Sir J. Pakington), who said that he did not know the word, but he thought it would be safe to assume that it meant criminal. So the Committee of Petitions had printed it. He (Mr. Henley) would now inform the House what the word "criminous" did mean. The petition was signed by thirty-two persons, and of these ten were ministers of the Church of England. No man could be more willing than he was to give weight and authority to the opinion of the clerical profession. Even when the clergy might have stated a case rather too strongly, he would be disposed to regard their meaning rather than their precise language, and to treat their sentiments with the utmost respect. But the interests of truth were paramount. The district to which this extraordinary language was applied he had known from boyhood; it contained a population of 20,000 souls, was divided into thirty-eight parishes, and employed nearly 100 constables. With many of these officers he was personally acquainted; he knew their worth and respectability, and would declare in his place in Parliament that in their station they were as estimable members of society as any who had put their hands to the petition. As soon as he had ascertained the terrible meaning of the word used in that document, he wrote to the person whose name was first in the list of signatures, in the hope that that gentleman would authorise him to withdraw the expression in question. He reminded him that this was "a grave and terrible charge, coming from the members of the Church," and expressed a hope that it had been made "without due consideration." But the gentleman who had been the first to sign the petition, and who, it should be observed, was so eminent, not only for piety, but for theological research, that the Bishop of the diocese had placed him at the head of the diocesan college for the education of young clergymen, refused either to withdraw the language or to qualify it. So the petition remained unaltered, and a charge of the gravest and most awful kind was entered on the records of that House against 100 Englishmen, respectable in their station of life. The epithet used in the petition was one of the deepest reprobation. In the folio edition of *Johnson*, and also in some of the ordinary editions, he found it thus defined, "*Criminous*—wicked, iniquitous; enormously guilty." Johnson never gave such strong words without quoting his authority; and in this case he cited the following passage from Dr. Hammond, a well-known theologian:—"The punishment which belongs to that great and criminous guilt is forfeiture of his whole right and claim to all the mercies which are made over to him by Christ." Such was the meaning of the word "criminous," an expression which he would take upon him to assert not one man in a hundred had ever heard. Was it to be endured that any class of men should lay to the charge of men as respectable as themselves conduct that deserved to be stigmatised with such language? Sensible of the severity and gravity of the charge, and anxious to ascertain its truth, he had asked several friends of his who knew the district well, what they thought of the allegation, and they were as much astonished at it as he had himself been. Not content, however, with a mere expression of opinion, he resolved to bring the statement in the petition to the unerring test of figures. The superintendent of the police furnished him with a statement, from which it appeared that the total number of offences reported in this "degraded" district during the past year only amounted to 223, of which 142—an unusually large proportion—were detected. The clerk of the magistrates returned the charges brought before the justices at petty sessions during the twelve months ending the 8th of March last at 193, and some of them were offences of so paltry a nature that they could scarcely be said to partake at all of a criminal character; while, as for violations of the Sabbath, the charges under that head were confined to two or three cases of boys taken up for playing marbles or some such transgression. Such was the calendar of crimes that was thought to justify the use of the most awful terms of reprobation that the English language could supply. Reverting to the Bill under discussion, he warned the House that its object was to withdraw the management of the police from the hands of the magistrates, and to vest it in those of the Home Secretary. The Bill would create an antagonism between counties and boroughs; and as surely as this was done the arbitrator would step in, and, in the interests of peace, rob both parties of their right. Nor let it be supposed that it would end here. Take the police out of the hands of the magistracy, and finance would soon disappear; and when finance had disappeared, what would remain of the judicial office? Little more than the name. All he asked them was, not to join in forcing the measure on those who did not agree to it.

Sir WILLIAM HEATHCOTE said, he thought that any one who listened to the solemn warning of his right hon. Friend who spoke last (Mr. Henley) might imagine that this measure contemplated very extensive changes; whereas a reference to the Bill itself would show that, as regarded the counties, it merely proposed that those of them which had not voluntarily adopted the Police Act should be compelled to place themselves in the very same position in which half of England was already placed, with the single exception that part of their expenses would be defrayed from the Consolidated Fund, in return for which pecuniary aid they would be subject to Government inspection. With respect to the boroughs, it appeared, after the concessions made by the Home Secretary (Sir G. Grey) that evening, that in their case also the provisions of the Bill would make no material alteration. In consideration of certain advantages to be conferred upon them, they also were to be subject to the supervision of the Government. It appeared, indeed, to him that his right hon. Friend the Secretary of State (Sir G. Grey) had missed an opportunity of extending to the boroughs one of the great advantages of the county police, and therefore, when the measure reached Committee, it would be worthy of deliberation whether the two ought not in this particular to be placed on an equal footing.

He believed, notwithstanding what had passed in that debate, that the police of the counties was superior to that of the majority of the boroughs; and that the key to the superiority of the former consisted in the fact, that the chief constables in the counties were independent of those who appointed them in regard to the selection of their own subordinates. That excellent feature of the county system the Home Secretary did not, however, intend to introduce into the boroughs, an omission which deprived the provisions of this Bill relating to towns of any great importance. Whatever might be the character of the constables of the county of Oxford, whom the right hon. Gentleman (Mr. Henley) had vindicated, it was manifest that the situation of village constables, living necessarily in close association with those with whom they had to deal as criminals, must be most unfavourable for the due discharge of their functions. The right hon. Gentleman (Mr. Henley) alluded, with some disparagement of the metropolitan police, to the riotous assemblages on Sundays in Hyde Park; but, although those disturbances were alarming, and somewhat discreditable to the authorities, which permitted them for a time; yet, after all, they ended without any serious calamities, and were suppressed at last by that very police force which the Government had in their hands, and might have used before. If the right hon. Gentleman fancied that it would have been better for the public peace had we had no police on those occasions, let him only revert to the history of the riots of 1780, and then, no doubt, he would soon be disabused of such an opinion. It might sound like a paradox, but it was nevertheless true, that the interest of any man in the efficiency of the police organisation was in the inverse ratio to the amount of his property. The rich landowner, who could easily defend himself with the aid of his gamekeepers and his other manservants, was rarely the victim of depredation; but at each successive step downward in the social scale the need of protection from the police became stronger. Even the opulent farmer, who might without difficulty guard his homestead, was often wholly unable to protect his sheep and cattle on the outskirts of his holding. The hon. Member for Brighton (Sir G. Pechell) said he never heard any one assert that a police force was wanted in Sussex. That was certainly at variance with the evidence taken by the Committee, before which a large farmer, occupying about 1,000 acres in Hampshire, and 300 more in Sussex, deposed that he saved the amount of his police rate twice or thrice over in the increased security extended to his flock in the former county; whereas, on his smaller farm in Sussex, he paid more in voluntary contribution to maintain a private watchman for an inefficient protection to his property than he did in the neighbouring county, where there was an organised police, since the establishment of which he had there lost no sheep, having previously lost, on an average, nine or ten every year; a fact to be commended to the attention of the right hon. Member for Oxfordshire (Mr. Henley), who had expressed a doubt whether the rural police was likely to prevent sheep-stealing. But if you descend to the very poorest classes, the case becomes infinitely stronger, and presents some entirely new features. The case of an agricultural labourer is, not only that his cottage is often lonely in situation, and still more often deserted by the whole family during the hours of labour and school; nor is it only that housebreaking may be to him, whose little property is concentrated there, almost complete ruin—although these two circumstances alone are enough to make his need of protection greater than that of his superior in station and wealth—but, in addition to these, there is the important fact, that, after depredation redress will be, in many cases, accessible to him only through an organised police. If a robbery took place and there was an efficient police in his district, the constables, who were paid for devoting their whole time to such a duty, would speedily follow the track of the depredators, and use every exertion to bring them to justice. But if no other aid than that of the parish constable could be invoked, that functionary would hesitate to undertake a journey of perhaps thirty or forty miles in pursuit of the offenders, unless money needed to meet his expenses were paid him in advance; because, although, if he was successful in apprehending the offender, the expenses would be repaid under the certificate of the committing magistrate, yet, if he failed in discovering him, there was no fund from which he could be remunerated for his expenses and loss of time. Thus the poor man in the latter case was not only more exposed to be plundered, but less able afterwards to procure redress; and, therefore, the hon. Gentleman the Member for Leicestershire

(Mr. Packe) was using no hyperbole when he said that this was emphatically "a poor man's question." The figures adduced by the right hon. Gentleman (Mr. Henley), to show that the operations of the police force were not so successful as was often alleged, were liable to this radical fallacy, that the real test for such a question was the amount of undetected crime. If there was an apparent increase of crime in any locality, consequent on the redoubled activity of the police enabling them to gain on the course of crime, that was not a circumstance affording matter for regret. In Hampshire a register had been kept for the last ten years of the number of complaints of crime brought to the police office; and, although it sometimes happened that the number of criminals convicted showed an increase in particular years, yet it was found that that increase was coincident with a steady diminution in the proportion of undetected crime. About two years ago, when the changes with reference to secondary punishments took place, a number of discharged convicts and ticket-of-leave men flocked to the county in which he resided (Hampshire), and it was found necessary to increase the police force. With the increase of crime there was also some increase of undetected crime, but not in proportion to the crime committed; on the contrary, the proportion of undetected crime had continued to diminish, and had fallen in those few years from 57 per cent to 33 per cent; so that it was evident that no part of the increase of undetected crime could be attributed to the inefficiency or want of activity on the part of the police. With respect to the allowance to be made from the Consolidated Fund to those counties and boroughs which placed themselves under the operation of the measure, he thought that the Government ought to take into its serious consideration the objection taken by the hon. Member for Norfolk (Major Bentinck) that the amount was insufficient, and he would suggest, on the grounds of justice and expediency, that care should be taken that a sufficiently large grant was made. He made that suggestion on the ground of justice, because it must be recollected that a very large proportion of those crimes which were dealt with through the instrumentality of the police related to personal property, while the rates were levied upon real property; and, as a great proportion of such crimes affected very poor people, who had not realised property enough to be subject to a rate, he thought the general taxpayers of the country should be called upon to contribute as large a share of the expense as was consistent with the maintenance of efficient local supervision. On the ground of expediency, also, he recommended that such an allowance should be made as would be a sufficient inducement to the inhabitants of counties and boroughs to avail themselves of this measure; for otherwise, in places where there was a very insufficient police force, the authorities might find it the cheaper course to continue the present system than to make so large an addition to their force as alone could entitle them to a favourable certificate from the Government Inspector. He would give his vote for the second reading of the Bill, and they could then discuss the details in Committee.

Mr. J. B. SMITH regarded this measure as an attempt on the part of the Government to deprive the people of the right of self-government, and he thought, therefore, it was an insult to the nation, and that the proposition for the second reading ought to be met by a direct negative. Part of the measure might be applicable to boroughs as well as to counties, but those provisions ought to be submitted to the House in the shape of a new Bill. He regretted to find such a measure proposed on that side of the House, for, had it emanated from hon. Gentlemen opposite, the two hours' speech made by the right hon. Baronet (Sir G. Grey) to-night in favour of the Bill would have been converted into an eloquent denunciation of Tory tyranny. The right hon. Baronet had stated that the police force of the borough which he represented (Stockport) was inadequate. He (Mr. Smith) thought the people, who elected the persons by whom the police were appointed and controlled, were themselves the best judges of the force necessary for their defence; and if they deemed the number of the police force insufficient, they had the remedy in their own hands. Although numerous turn-outs had taken place in Stockport, there had been no occasion since 1842 to resort to any other aid than that of the police to maintain the public peace, except in 1852, when the noble Member for the City of London got up an anti-popery cry, and a mob burnt down the Roman Catholic chapel.

Mr. RICE said, that as some allusion had been made to the Committee of which he had been Chairman, he begged to state that that Committee consisted of eight borough Members, seven county Members, eight Members for counties which had no regular constabulary, and seven Members for counties in which such a force had been established. The right hon. Baronet (Sir G. Grey) had expressed some surprise at the opposition offered to this Bill by the boroughs, but he (Mr. Rice) felt no surprise on the subject, for he believed that the great body of persons who objected to the Bill had never read it, but had read the speech of the Lord Mayor of York, and therefore came to the conclusion that the measure involved an invasion of their rights and liberties; there was not a shadow of cause of complaint by the borough Members. He (Mr. Rice) maintained that the Bill would not affect in the slightest degree the right of self-government. With reference to the sixth clause, he expressed his hope that boroughs and counties would be placed exactly on a similar footing. If the present Bill became law, as he hoped it would, he believed that the time would shortly arrive when they would reflect with surprise and astonishment that it had been seriously debated whether they should have throughout the country a uniform system of police, subject entirely to local management; or whether they should continue the present isolated, disjointed, and absurdly anomalous system, which was useless to the country at large.

MR. DEEDES said, he was anxious to address a few observations to the House, because, amongst his friends, both here and out of doors, he had been represented as having expressed himself entirely favourable to the principle of the Bill when it was introduced, and it was desirable, therefore, that he should state his reasons for not being able now to give the measure his support. It appeared to him that the grounds upon which the existing Police Acts were proposed and carried had been lost sight of in the course of the present discussion. When the first Bill was introduced by the noble Lord opposite (Lord J. Russell) it was clearly admitted in the debates which ensued both in this House and the House of Lords, that it was an innovation upon the then existing constitutional principle of local self-government. In introducing the measure to this House, the noble Lord used these words:—"The state of the country at this time will not justify my postponing the Bill until next Session;" and Lord Melbourne, in the House of Lords, in the same Session, said:—"It would not be prudent or safe to permit the country to remain without some measure for the maintenance of the public peace." Why had he quoted these opinions? To show that at that period, in the opinion of men who were at the head of affairs, the measure they were introducing was one of great importance, and required grave consideration; and he thought that in now being asked to make that compulsory which was then introduced only as a voluntary or permissive measure, the House was entitled to inquire whether there were any grounds to justify the principle of compulsion. What was the necessity for effecting any such alteration in the existing law? Had the right hon. Baronet who moved the second reading of the Bill shown them that there was any necessity for making this a compulsory measure? He ventured to contend that he had not. Had he shown that there were any petitions from ratepayers which stated that they had made applications to the magistrates to establish a rural police in different counties and had been refused? Had he shown that a state of things existed in this country that called, as it did in 1839, for the introduction of such a measure as this? Not at all. The only argument used by the right hon. gentleman as to the necessity was that it was inconvenient that one county should be adopting one system of rural police, whilst another county adopted another. He could not but think that his right hon. Friend (Mr. Henley) had proved by the returns he had read to the House that upon this ground there was no reason whatever why the House should adopt the Bill. If it were thought advisable, what was there to prevent any one county at this moment from adopting the provisions of the Bill. The hon. Baronet the Member for East Norfolk (Sir H. Stracey) had spoken of the increasing popularity of the measure; but he (Mr. Deedes) was at a loss to find it out, because since the Act first passed very few counties indeed had adopted it. The moment chosen, too, for bringing in the Bill was peculiarly unhappy, inasmuch as in the course of the last year two counties—certainly one, Berkshire—had voluntarily adopted the principle of the Bill; and if the ticket-of-leave system, which seemed to have frightened everybody so much, was likely to continue and frighten them still more, there was no reason that he could see why the counties should not generally adopt the principle of the Bill without being compelled to do so. The right hon. Baronet the Member for Carlisle (Sir J. Graham), three or four years after the passing of the Rural Police Act, introduced the Parochial Constables Bill and carried it through Parliament; was that any proof that the Rural Police Act was so perfect that no amendment of it would be wanted? He did not mean to say that the Parochial Constables Act was the most perfect Act that could be devised; but he did say that in many counties it had been found sufficient, and that with very trifling alterations it might be adapted to meet all requirements. If, however, on trial, it failed to do so, why not leave the counties voluntarily to adopt the principle of this Bill, instead of having it forced upon them. He objected, then, to the Bill on various grounds. It was said that it would not tend to centralisation; but he contended that all such measures tended to centralisation, and that those who now gave it their support would hereafter find they were grievously mistaken on that head. He objected to it also because it would go to deprive the people of local self-government; for, virtually, it placed in the hands of the Secretary of State for the time being the chief management of the police of every county. True, he might be told of the inspectors of prisons; but he objected to the inspectors of prisons. They had done a great many things that they were not justified in doing. They had made some most unfair reports as to the state of the various gaols, and he must say that he did not want to see reports made that would create a difference of opinion between the Secretary of State and the magistracy of the country. In the same manner he feared that the inspectors under the present Bill in carrying out their powers were likely to clash with the magistrates. Complaint had been made on all hands that the Statute-book was overloaded with statutes; he would suggest, therefore, that as the two preceding Acts of which this Bill was the sequel were short Acts, the right hon. Gentleman would have done better to have repealed the existing Acts, consolidating their provisions, and placed them in such a shape that one could have seen at a glance what was the law on the subject. In conclusion, the hon. Gentleman said he should oppose the second reading of the Bill.

Mr. MUNTZ said, he hoped the right hon. Baronet would withdraw his mutilated Bill, and introduce a new one after the Easter recess. Although some of the objectionable clauses were withdrawn, the inspectorship, to which he totally objected, still remained. On what ground were the boroughs to be interfered with? He had never heard a single complaint as to the manner in which they managed their affairs. He believed that a great deal of the evil which had been set forth as a justification of the Bill arose from the ticket-of-leave system, and from discharged convicts wandering about the country teaching young persons to thieve. It might be expedient to give authority to the borough police out of boroughs, and to the county police in boroughs, but that was no reason for the interference of Government in their management. If the police could be made efficient in one county under the present law, why should it not be made efficient in another county? Being unwilling to sanction unnecessary interference on the part of the Government in local matters, he should vote against the Bill.

Mr. WARNER saw nothing in the Bill to justly raise the suspicions or fears of the boroughs. The Government having promised to remove the objectionable portions of the measure, he should vote for the second reading; but he reserved to himself the right of voting against the third reading, in the event of any provisions being introduced in Committee that would infringe the principle of local control.

Mr. BARROW would oppose the Bill, as he would oppose every such Bill, from whatever party it emanated — whether Whig, Tory, Radical, or Composite. The right hon. Baronet (Sir G. Grey) had stated that it was not a theoretically perfect measure; and from that observation he (Mr. Barrow) drew the conclusion that the right hon. Gentleman meant to make it theoretically perfect ere long by driving home the wedge, of which this was only the thin end. The cost of the rural police in his (Mr. Barrow's) county (Nottinghamshire) was, for the first year, between £2,000 and £3,000; but in the last year it was not less than £6,000 and odd; and whilst the cost of prosecutions there had in 1847 been £1,591, in 1855 it was upwards of £3,000. Now the rural police had been in existence in Nottinghamshire fifteen years; one would have thought, therefore, that the cost of prosecutions, instead of increasing, would by this time have been reduced in consequence of the detection of crime; but he could not say that the establishment of the police force had had the effect of reducing crime to the extent which had been ascribed to it. It was necessary, perhaps, that officers of the peace should have protection against any prosecutions that might be instituted against them; but he asked those who said that that this was a poor man's Bill whether the poor man who might be kept in the lock-up improperly for twenty-four hours would have any remedy against the policeman? Certainly, if he took his case into Court, he would do so with all the disadvantage of having to prosecute a policeman who was backed by the power of the Government.

MR. COBBETT said, he could not agree with the right hon. Baronet (Sir G. Grey), that the circumstance of the Frimley murder afforded so much argument in favour of this Bill, or showed the necessity of forming a rural police in the county of Surrey. Abstractedly, the fact of a murder having taken place in a county was not sufficient to prove that necessity, but two of the three persons who committed this murder belonged to Guildford, and the third, who conducted them to the place where the crime was committed, and in spite of their remonstrance, loaded his pistols on the road, was a pedlar not belonging to Surrey. He heard the trial, and it appeared to him that neither of them had deliberated upon the murder, and that the man who committed it was unaccustomed to any such crime. No doubt the man who became approver had committed many burglaries, as he was connected with a gang of Sussex burglars, most of them belonging to that part of the county which contained a constabulary like that which the right hon. Baronet now sought to establish throughout the kingdom. The last burglary committed by this gang took place at Uckfield, within about a mile of the station of the county constabulary. They walked clear out of the county with their booty, but were detected by two local constables at Tunbridge-wells. It would be tyrannical to compel those counties, which had not chosen to adopt the existing law, to establish a constabulary force; at all events, the House should not be called upon to agree to a Bill for that purpose without further inquiry. He agreed with the opinions expressed by the hon. Member for Kent (Mr. Deedes); if the ratepayers wished to have police they could petition for them, and if the magistrates wished for it they could impose it without consulting the ratepayers. A police force had existed for several years in the eastern division of Sussex; but he knew from personal observation that if the ratepayers in that district were now polled there would be a large majority for dispensing with the constabulary. From a return which he had recently obtained from the superintendent, it appeared that the number of crimes detected bore a very small proportion to the number committed. The return, which extended over a period of ten years, referred to larcenies only, of which not more than a half, and in some years less than a third, were detected. Last year the number committed was 520, and the number detected 170. For larceny, the amount of crime committed was—

"In 1845	230	Detected	110
„ 1846	300	„	120
„ 1847	400	„	200
„ 1848	350	„	190
„ 1849	440	„	180
„ 1850	450	„	140
„ 1851	348	„	130
„ 1852	300	„	110
„ 1853	300	„	110
„ 1854	520	„	170"

Such facts were not calculated to lead the House to the conclusion that there was any superior efficiency in the new police force. He should vote against the Bill, hoping that the Government would not find it necessary to propose any change of the law.

MR. KNIGHT cautioned the county Members against voting for the Bill, which he regarded as a most dangerous and insidious measure. He especially objected to the appointment of inspectors. Poor-law inspectors were appointed, and we had now a President of the Poor Law Board. Board of Health inspectors were appointed, and we had now a Minister of Public Health. School inspectors were appointed, and now it was proposed to have a Vice President of the Council charged with education. Let the House agree to the appointment of police inspectors, and the country would soon be cursed—for a curse he must call it—with a Police Minister.

MR. CAYLEY said, he did not rise to make a speech, but to read a note. It had been stated that no petitions had been presented from ratepayers complaining of the want of a police force. He held in his hand a note which he had received from a most respectable person residing in Wensleydale—a name now familiar to the House—stating that the Bill was a most valuable one, and would confer a lasting benefit upon the country. He was as much opposed to the principle of centralisation and as much for that of local self-government as any man; and he was also extremely jealous of unnecessarily increasing expenditure in thinly populated districts by a machinery only applicable to a dense population. But that something was required to be done, among other instances, the letter he had received from Wensleydale would abundantly show, the writer stating that he and his neighbours were eighteen miles from a policeman, that the parish constables were useless, that they had been refused a superintendent by the quarter sessions, and that they felt themselves virtually without the pale of the law. Although, therefore, he was opposed to the principle of centralisation, he should support the second reading of the Bill. [" Divide, divide."]

MR. HADFIELD suggested that, as the newly printed Bill had been in the hands of Members six days only, and as the subject had excited great interest throughout the country, the debate should be adjourned. The boroughs were anxious to maintain the authority of the laws, and would gladly accept any reasonable Bill which the Government might introduce. He felt certain that if the two orders of the night were carried into effect, the Government would have made rapid strides towards bringing all the business of the country to London. If the police of the country were to be managed by the Home Secretary's department, and if all the teachers of the education of the country—the expense of which would be £3,450,000 or more—were in the hands of the Government, a more despicable despotism would not exist. He should oppose the system of centralisation to the utmost. [" Divide, divide."]

SIR GEORGE GREY regretted that he could not assent to the application made to him to withdraw the Bill, and to introduce an amended one. The alterations which he proposed to make in it were not alterations as to principle, but only as to some of the details. Adverting, then, to the general rule of the House, those Amendments were most appropriately made in Committee. He only asked the House, then, to express an opinion upon the principle of the measure by taking a division on the second reading, following the course usually pursued in reference to Bills upon important subjects. If the House should agree to the second reading he would make those Amendments of which he had given notice in Committee. The Bill could then be printed in its amended form and circulated through the country before they proceeded to its final stage, so that the alterations made in it could be well considered. As the proposed alterations did not in the slightest degree affect the principle of the Bill he did not see any necessity for withdrawing it.

Question put, " That the words 'now' stand part of the Question."

The House *divided*:—Ayes 259; Noes 106: Majority 153.

List of the AYES.

Adair, H. E.
Adderley, C. B.
Agnew, Sir A.
Alcock, T.
Archdall, Capt. M.
Bagshaw, J.
Bailey, H. J.
Baines, rt. hon. M. T.
Ball, E.
Ball, J.
Baring, T.
Barrington, Visct.
Bateson, T.
Beckett, W.
Bennet, P.
Bentinck, G. W. P.
Berkeley, Sir M.
Berkeley, hon. H. F.
Berkeley, G. C. L.
Bethell, Sir R.
Biddulph, R. M.
Bignold, Sir S.
Black, A.
Blakemore, T. W. B.
Bond, J. W. M'G.
Bouverie, rt. hon. E. P.
Bramston, T. W.
Brand, hon. H.
Bruce, Lord E.
Bruce, H. A.
Buckley, Gen.
Burroughes, H. N.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Castlerose, Visct.
Cayley, E. S.
Cecil, Lord R.
Chelsea, Visct.
Clay, Sir W.
Clinton, Lord R.
Cobbold, J. C.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coffin, W.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Currie, R.
Davie, Sir H. R. F.
Davies, D. A. S.
Davies, J. L.
Denison, J. E.
Dering, Sir E.
De Vere, S. E.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncombe, hon. W. E.
Dundas, F.
Dungarvan, Visct.
Dunlop, A. M.
Du Pre, C. G.
Ebrington, Visct.
Egerton, Sir P.
Egerton, E. C.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Euston, Earl of
Farnham, E. B.
Fellowes, E.
Fenwick, H.
Ferguson, Col.
Fergusson, Sir J.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
FitzRoy, rt. hon. H.
Forster, J.
Fortescue, C. S.
Gifford, Earl of
Gooch, Sir E. S.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Gurney, J. H.
Hale, R. B.
Hall, rt. hon. Sir B.
Hankey, T.
Harcourt, G. G.
Harcourt, Col.
Hastie, Alex.

Hastie, Arch.
Headlam, T. E.
Heathcote, Sir W.
Heneage, G. H. W.
Holland, E.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Ingham, R.
Johnstone, J.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, D.
Kerrison, Sir E. C.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Labouchere, rt. hon. H.
Lacon, Sir E.
Langston, J. H.
Langton, W. G.
Langton, H. G.
Layard, A. H.
Lee, W.
Legh, G. C.
Lennox, Lord A. F.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lindsey, hon. Col.
Lisburne, Earl of
Littleton, hon. E. R.
Lockhart, A. E.
Lowe, rt. hon. R.
Luce, T.
Lushington, C. M.
Mackie, J.
M'Cann, J.
MacGregor, J.
Mangles, R. D.
Manners, Lord G.
March, Earl of
Marjoribanks, D. C.
Marshall, W.
Martin, P. W.
Massey, W. N.
Matheson, Alex.
Miles, W.
Milner, Sir W. M. E.
Milnes, R. M.
Moffatt, G.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Montgomery, Sir G.
Morgan, O.
Morris, D.
Mostyn, hon. T. E. M. L.
Mowbray, J. R.
Mullings, J. R.
Napier, Sir C.
Neeld, J.
Newark, Visct.
Newport, Visct.
North, F.
Oakes, J. H. P.
Osborne, R.
Ossulston, Lord
Packe, C. W.
Paget, Lord A.
Pakington, rt. hon. Sir J.
Palmer, Robert
Palmer, Roundell
Palmerston, Visct.
Patten, Col. W.
Peacocke, G. M. W.
Peel, F.
Pellatt, A.
Pennant, hon. Col.
Percy, hon. J. W.
Perry, Sir T. E.
Philipps, J. H.
Pinney, Col.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portal, M.
Portman, hon. W. H. B.
Power, N.
Price, W. P.
Pritchard, J.
Raynham, Visct.
Ricardo, S.
Rice, E. R.
Ridley, G.
Rolt, P.
Russell, Lord J.
Russell, F. C. H.
Rust, J.
Scrope, G. P.
Seymer, H. K.
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelburne, Earl of
Shirley, E. P.
Smijth, Sir W.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, A.
Smollett, A.
Somerset, Col.
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, Marq. of
Stanley, Lord
Stanley, hon. W. O.
Steel, J.
Stirling, W.
Stracey, Sir H. J.
Strutt, rt. hon. E.
Stewart, Sir M. R. S.
Stuart, Capt.
Sullivan, M.
Tancred, H. W.
Taylor, Col.
Thompson, G.
Thornely, T.
Tollemache, J.
Tyler, Sir G.
Uxbridge, Earl of
Vane, Lord H.
Vansittart, G. H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walter, J.
Warner, E.
Waterpark, Lord
Watkins, Col. L.
Whatman, J.
Wilkinson, W. A.
Willoughby, Sir H.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyndham, Gen.
Wyndham, H.
Wynne, W. W. E.
Wyvill, M.

TELLERS.

Heyter, W.
Mulgrave, Earl of

List of the Noes.

Acton, J.
Adair, R. A. S.
Anderson, Sir J.
Annesley, Earl of
Bailey, Sir J.
Bailey, C.
Baird, J.
Baldock, E. H.
Bankes, rt. hon. G.
Baring, rt. hon. Sir F. T.
Barnes, T.
Barrow, W. H.
Baxter, W. E.
Bell, J.
Biggs, W.
Blackburn, P.
Boldero, Col.
Bonham-Carter, J.
Bowyer, G.
Bramley-Moore, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Buck, L. W.
Buck, Col.
Bulkeley, Sir R. B. W.
Carnac, Sir J. R.
Cobbett, J. M.
Cobden, R.
Crook, J.
Crossley, F.
Deedes, W.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
East, Sir J. B.
Evelyn, W. J.
Ewart, W.
Ewart, J. C.
Farrer, J.
Filmer, Sir E.
Follett, B. S.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gibson, rt. hon. T. M.
Graham, Lord M. W.
Greaves, E.
Greenall, G.
Guinness, R. S.
Gwyn, H.
Hadfield, G.
Halford, Sir H.
Hall, Gen.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hervey, Lord A.
Heyworth, L.
Horsfall, T. B.
Hotham, Lord
Hutt, W.
Ingram, H.
Kershaw, J.
Knight, F. W.
Lindsey, W. S.
MacEvoy, E.
Manners, Lord J.
Miall, E.
Milligan, R.
Michell, W.
Mitchell, T. A.
Mowatt, F.
Muntz, G. F.
Murrough, J. P.
Newdegate, C. N.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Oliveira, B.
Parker, R. T.
Paxton, Sir J.
Pechell, Sir G. B.
Pigott, F.
Pilkington, J.
Repton, G. W. J.
Ricardo, O.
Robertson, P. F.
Scholefield, W.
Scobell, Capt.
Shelley, Sir J. V.
Smith, J. A.
Smith, J. B.
Smyth, J. G.
Tite, W.
Trollope, rt. hon. Sir J.
Vernon, L. V.
Waddington, D.
Walmsley, Sir J.
Welby, Sir G. E.
Wells, W.
Whitmore, H.
Wickham, H. W.
Willcox, B. M'G.
Williams, W.

TELLERS.

Lennox, Lord H. G.
Forster, C.

LOCAL DUES ON SHIPPING, &c., BILL.

On the Motion for bringing up the Report of Supply.

Mr. MILNER GIBSON said, I wish, Sir, to put a question to the noble Lord at the head of the Government. I am informed that in the early part of the evening some understanding was come to between the noble Lord and the hon. and learned Member for Stamford (Sir F. Thesiger) as to the terms of the order of reference of the Local Dues on Shipping Bill to a Committee. I want to know what that understanding is? I have been informed that the Commissioners' Report is to be entirely superseded, and that an inquiry is to take place as if that Commission had never existed. I wish to ask the noble Lord whether he has agreed to any such proposition?

VISCOUNT PALMERSTON: Sir, what passed in the early part of the evening was this:—I stated to the hon. and learned Gentleman opposite (Sir F. Thesiger) that, on comparing the terms of the Motion of my right hon. Friend (Mr. Lowe) with the Amendment proposed by the hon. and learned Gentleman, it appeared that the terms of the Amendment comprised nearly everything that we thought essential, and therefore that we ready to agree to the Amendment of the hon. and learned Gentleman—that Amendment being, that a Committee should be appointed to whom it should be referred to inquire into the matter which the Commissioners had been appointed to examine, and that to that Committee should be referred the Report of the Commissioners.

MR. DISRAELI: I am not quite satisfied, Sir, with the description which has been given by the noble Lord of the conversation which took place at the commencement of this evening; and, as there appears to be some doubt upon a question which has excited considerable attention, perhaps the House will allow me to give my version of the course which the Government have taken. After the defeat of what I may call the Ministerial attack upon the property of the corporations, the noble Lord at the head of the Government intimated to the House that he should propose a Committee of Inquiry, and he did so, in a tone which conveyed to my mind that he would endeavour to capture indirectly that which he had not captured directly, and that he would attempt to succeed by sap where he had failed by storm. Now, Sir, every thing depends upon the precise terms and meaning of the Motion under which it is proposed to refer this question to a Committee; and although I ventured at the time generally to express my disapproval of the course proposed, I reserved to myself the right of giving a more mature opinion upon the proposition of the Government at the proper time. When notice was given of an inquiry by the right hon. Gentleman the Vice President of the Board of Trade, it appeared to me to be of a very alarming and dangerous character. I thought from the language used that the only inference which could be drawn from it was, that the Vice President of the Board of Trade was about to propose a Committee of the House which should, in fact, virtually approve the recommendations of the Commissioners, which we had induced the House to reject. That course appeared to me to be open to as grave objections as the original proposition of the Minister; and upon it an Amendment was given notice of by my hon. and learned Friend the Member for Stamford (Sir F. Thesiger), which I thought was a wise Amendment, which perfectly maintained the principles and policy which we had asserted and defended on this side of the House. All that we said was, that, as it was a question of very great importance, and as we were confident of the justice of the principles which we had vindicated, we did not shrink from inquiry. My hon. and learned Friend, therefore, agreed to the appointment of a Committee of the House to inquire into the general question, but, altogether repudiating the idea that we were in any way to be influenced by the recommendations of the Commissioners, whose recommendations were notorious, and were founded upon principles which we conceived to be most injurious to the country and utterly indefensible and inconsistent with our notions of the rights of property. My hon. and learned Friend proposed that there should be a Committee to inquire into the subject of passing tolls and dues; but the Motion of the Government was, that there should be a Committee to inquire how the recommendations of the Royal Commissioners should be carried into effect, and to what degree. I now understand that the Government to-night have withdrawn the original Motion, and have wisely assented to the Amendment of my hon. and learned Friend, that the subject generally of passing tolls and dues should be investigated by a Committee of this House, and not in any way sanctioning the recommendations of the Commissioners which we had persuaded the House not to adopt. Under these circumstances, I certainly have withdrawn my opposition to the Motion of the Ministry, on the understanding that that Motion is limited merely to the appointment of a Committee of this House to inquire into the subject of passing tolls and dues.

BARRACK ACCOMMODATION.

COLONEL LINDSAY said, he wished the right hon. Gentleman the Clerk of the Ordnance would explain the intention of the Government with regard to barrack accommodation.

MR. MONSELL said, he had requested the Inspector General of Fortifications to provide greater accommodation in the new barracks agreeably to the recommendations of a Committee which had reported on the subject, and, as it was impossible to have a different system of accommodation prevailing in different barracks, it was intended to ask for a Vote on account, towards bringing up the existing to the same level as the new barracks, upon the principle of applying to that purpose £40,000 or £50,000 every year, instead of £1,000,000 or £1,200,000 at once.

MR. NEWDEGATE said, he wished to know when the Clerk of the Ordnance would be able to lay on the table an account of the expenditure on the new establishment at Enfield?

MR. MONSELL said, he had received such a Return that day, and he should have no objection to present it to Parliament.

COLONEL BUCK said, he wished to direct the attention of the Government to defects in the new barracks at Devonport. There was no accommodation for the wives of soldiers. The roofs were made of concrete, on the top of which was asphalt, and the asphalt was so bad that the water was continually leaking through and causing constant repairs. He was told by an officer of engineers, that the authorities of the Ordnance were warned against using this inferior asphalt, as unsuitable for the purpose; and events have proved the correctness of that opinion. The upper rooms were quite unfit to be inhabited. The moisture from the bodies of the soldiers ascended to the roof, became condensed and fell upon their beds, and the men suffered so much from damp arising from that cause that the major-general commanding had been obliged to order additional rugs to keep them dry. It was said that roofs of lath and plaster were to be put under the present roofs to remedy the evil. The yard, though long enough for three battalions in line, was not wide enough for half a battalion, so that it was perfectly useless for the exercise of the troops within the barracks. There was ample space for the yard to have been made of sufficient size, but as an expensive gateway had been built and the wall was up he supposed that there would be some difficulty now in enlarging it.

MR. T. BARING said, he had not quite gathered from the right hon. Gentleman the Chancellor of the Exchequer whether it was the intention of the Government to provide specifically in the Appropriation Act that the Votes taken on account of one department should not be made applicable for another, otherwise it might be at the option of the Minister of War to apply monies voted on account of the army to the purposes of the ordnance, or *vice versâ.*

THE CHANCELLOR OF THE EXCHEQUER said, the division of the different items in the Votes for the War Department did not correspond exactly with the old division between the Army and Ordnance departments. The old division was objected to as inconvenient and founded upon no intelligible principle.

COLONEL BOLDERO said, he would remind the House that on Friday night, the Clerk of the Ordnance having apprised them of certain painful disclosures with reference to the mortars supplied by a contractor, the Committee called for the name of the firm that had so grossly imposed upon the Government of the country. Now, he was one of those who objected to the name being given; but, upon reflection, he thought it ought to be so, and therefore he would ask whether there was any objection to lay upon the table a copy of the contract, as well as the correspondence with the parties concerned; and also he should like to know whether the mortars in question had been submitted to proof at Woolwich.

Resolution *reported.*

TRIAL OF OFFENCES BILL.

Order for Committee read.

House in Committee.

Clause 1,

MR. WHITESIDE said, that this Bill appeared to originate from a case which had occurred at Stafford, where the prisoner was anxious to have his trial in London. It had been stated that the Bill was a remedy for that particular grievance, but he found upon looking at the Bill that it referred to cases of treason, felony, or misdemeanor. The practical effect, however, would be that a man put upon his trial in Cornwall or Wales might, without his consent, be removed to London for trial, contrary to the principle that a prisoner should be tried in the place where he was known. The same principle had been argued in a Committee in reference to cases of intimidation in Ireland, but was not then supported by the Whig Members of that Committee. He wanted to know if the House intended to give the Crown the power in political or treason cases to remove a trial from the county where it should be tried, and by an order of a Judge at chambers to bring it up to London? The Bill proposed to pay costs, but that was a new principle. In the case of Mr. Smith O'Brien, no doubt the Attorney-General would have been glad to have tried it in Dublin; but if the power of change was to be given, he thought that it should be vested in the Court, and not in a single Judge at chambers. If the Government would consent to accept as an amendment in cases of treason, "if it should be made apparent to the Court in term time that a fair and impartial trial could not be had in the county where the *venue* was laid, then, with the consent of the prisoner, it should be lawful for the Court to remove the trial to the Central Criminal Court," he would not oppose the measure, although he objected to legislation upon particular cases as objectionable and mischievous.

THE ATTORNEY GENERAL said, he could not consent to the alteration proposed. The hon. and learned Gentleman appeared to suppose that the power of changing the *venue* was to be at the suggestion of the Crown. That was not the case. It was to be given to the Court of Queen's Bench in term time, or to a Judge of that Court during the vacation. An indictment could at present be removed by *certiorari* into the Queen's Bench, and the Court had the power of transferring the trial to some other county if it should appear for the advantage of public justice. The Court of Queen's Bench the other day had held, in Palmer's case, that it had the power to send the case for trial in some other county, or, if not, to try the case at Westminster. In that particular case the prisoner applied to have the indictment removed, upon the ground that the state of public feeling in Stafford precluded him from hoping for an impartial trial. The Crown entertained a similar opinion, and therefore assented to the removal by *certiorari.* Thus the case must be sent to another county, or be tried at Westminster, and in either case there would be considerable expense and inconvenience. It appeared most desirable that the Court of Queen's Bench should have the power of sending that and similar cases for trial at the Central Criminal Court, where three Judges presided, and where it could not be denied that criminal justice was most admirably administered. Therefore it was thought most expedient that as the Court of Queen's Bench had the power to send cases for trial to any county in the Kingdom, it should also have the power to send such cases to be tried at the Central Criminal Court. Hence the present Bill. There was no desire to give either the Crown or the Court of Queen's Bench any power of an undue description. The Judges of the land would act under a full sense of their responsibility to public opinion. He was sorry to hear the hon. and learned Gentleman intimate that Judges would do at chambers what they would not do in open Court. For the Judges of England he could venture to say that Parliament need not fear putting power into their hands, as they might be certain that it would be exercised with a conscientious sense of duty. It was true the prisoner would not be present at the Judges' chambers, but he would have due notice of the application; he would also have the assurance that neither a Judge at chambers nor the Court itself would exercise the power proposed to be given by this Bill if it should be thought inexpedient to do so.

MR. HENLEY said, this was one of those instances in which the greatest inconvenience arose from making a general law to meet a particular case. It was not likely that the Judges of England or of Ireland would do wrong; but it was not wise or prudent to break through those rules and safeguards which the people valued as protections against the possibility of injustice. He could not conceive that a greater wrong could be inflicted upon a prisoner than to have his trial removed, against his own will, from the place where he was known, and where he also knew those by whom he would be tried. All the opportunity of challenging the jury would in that case be lost. He was not aware that his hon. and learned Friend (Mr. Whiteside) had intended to propose an Amendment, but certainly his

(Mr. Henley's) objection to the Bill would be very much less if the word treason were left out. He thought the Amendment of his hon. and learned Friend was a sound one; and he should not in other respects object to the Bill. Such cases as these occurred but rarely; and the question was whether, in legislating upon them as exceptional cases, they might not be running the risk of doing more mischief than good, and it was against that danger that he was anxious to guard himself.

MR. BAINES said, his right hon. Friend the Member for Oxfordshire had given expression to a great fallacy in stating that this was a Bill to meet a particular case. The fact was, it was a measure to cure a defect in the law, which defect had been discovered by the occurrence of this particular case. The Bill was intended to afford a remedy not only in this case, but in all other cases. Neither was the objection that the Bill would confer a new power on the Court of Queen's Bench well founded. By the law, if a person were charged with committing a felony or a misdemeanour the Court of Queen's Bench might order the indictment to be removed by *certiorari* into that Court, and then the Court had the power to send the case to be tried in any county whatever; but they had no power to send it for trial at the Central Criminal Court in Middlesex. Now that was felt to be a great defect in the law, and the object of the present Bill was to give the Court that power. It would enable the Court to send a prisoner to be tried at the Central Criminal Court just as it now had the power of removing a trial from Cornwall to Norfolk. Surely it was a great defect of the law that the very Court which was best constituted to conduct such trials should be the only Court disqualified to conduct them. The hon. and learned Gentleman (Mr. Whiteside) had said that the removal of the trial should not be made without the consent of the prisoner, but the consent of the prisoner was not now required. And why should that consent be necessary? Suppose, in the case referred to by the hon. and learned Gentleman, the Crown had considered there was no chance of a fair trial in the county in which the offence had been committed, and had sought to remove it to any other county, if the consent of the prisoner had been required, what would have been the consequence? The prisoner, wishing to be tried in the locality where his adherents dwelt, might have refused his consent, and the result would have been that either he would have been tried by a partial jury, or there would have been no trial at all.

MR. STUART WORTLEY said, he did not apprehend that the power of the Crown would be extended by this measure, or that, in principle any additional power would be given to the Court of Queen's Bench. The simple object of the measure was to put the Central Criminal Court on exactly the same footing as every Assize Court in the Kingdom, but with this advantage to the prisoner, that, whereas in every other Court he would be tried by one Judge, in the Central Criminal Court he would be tried by three Judges. There would also be this additional advantage, that the prisoner would have the opportunity afforded him of obtaining the assistance of the ablest counsel. It had been said that when an indictment was removed into the Court of Queen's Bench it was tried on the civil side, which gave the prisoner certain advantages, such as the power of moving for a new trial or of reserving points. Now, under the clause they were then discussing, those advantages would not be given, because the clause merely enabled the Court of Queen's Bench to send the party to be tried to the Central Criminal Court, instead of to any other Court in the Kingdom. The Court of Queen's Bench could transfer a case to any inferior Court of criminal jurisdiction throughout the country, but they could not send it to the Central Criminal Court, which was the chief tribunal of criminal jurisdiction; and it was to remedy this defect and anomaly that the present Bill was introduced. Possibly some conditions upon the exercise of this power might with advantage be introduced, but he thought they would be casting a slur upon the administration of justice in the Central Criminal Court if they made that the only exception to the rule—the only place to which a case might not be transferred by the Court of Queen's Bench.

MR. WHITESIDE said, he entirely differed from the argument made use of by the right hon. and learned Gentleman who had last addressed them, that when there was a disturbance throughout the country the administration of the law should be transferred from one place to another. On the contrary, he had always understood that, although such disturbances might be rife, the law of England still held on its steady and uniform course. He held that all cases of high treason should be tried where the offence had been committed. The instances in which the Court of Queen's Bench had exercised the power at present attributed to them of changing the *venue* were very rare indeed, and he doubted much whether, if they really possed that power, they ought to be permitted to exercise it. Hon. and learned Gentlemen said all they wanted was to give this power to the Court of Queen's Bench in cases where a fair and impartial trial could not be had in the county. Why, then, did they not say so in the Bill? He was as much satisfied as any man that there could be no fair trial at Stafford, but he was not satisfied that the Court of Queen's Bench, or a Judge in chambers, should exercise that power, when, in the words of the Bill, it seemed to them "expedient to the ends of justice" to do so. He disliked that word "expediency," and objected to these vague words, thinking, moreover, that cases of high treason as well as political offences should be omitted from the Bill.

Mr. HENLEY said, the Bill deprived the prisoner of the advantage he now enjoyed in the record coming back again to the Queen's Bench. Then, again, although the prisoner would certainly have two or three Judges at the Old Bailey, a still more important consideration was the jury, and he believed ninety-nine men out of every hundred, if asked the question, would rather stand before a county than an Old Bailey jury.

The ATTORNEY GENERAL said, he thought cases of treason might be omitted from the Bill, but not so with other political offences. There were precedents for the removal of those cases from one county to another, and he did not see why they should not also be removed to the Central Criminal Court. As to introducing into the Bill provisions which would give the prisoner the same advantages as if the indictment were removed by *certiorari*, and tried on the civil side of the Court of Queen's Bench, he thought those advantages were considerably overestimated. They consisted merely in the right of moving for a new trial, and in case of misdemeanour you might have a special jury, but in case of felony no such claim was allowed. He thought it would be very objectionable to make the consent of the prisoner or defendant necessary before a case could be removed. The person indicted might have such influence in a particular district as to render a fair trial impossible, and, of course, the accused in such a case would resist any removal from that district. To object to the phrase, "expedient to the ends of justice," was, he thought, quibbling upon words. Was it likely that any such power as that would be exercised by the Judges except on very good grounds? As to the objection to the exercise of the power by a Judge in chambers, circumstances might arise which would make it of the greatest importance that a trial should be removed to the central Criminal Court when the Court of Queen's Bench was not sitting, and therefore he hoped the opposition to that provision would not be persisted in.

Mr. WHITESIDE said, he would not press his Amendment.

Clause *agreed to.*

The remaining clauses were then *agreed to.*

House resumed.

PARTNERSHIP AMENDMENT BILL.

Order for Committee read.

Mr. LOWE, in rising to move that the order for the committal of this Bill be discharged, said he would beg to explain that the reason why he did so was that the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had given notice of his intention to move that the Bill be rejected, on the ground that there had been an abuse of the forms of the House by the substitution of a new Bill for that which he (Mr. Lowe), in the first instance, introduced. The object for which the Bill had been brought in was simply to reverse the decision in the case of *Waugh* v. *Carver*. It appeared, however, on further examination, that the measure, as originally worded, would not effect that object, and that, leaving out the question of participation in profits, it merely provided for the case of a person who advanced his capital. That being the case, he inserted another clause to accomplish the purpose which the Bill was especially designed to effect; but here he was met by an objection from the right hon. Gentleman, who complained that that proceeding rendered the Bill, to all intents and purposes, a new measure. From that view of the question he (Mr. Lowe) entirely dissented, and he could prove that it was unsound; but as he wished to avoid even the appearance of unfairness, and did not wish to involve the House in a technical discussion, he would yield to the objection and withdraw the Bill. He begged the House to believe that, so far from desiring to take an unfair advantage, or to steal a march on them, his motive had been the very reverse. He desired, on the contrary, to give the fullest opportunity for the consideration of the change which he had felt himself compelled to make in the Bill. Whether technically right or wrong, he hoped the House would do him the justice to believe that that was his sole object. Under all the circumstances of the case, he thought it better to withdraw the Bill, reserving to himself the right of effecting the same purpose, either by the insertion of a clause in the Joint-stock Companies Bill, with, of course, a corresponding alteration in the title, or by the introduction of an entirely new Bill. He would avail himself of the leisure afforded by the approaching vacation to consider whether, in the latter case, it might not be possible to put the Bill in a shape which might render it more acceptable to certain Members of the House than in its present somewhat abstract form it was likely to prove. Having made that explanation, he begged to move that the order be now discharged, with the view of bringing the Bill in again in another shape.

MR. HENLEY said, he very much commended the determination at which the right hon. Gentleman had arrived, and could assure him that he never had the least intention of imputing to him a desire to take the House by surprise, or to act otherwise than in an honourable spirit in this matter. He (Mr. Henley) certainly felt that the new clauses had essentially altered the character of the measure; and, as much inconvenience would result from discussing the principles of a Bill in Committee, he had felt it his duty to give notice of the Amendment which stood in his name. The necessity for that Amendment had, however, been now superseded, and he was satisfied that the right hon. Gentleman had taken the course which was not only the most discreet, but which would prove in the end the most expeditious.

Order for Committee *discharged.*

Bill *withdrawn.*

The House adjourned at half after Two o'clock.

HOUSE OF LORDS,

Tuesday, March 11, 1856.

MINUTES.] *Took the Oaths.*—The Lord Bishop of Bath and Wells.

PUBLIC BILLS.—1ª Religious Worship Penalties Repeal; Observance of Holydays Repeal; Popish Guardians Restriction Repeal; County Courts Acts Amendment.

2ª Agricultural Statistics; Mutiny; Marine Mutiny; Consolidated Fund (£26,000,000); Drainage Advances Acts Amendment; Delamere Forest.

3ª Leases and Sales of Settled Estates.

ORDNANCE—DEFECTIVE MORTARS.

THE EARL OF DERBY: My Lords, seeing my noble Friend the Secretary of State for the War Department in his place, I will put the question to him of which I have given notice, hoping that it may be for the convenience of the public service that I should have an answer. And I hope I may be forgiven if, in putting the question, I should be guilty of a slight irregularity in referring to what is reported to have taken place "in another place" upon the subject to which I wish to direct attention. My Lords, it is said, that on Friday last the Clerk of the Ordnance, in his place in Parliament, when assigning reasons why the Government had taken upon itself the manufacture of arms, stated, amongst other things, with regard to the supply of ordnance and artillery, that the Government had great reason to complain of some of the contractors to whom they had been compelled to resort for the supply of artillery; and that more especially there was one firm—whose name the right hon. Gentleman did not disclose —which had supplied for Her Majesty's service no less than five mortars, in which there had been inserted pieces of iron for the purpose of concealing flaws that had occurred in the casting of them. Now, I am quite sure your Lordships will be of opinion that charges of this kind should not be made unless they are capable of being fully and entirely substantiated; especially when they have a double importance from being made in Parliament by an officer of the Government in charge of the department having the supervision of the articles referred to. On the other hand, I am sure you will equally agree that if such charges can be substantiated, there is no punishment too great for those who have trifled in such a manner with most sacred duties, by exposing the lives of

Her Majesty's troops to the most serious consequences. Your Lordships will, no doubt, recollect the excitement caused some few years ago by the charges brought in this House by the noble Duke then Secretary of State (the Duke of Newcastle), in connection with certain contracts for hay intended for the troops on foreign service. It appeared, indeed, afterwards, that the acts referred to had been somewhat exaggerated. Serious, however, as such frauds were, they are comparatively innocuous when put in comparison with frauds practised in reference to the heavy artillery and mortars, upon which the whole operations of war might be dependent for success. If the frauds which have been described have been actually perpetrated, not only do they render the particular implements of war entirely unfit for the public requirements, but they actually render their service a task of imminent danger to Her Majesty's troops. My Lords, all I can say is this, that the parties guilty of such frauds are guilty of a crime little short, if at all short, of high treason. I think, this accusation having been publicly made, I am justified in asking my noble Friend the Secretary for the War Department—first, whether he is prepared in his place in Parliament to reaffirm and substantiate the charge; and, secondly, whether, if the charge can be substantiated, he has any objection to mention the name of the firm guilty of so gross a violation of duty? I say that is due in justice not only in respect to the firm that is inculpated, but in respect to all other firms who may otherwise be exposed to suspicion. I will ask, then, is it true that mortars have been supplied to Her Majesty's Government by a contractor, in which pieces of iron have been let in for the purpose of concealing flaws in the casting of them, which flaws must, of course, have been known to the parties? And, next, what is the name of the firm guilty of so criminal a dereliction of duty? But, my Lords, I must go a little further —I must say that whatever may be the countervailing advantages of the contract system, it is clearly more open than any other to fraud and abuse. You may very often find that, while you think you are applying to the cheapest market, you are in reality buying in the dearest market, on account of the inferiority of the article that is supplied. Take care, then, to remember that there is no system which requires so much careful and accurate supervision as the system of Government contracts. For my own part, I think that frauds of such a character as this could not for a moment escape detection. The whole thing appears to be so bungling an operation, that it is beyond possibility to expect it would pass without detection. But, if any fraud of the sort has been perpetrated, I wish to know, in the next place, when the discovery of the fraud was made, and by whom it was made? Whether it was before any of such mortars were sent out for the use of the troops in the field? And, lastly, I will ask what steps Her Majesty's Government have taken to bring the guilty parties to condign punishment?

LORD PANMURE: My Lords, I quite agree with my noble Friend that a fraud of this description is one which cannot be passed over without, in the first place, the strictest investigation; and without, in the next place, if brought home to the guilty parties, having the names of those guilty parties published to the world. I am sorry to say there is too good ground for the statement made by my right hon. Friend the Clerk of the Ordnance on Friday night. That statement was to the effect that some mortars which had been ordered under contract from a certain firm had been delivered in an imperfect state, and were found to have been tampered with in order that they might pass the supervision of the authorities of the department. My Lords, the history of the case is as follows. But first I would mention that happily no injury has accrued to any of Her Majesty's troops in consequence of the fraud which has been practised. So far as can be found, no single mortar that has been approved of on examination by the authorities has afterwards been discovered to be in any way incomplete. Now, with respect to the five mortars to which my right hon. Friend alluded on Friday night, I may state that on Thursday last experiments with regard to them took place; and it was the result of those experiments that induced my right hon. Friend to make public mention of the matter. These five mortars formed part of a contract entered into by Her Majesty's Government with the house of Messrs. Grissell, of the Regent's Canal Ironworks. One of them went so far as to be able to stand the proof to which it was subjected at the Woolwich Arsenal. And after undergoing that trial, it and another were sent down to Shoeburyness—there to be submitted to further proof before being put into store for the public use. After ten rounds had been fired one of them burst; it did not go to pieces, but it opened out, and that led to the detection of the insertion of a piece of iron behind the breach of the gun—a piece of metal introduced in the most skilful manner to cover a flaw. The noble Earl says that a fraud of this kind could scarcely be committed without risk of certain detection; but I can assure him that the piece was let in with so much skill that the most vigilant eye might well have failed to detect it. The result of this experiment led to the immediate examination of the other mortar, and there also it was found that a piece had been inserted very nearly at the same part. A third out of the five had been already rejected by the authorities at Woolwich Arsenal, whilst as regards the fourth frauds of the same nature were detected by the authorities. As to the fifth and last, it burst altogether in an experiment, not because of any flaw proved to have existed in it, but because it was made of metal unfit for its purpose. My Lords, such are the facts of the case, and the result is this: in the first place, as a matter of course, these mortars are rejected; and in the second place, as a matter of course, the firm inculpated has been erased from the list of contractors to whom future Government contracts may be open. But whether it will be in the power of the Government to proceed legally against the parties is a point which I have not as yet been able to ascertain. I may add, I believe my right hon. Friend mentioned this circumstance not as a reason why the Government should establish a foundry of its own, but rather in justification of their having taken that step. I think it is a plan which it would be well to adopt even if no frauds had been perpetrated. I am not prepared to go so far as to say that either in the manufacture of great guns or small arms the Government should entirely trust to its own efforts. To a certain extent certainly it should be independent of the trade, but to a certain extent also it should be in a condition to employ the trade, so as to keep pace with the trade, and become acquainted with all the improvements going on outside their factory, as well as to discover improvements within it. The intention of the Government is to establish at Woolwich a foundry in which they may cast their own mortars and their own heavy armaments, and to be able, from the mode in which those armaments are there tested, to feel assured the guns and mortars issued thence will be fit for the service marked out for them, without having to go through the very hard trial to which they are now submitted under the contract system. There is now no better method of testing mortars than that of firing them a great many times. We hope so to test the metal of which the mortars may be made—we hope so to secure the mode in which they are cast—that by taking one mortar in twenty and testing it until it bursts, we can rest assured as to the trustworthiness of the remaining nineteen. And it cannot be denied that this matter of testing is accompanied with great difficulty in the case of other articles besides artillery. My noble Friend opposite (the Earl of Hardwicke) knows very well that it may be the last feather that will break an anchor. An anchor may go to sea thoroughly tested, and after all prove so unreliable that it may snap on the first strain. I have, however, no hesitation in saying that, under the circumstances, I think my noble Friend is quite justified in demanding that the name of the contractors who have committed this fraud should be given up, and likewise in requiring an assurance that those contractors shall not be employed again. But I am not prepared to say, not being sufficiently informed, whether the violation of good faith which has been perpetrated amounts to infringement of the law. Having made this statement, I feel it my duty not to forbear from saying, that, with reference to two other firms with whom we have dealt largely, no ground of complaint can be alleged—I refer to Messrs. Hood, of Lowmoor Ironworks, and Messrs. Walker, of Gospel Oak Foundry. Both of these firms have executed contracts for heavy armaments with perfect success, and their guns and mortars have withstood the severest trials to which they have been submitted. I will only say in conclusion that I hope greater security than at present exists will before long be attained with regard to the material from which mortars are manufactured.

The EARL of DERBY: I regret, my Lords, to hear that the statement made by the Clerk of the Ordnance can be substantiated. The noble Lord's statement is satisfactory as far as it goes; but I confess it would have been more satisfactory to me if he had gone further, and told us what had been done with a view to proceeding against the contractor implicated; and that, if it should turn out, upon inquiry into the state of the law, that the law allowed of proceedings being instituted, we might rest assured that that step would be taken.

Lord PANMURE said, that the matter was still under inquiry.

AGRICULTURAL STATISTICS BILL.

Order of the Day for the Second Reading, read.

Lord STANLEY of ALDERLEY, in moving the second reading of the Agricultural Statistics Bill, said, he thought it was unnecessary to point out the importance of obtaining general statistics upon the subjects of agriculture, in order to arrive at a knowledge of the progress of the country; nor need he dwell upon the benefits derivable by the community at large from having it in their power to determine upon something like secure and certain grounds as to the results of each year's harvest. No class, however, in his belief would be so much benefited by the publication of agricultural statistics as the farmers themselves. If it was important to the dealers in cotton and wool, and other commodities, to be possessed of the knowledge of the quantities of such articles which already existed, or which were likely to be introduced into the market, and available for the consumption of the ensuing year, it must be equally so to the agriculturist, who, if he possessed such information, would know whether it was prudent to sell, or buy, in proportion as he was informed of the probable supply which would be forthcoming. The cotton manufacturer takes the greatest pains to procure accurate returns of the produce of the cotton crops in each year, and the information so obtained regulates his proceedings in his purchases and his sales. It must be obvious, indeed, that to every one who has to buy or sell, the information of the quantity and quality of the article in which he deals which is likely to come into the market in the ensuing year must be a matter of the greatest importance. To a certain extent this information is attempted to be obtained, though inaccurately, by the great corn dealers; and it is hoped, if these statistics are procured, this information will be obtained with accuracy, and published to the world, so as to put the farmer on an equality with the corn dealer, and not leave him the victim of his ignorance. He would read the observations of Mr. Hoskyns, a most intelligent gentleman, which appeared in the *Journal of the Royal Agricultural Society.* That gentleman, who thoroughly understood the question, wrote—

> "It is not quite ten years ago since a circumstance occurred in the corn trade of this country calculated to awaken even the most unobservant to this question. No Mark Lane prophet had foretold it; nor can it be said that any of that more abundant mental element in all communities, the faculty of after-wisdom, essayed to turn it to much account. Yet if such an event had happened in the iron trade, or in the cotton market of Liverpool or Manchester, we will hazard the assertion that it would not have been suffered to pass by as a mere phenomenon of the year, without being improved to future use. It was this:—During the six weeks immediately following the harvest of the year 1846, from the middle of August to the end of September, the average price of wheat was 48*s.* 2*d.*, the lowest point touched being 45*s.* 1*d.* After some improvement in the following month, it fell again by the end of November to 50*s.*; by which time most of that large, but we hope not increasing class who thresh out this year's corn to pay last half-year's rent, that class whom the Mark Lane phraseology cruelly distinguished as 'needy sellers,' the same class (for so unhappily it ever is) who 'cannot see what good agricultural statistics are to do,' had turned their little stock into cash and the cash over to their landlords. The year had no sooner died out than the symptoms of a scarcity began to manifest themselves, which in the course of six months brought the price of wheat, the produce of that same harvest (and in spite of an importation of upward of 4,500,000 quarters of wheat alone), to the extraordinary price of 102*s.* 5*d.* per quarter. Here was a prominent and melancholy instance of that law so quaintly expressed in the adage that tells us 'the weakest go to the wall.' Taking the actual value of the whole wheat crop of that year as fairly, at any rate approximately, indicated in the sum of the weekly average of the *Gazette* from harvest to harvest, the small farmer who came early into market with his crop lost about 27*s.* on every quarter of wheat sold—a sum which at the rate of four quarters to the acre, exceeded the whole cost of the fallow. Supposing his oddmark of wheat about twenty acres, his rent about £200 a year, he sacrificed the full amount of the half-year's rent he was selling to meet. This is paying at a dear rate for the enjoyment of that kind of gambling which subsists solely upon ignorance, but which would, like a bet, lose even the element of fairness, would be not even justifiable, if certain existing facts were known which might be known, and which it is to be hoped soon will be known, equally to rich and poor, equally to the large and small farmer. It is to the latter—the man who cannot wait the turns of the market—that the statistical estimate of the coming prices of the year, based not upon guesswork, but upon the ascertained facts of the harvest, would be most pre-eminently serviceable. The loss even of a few shillings a quarter, when examined and duly multiplied, is a far more serious loss than meets the eye."

These remarks were so just, so true, and so conclusive of the advantage and importance of this kind of information, that he hoped we should hear no more of the injury done to the farmer by the intervention of a Bill like the present. Now, if it be desirable to have this information, it is of course requisite that it should be accurate. Hitherto, the most trustworthy authority we have possessed on agricultural statistics, is M'Culloch's *Commercial Dictionary*, whose estimates, in the absence of all authentic information, must necessarily have been very imperfect. Of late years neither in Ireland nor in Scotland had they been left altogether to conjecture, and therefore they were in a position to submit Mr. M'Culloch's estimates to the test of experience. In Ireland, ever since the year 1847, they had been assisted by the statistics collected by the constabulary; while as regarded Scotland, the Highland Society had collected a great deal of valuable information. Well, comparing the researches of the Highland Society with Mr. M'Culloch's estimate for Scotland, both as regarded the crop and stock, the result told greatly against the reliableness of Mr. M'Culloch's conclusions. The following tabular statement would show how wide apart were the two calculations—

AGRICULTURAL STATISTICS (SCOTLAND).

	Mr. M'Culloch's Estimate.	Ascertained Results from Reports of Scotch Returns.	
		1854.	1855.
	Acres.	Acres.	Acres.
CROP.			
Wheat	350,000	168,216	191,305
Barley	450,000	207,507	186,082
Oats	1,200,000	922,994	933,662
STOCK.			
Cattle	1,500,000	1,065,340	1,104,285
Sheep and Lambs	3,500,000	4,936,667	5,844,332

In Scotland attention was first directed to the subject in the year 1853, and an effort was made by the Highland Society, in communication with the Board of Trade, to collect the statistics of the counties of Haddington, Roxburgh, and Sutherland. That effort proved most successful, and in consequence the attention of the Board of Trade having been directed by the Society to the project, it was determined to extend the inquiry to the whole of Scotland, which had been attended with complete success. In Ireland the first attempt was made in the year 1847, when Lord Clarendon availed himself of the machinery of the county constabulary to collect the information—the inquiry having been kept up each year up to the present. And a comparison of the returns thus obtained with respect to Ireland with the estimate of Mr. M'Culloch thus resulted:—

	1847. Mr. M'Culloch's Return.	1847. From Returns of Constabulary.
	Acres.	Acres.
Wheat	450,000	743,871
Barley	400,000	283,587
Oats............	2,500,000	2,200,870
Potatoes	2,000,000	284,006

Now, important as these returns were as regarded Ireland and Scotland, how much more important would they appear as regarded England, when he stated that the wheat crops of the county of Norfolk exceeded the produce of the whole of Scotland, while that of the county of Suffolk only fell short of that of Scotland by the produce of 30,000 acres. The following tabular statement gave the exact result:—

Produce of wheat in Norfolk, according to Sir J. Walsham's estimate:—

	Bushels.
Norfolk	6,139,872
Ditto in Scotland	4,848,499
Excess of Norfolk over all Scotland	1,291,373

Acreage of wheats: Norfolk, 202,971; Scotland, 168,216; Suffolk, 138,277.

Therefore, the information, so far as Ireland and Scotland were concerned, was so far satisfactory. Was it, then, to be said that England should alone remain without an effort to obtain knowledge which had been so readily obtained in other countries? Was the English farmer so far behind the farmer of Scotland or Ireland that he could not be persuaded to seek the advantages to be derived from these valuable statistics? Was this country to be almost the only place in the civilised world in which such information could not be obtained? In France, in Belgium, in Holland,—nay, even in Russia itself, there were established systems by which agricultural statistics were annually obtained. The Highland Society some years ago had made great efforts to procure such information in Scotland. In England, in 1852, similar efforts were made in some of the agricultural counties to procure this information. The machinery then put in motion for the purpose was the Poor Law Board. That Board seemed admirably well calculated to effect this object, by reason of its central establishment, presided over by a gentleman who was a responsible Minister in the other House of Parliament, efficient and intelligent inspectors all over the country, active clerks in each union, and guardians who were themselves farmers, and who could therefore check the returns by their own personal knowledge, and who could assist the Government very materially in their efforts to obtain this information. Well, that machinery was in the first instance put in operation in two agricultural counties—namely, Norfolk and Hampshire. As far as regarded the county of Norfolk the result was most satisfactory; but as regarded Hampshire, he admitted that it was not quite so satisfactory, in consequence of an indisposition on the part of the farmers to give the required information. It seemed that an impression prevailed amongst the people there that it was an inquisitorial attempt of the Government to obtain such information, for the purpose of using it as an instrument for additional taxation, or for the purpose of enabling the landlords to obtain a knowledge of the private affairs of their tenantry, in order to afford them a pretext for increasing their rent. Now, no person of sound sense could for a moment think that any information obtained by the Government by such means would be likely to lead to any such result; and as to the landlord raising his rents, the landlord who did not now possess a correct knowledge of the state of cultivation and amount of stock upon his farms must either be very ignorant himself or very ill served by his steward. In the following year, 1853, an attempt upon a larger scale was made by the Government to obtain this information, and returns were obtained from eleven counties. Although it was partially successful, it was certainly not as satisfactory in its results as it had previously been in Scoland and Ireland. In the gross amount the failures were about 7 per cent. The whole amount of the failures, however, in Norfolk, under the plan of Sir John Walsham was only 2¾ per cent, and in that valuation were included three unions in which there were refusals to give any information whatever. The reports of the Poor Law Inspectors deserved their Lordships' attention. Every inspector, with scarcely an exception, expressed an opinion in favour of the adequacy of the Poor Law machinery for the obtaining of this information; but they all concurred in saying that it would be utterly useless to attempt to obtain agricultural statistics without subjecting parties to penalties who refused to fill up the schedules left with them. Evidence to the same effect was given before the Select Committee of their Lordships to whom the matter was referred in 1855, and that evidence induced the Committee to recommend that compulsory powers should be obtained. The principle upon which compulsory power would be employed was the same as that which was employed in the Census Act, and which proved completely successful in procuring the information that was sought for under that enactment. It was believed that the existence of those powers would be quite sufficient to prevent the necessity of putting them in force. No one would refuse to do that which he was required to do by law. Indeed, many of those who now refused to give returns did so because their neighbours refused, and not because they themselves had any objection, and urged upon the Committee the advantage that would be derived from compulsory powers. If a law were passed making it compulsory, he felt the strongest expectation the information would be obtained without difficulty, without grumbling, and without enforcing any penalty. The Committee to which he had referred, which, he might observe, was composed of almost all the most eminent friends of agriculture, without distinction of politics, unanimously concurred in recommending that the Board of Trade should be entrusted with the general superintendence of the collection of these statistics through the medium of the Poor Law machinery; that compulsory powers should be given; that two classes of returns should be annually obtained, the first containing facts, and the second estimates; and that the facts should consist of returns of live stock and of the acreage under each description of crop, while the estimates should consist of estimates of the produce of the harvest. They also recommended that the inquiries should not extend below holdings of two acres, and that it was desirable the Government should introduce a Bill as early as possible to carry their recommendations into effect. These being the grounds upon which he asked their Lordships to give a second reading to this Bill, he would shortly state its provisions. The provisions were:—In the month of February in each year the overseer of the poor was to send in to the Poor Law Board a return of every occupier of land in the particular parish or district, with the nature of the occupation, &c. In May the schedules should be issued to such owners and occupiers, who should fill them up and return them on the 1st of June, with all the information required. The schedule would contain various columns, headed "Extent of acreage," and the names of the various descriptions of crop, as well as those of live stock. Those schedules, being so issued, should be returned to the Poor Law Board, and from thence to the Board of Trade, in order to their being arranged according to the respective counties. For the purpose of securing those returns, it was further proposed to confer a compulsory power upon the parties engaged in this operation, by which any person declining to fill up the schedule might be summoned before a justice of the peace; and the magistrate, on being satisfied that there was a refusal to give this information, would have power to inflict a penalty upon the accused party, and to appoint a person to enter upon the premises of the recusant and make a valuation of the stock and produce of the farm. There were two classes of penalties proposed. The one was not to exceed £5, and the other not to exceed 40*s.* The larger penalty would be applicable to overseers or other public officers who neglected to perform the duties required of them under this Bill, and the smaller one to such parties as had refused to fill up the schedules. Those penalties would be levied by the magistrates, and would be paid on account of the poor rate to the benefit of the particular parish in which the offence was committed. With regard to an estimate, it had not been deemed advisable to make that compulsory, but it would be left to the officers of the Poor Law Board to frame an estimate of the amount of the produce of each farm in such a way as they might deem most expedient. The Government by this Bill did not propose that every farmer should send a return of the produce of his land in June; but only a return of the acreage and of the various descriptions of crop with which it was sown. With regard to the estimate which would be framed after the harvest, that would be obtained by carefully testing the quality of the crops in each district, and then striking an average, which would be a fair criterion of the produce of the whole country, which, however, could not be expected before the month of November. These, however, were matters for subsequent arrangement, and considerable latitude had purposely been left in this Bill in order that any alterations might be adopted which experience might recommend. In employing the machinery of the Poor Law Board it was not intended that the Board in London should call upon its various agents in the country to perform those new duties if it should be objected to by them. The Board might employ the clerks of the unions, the overseers, relieving officers, and guardians of the poor, if it thought fit, but if there should be any reluctance on the part of those local functionaries to undertake the duties, the Board would have power to employ any persons whom it might consider qualified for the task.

The Earl of MALMESBURY: Will those persons be paid?

Lord STANLEY of ALDERLEY: They will be paid by the Poor Law Board.

The Earl of MALMESBURY: From what fund?

Lord STANLEY of ALDERLEY: By a vote of Parliament. In the 12th clause of the Bill there was a provision for the allowance of expenses, and any expenditure which might occur would be defrayed from a sum to be voted by Parliament. Having stated the chief provisions of the Bill and the reasons for its introduction, he now asked their Lordships to assent to the second reading, believing, as he did, that the object sought to be attained was of great importance to the country at large, and that it would confer great benefits upon all classes of the community—especially upon the farmers and agriculturists of Great Britain.

Moved, That the Bill be now read 2^a.

Viscount DUNGANNON said, he trusted that some means for procuring the information upon a subject of such great importance could be devised other than those contained in the provisions of this Bill; for he could not but regard the compulsory power given by the measure as it stood as other than arbitrary and inquisitorial. In his opinion the Bill would go far to annihilate that independence of character and position which every one wished to see Englishmen enjoy. As a landlord wishing well to his tenants, he should regret were such a measure to become the law of the land. He did not think that the adoption of compulsory means to obtain information was always the best. In the present case it would be extremely objectionable, inasmuch as it would be an inquiry into every man's private affairs and interests. He believed that such power would be viewed with the greates jealousy throughout the country. In one year the crops might be very large, and represent a very considerable capital; and in another year the very reverse might be the case. Now, the Bill was neither more nor less than a measure calling upon each farmer to make a full disclosure of his private affairs. If a general return were moved for of the quantity of corn produced and of cattle bred in a particular year, he thought that they might arrive at the information they desired. They would, in such a case, be enabled to calculate pretty accurately the average produce of the year and the amount of cattle in the country. He hoped, if the Bill be read a second time, that some period would be given after the Easter recess before they proceeded to another stage of the measure, in order that the agricultural interest might have a full opportunity of considering its bearings. As yet no such opportunity had been given them, for the Bill was only placed in their hands on Saturday morning, and they were now called upon to assent to its second reading. He could not help thinking that it was too important a measure to press forward with such haste. He confessed he had great doubts of its answering the sanguine expectations entertained by the noble Lord. He could not but think that the Bill, if carried, would tend to lower the position which the English farmer had hitherto occupied. If an ordinary return were moved for, he did not believe that any farmer would hesitate to supply the information asked for. He objected wholly to the compulsory part of the proceedings under the Bill.

THE EARL OF DERBY: My Lords, if I shared, in any degree, the apprehensions of the noble Viscount who has just addressed you, I should feel it my duty, not only to offer my objections to the Bill, but to resist the second reading of it; inasmuch as it appears to me that the objections he has urged went to the whole principle of the measure, and not merely to its machinery. I fear that the observations made by my noble Friend will rather tend to increase that feeling of jealousy with which he expects the powers of this Bill will be viewed by some classes, and which it ought to be our object as much as possible to allay. I have been for a long time satisfied of the great importance—and to the farmers more especially—of obtaining as far as possible accurate statistical information as to our agricultural produce; and I may mention this fact in corroboration of that statement, that in a few days after I had the honour of taking office in 1852 I wrote a letter to my noble Friend the Duke of Richmond, urging upon him, at considerable length, the importance of obtaining accurate agricultural statistics in the counties with which he was connected, and pressing upon him to use all the great influence which he deservedly possesses with the various agricultural societies throughout the kingdom, in order to obtain their concurrence in this proceeding, so that by their intervention they might induce the farmers to supply that information voluntarily; and I promised the noble Duke that the assistance of Government in effecting this object would be given in every way possible. It is not, therefore, now for the first time that I have expressed this opinion; nor solely from having read the Report of the Committee of last year upon this subject, and of that of the Committee of 1854, that I have come to the conclusion that to obtain accurate agricultural statistics is a matter of extreme importance to the country generally, and to no class of greater importance than to the practical agriculturists themselves. I must confess, however, that I have come to the conclusion, from reading the evidence before last year's Committee, that if you are to obtain this information in England you must obtain it by means of a compulsory measure. I further and entirely concur in the opinion expressed by the witnesses examined before each Committee, that if you desire to obtain full and accurate information the farmers themselves would rather give it in obedience to a law which all persons will be equally bound to obey, than give it under circumstances which made it optional for each individual to supply such information, and which left the farmers uncertain as to whether the same information would be also given by others of their class. It is manifest that if the information be not given generally the result will be fallacious. I am convinced, then, that it is in the first instance of great importance to obtain accurate agricultural statistics, and in the next that to obtain such information with the least amount of dissatisfaction from the farmers, some compulsory power must be resorted to. My noble Friend behind me has spoken of the degradation which would be inflicted upon the farmers by sending parties into their houses requiring them to make returns of their live stock and produce. Now, I confess, my Lords, I see no degradation whatever inflicted on any farmer or occupier of land in requiring him to make a return of that which it is obvious may be ascertained by any of his neighbours by the slightest inspection, or which the landlord has the opportunity of making either by himself or by his steward; or which may be obtained without the landlord seeing the land at all, by his simply knowing what rotation of crops had been prescribed by the lease for the land in question. And certainly, my Lords, my opinion is, that of the two modes of obtaining this information—namely, whether the statement is to be made for the farmer or by him—that it must be the most satisfactory to him, if a statement is to be made at all, it should be made by himself. Then, my Lords, what force is there in the objection that the farmer will be required to make an exposure of his private affairs? What is it that the farmer will be called upon to state? He will not be called upon, as my noble Friend has stated, to disclose any of his private affairs. He is only called upon to state that he holds a certain number of acres, and he is then to say how much of his land is laid down in wheat, how much in barley, how much in oats, and so on with other descriptions of produce. And while I am on this subject I wish to throw it out for consideration of the Government whether the columns of their proposed schedule are not unnecessarily increased, and whether it would not be advisable to reduce the numbers. I think for all practical purposes, for example, all grain crops might be included in one column; turnips, mangel-wurzel, and all similar roots might be included in another column for green crops; and vetches, clover, &c., might be classified under a third column. I am disposed to think that so many columns as the schedule now contains are useless for any practical purpose, and are calculated rather to confuse the farmer's mind, and to induce a disinclination to fill them up. My noble Friend seemed to think, when supposing a case, that in one year a farmer might have a very large amount of produce, while in the following year it might be very small; that under this Bill he would have to make a disclosure that would be injurious to his interests—especially in the matter of stock. But such an objection may be easily answered by reminding my noble Friend that there are very few farmers who, in a succession of years, have the same amount of stock. I as well as others of your Lordships, have very large parks, and we are in the habit of taking a quantity of what is called lay cattle to feed upon the pasture. Well, in making a return under this Bill, we shall return all those cattle found grazing in our parks in June; but that would not show that all such cattle are our own. There may be only five head of cattle my own, and yet I shall return fifty head, in case I shall find that number in my park at the time I am making my return; while, on the other hand, the farmer will make only a return of twenty or twenty-five head of cattle, when in point of fact he may have fifty or sixty head grazing on my pasture. With regard, then, to the return which the farmer will be called upon to make, I cannot conceive that it will in the slightest degree expose his private and domestic circumstances, or that it will occasion any ground for jealousy on his part. I do not doubt but that the measure, in the first instance, will be regarded with some suspicion; but it will be the duty and the object of us in our respective districts to endeavour to allay such a feeling by reason, rather than to excite it by the expression of fear. I think that the Government had better consider in what manner they shall best allay this feeling of jealousy on the part of the farmer. It is obvious that in order to do this the provisions of the measure must be carried out in a way the least unsatisfactory and displeasing to the farmer. Now, looking at the measure in this point of view, I cannot say I think that the machinery of the Poor Law Board is the most desirable. In the first place, you will be throwing upon that Board a business they are not all acquainted with, and one which does not properly belong to their functions. In the next place, I do not think that the machinery of the guardians under the Poor Law Board is the most popular or satisfactory process for collecting statistics of this nature. I should venture to suggest to the Government another mode of proceeding, which I think would prove much more satisfactory. I would ask your Lordships whether this information may not be much more advantageously and unobjectionably obtained through the medium of the petty sessions. If the returns are furnished from the Board of Trade to the quarter sessions, to be sent then to the magistrates in petty sessions, who in their several districts would possess much more complete control over the overseers, the information might be obtained from the farmers more easily and with less dissatisfaction than it could be obtained through the medium of the Poor Law Board; and I think, moreover, that by adopting this mode the magistrates themselves would be more likely to give their individual assistance in procuring the information, inasmuch as they would feel personally interested in collecting the returns. Referring, again, to the apprehension that these statistical returns may unnecessarily expose the private circumstances of individuals, I beg to point out why I think any such fear to be wholly unfounded. It is not at all necessary that the return of each individual should go beyond the petty sessions. The petty sessions having ascertained that all the returns have been sent in, it will be perfectly competent in the magistrates there to sum up, without the names of the parties, the totals of the several accounts, ascertaining the number of acres under cultivation, with the amount of the estimated produce. Then they can return the abstract so made up to the magistrates at quarter sessions or to the Board of Trade, who will in such case be able to make up a summary of the information it was desirable to obtain. With regard to stock, it does not matter whether the number of sheep be greater in Scotland or Ireland than in England. The great question to be ascertained is the amount of meat there is for the consumption of the country at large. So in regard to crops, we do not want to know how much of a particular crop is grown in Lancashire, in Norfolk, or in Hampshire, but what is the whole amount that is available for consumption. As the first step towards ascertaining this fact, we must, of course, know the exact breadth of land sown. I wish, therefore, to see such a measure framed as will obtain for us this information, and at the same time will remove every objection from the farmers in respect to it. To do this we must remove the prejudice that now prevails in the mind of the farmer, by convincing him that in seeking this information we are really desirous of promoting his own interest, and that it will be advantageous rather than injurious to him. So firmly am I persuaded that such will be the result of these statistical returns, that my best influence shall be exerted to do away with the feeling that at present prevails among the farmers as to what is the intention of your Lordships in requiring this information. I am certain the farmers fancy that it is some project on the part of the Government with a view to increase taxation, or at least a scheme on the part of their landlords for the purpose of raising the amount of their rents. It is, therefore, of the utmost importance to dissipate these misapprehensions by calm reasoning and every means of persuasion, and therefore I am desirous that the measures of the Government should be so framed as to afford the least possible ground for men cherishing these unfounded apprehensions, and that those measures should be such as will in a few years dispel all those prejudices that now influence the mind of the farmer on this subject. I do not see any exact provision laid down with regard to the estimate to be made as to the probable value of the yield of the harvest. I think Her Majesty's Government will agree with me that the amount of the estimated value of the crops is hardly a matter for the consideration of the Poor Law Board. They are not the persons best qualified to obtain the information. I think it will be infinitely better to leave the matter to the magistrates at petty sessions to determine upon, who in obtaining this estimate from the farmers themselves will be better able to work out this fact than any officers under the Poor Law Board. My Lords, after what I have said, I shall of course offer no opposition to the second reading of this Bill; on the contrary, I think the object it has in view is one highly advantageous to the agricultural interest of this country. It is necessary that returns should be obtained uniformly, and, if uniformly, then it must be compulsory; and if I express some hesitation as to the machinery for carrying out the object of the Bill, I think that that is a matter that may be better considered at another time. I trust, however, that the Government will permit the agriculturists themselves to have a full opportunity of considering the Bill before they proceed to its final stage; for by doing so, they will not only be promoting agriculture themselves, but will be giving to the country gentlemen an opportunity of informing themselves on the subject, which, when once thoroughly understood by them, though now supposed to be an unpopular measure, will, I am convinced, receive their cordial support.

Lord WYNFORD wished to remind the noble Lord that these returns would press more hardly on some districts than on others, especially on those where the farmers were chiefly employed in breeding flocks and keeping dairy farms.

Lord COLCHESTER said, that, as a

Member of the Select Committee which had sat to inquire into this subject—a Committee formed from among their Lordships in the most impartial manner—he felt himself bound to support the principle of this Bill. There was no difference of opinion in the Committee as to the importance of ascertaining the quantity of stock throughout the country, as well as an estimate of what the extent of land under cultivation would produce; and he did not see how the powers which were necessary to procure such information as this could be regarded as inquisitorial. He was therefore, quite prepared to support the principle of this Bill, the compulsory portion of which had reference only to returns of the quantity of land under cultivation. The noble Earl (the Earl of Derby) thought it would be more desirable to procure the required information through the quarter and petty sessions than, as suggested in the Bill, by means of the Poor Law Commissioners and the boards of guardians. That point came under the consideration of the Committee, but they had arrived almost unanimously at the conclusion that the machinery of the Poor Law Commissioners would be more likely than any other to carry out this scheme effectively. When the noble Earl said that by intrusting the collection of these statistics to the petty sessions you would interest the country magistrates in the success of the measure, and have the advantage of their co-operation and influence, it must be remembered that—at least this was the case in the part of the country with which he was connected—the magistrates were very often members of the boards of guardians; so that this advantage would still be experienced under the present scheme. He would reserve his remarks upon the details of the Bill until it came to be considered in Committee, but he could not help now expressing his general approbation of the measure.

Lord STANLEY of ALDERLEY expressed the great satisfaction with which he had heard the general concurrence of their Lordships in the principle of this Bill. To enable it to be carried out successfully, it must receive the hearty support and co-operation of those on whom the farmers relied, and he was, therefore, glad to perceive in that House a general approval of the measure and desire that it should work well. There was only a division of opinion as to whether the Poor Law Commissioners or the magistrates in petty sessions formed the best medium for carrying out the measure;—he himself inclined to the former. In Scotland the Highland Society took this matter up, and by their co-operation valuable statistics were collected throughout the country, the farmers feeling that the information they afforded was given to a friendly body, and that no improper advantage would be taken of it. In England, however, the Government had found it impossible to avail themselves of a similar machinery, for, on communicating with the Royal Agricultural Association, it appeared there was a standing rule which forbade that Association to interfere in any way with politics, and the council considered this question to have a political bearing. With regard to whether the returns should be collected through the Poor Law Board or the petty sessions, he certainly thought it a recommendation of the machinery now proposed that it had been already tried with partial success, and that it had been recommended by the Committee of their Lordships' House. It was only in cases where the boards of guardians and poor law officers were willing to give their assistance that their services were to be made use of; should they be indisposed to render assistance, other machinery was to be made available, and other persons were to be employed. These, however, were points for consideration in Committee. He did not wish to press the measure forward with any undue haste; their Lordships would have ample time to consider its details during the recess; but at the same time he trusted they would agree with him in thinking it desirable that the Bill should pass into a law as soon as possible, so that information might be procured on this subject even in the present year.

The EARL of ELLENBOROUGH: I am quite sure that this Bill will be unpopular to the last degree, and that its working will be altogether impeded by the resistance of those who will be required to sign the schedules unless they are absolutely certain that there will be complete secrecy as to the returns. It is absolutely necessary that these returns should not be seen by the board of guardians or by the petty sessions, and that they should be sent directly up to London. This is a Bill of the political economists. I do not say it is a bad Bill; on the contrary, the information which it seeks to obtain is of the greatest importance; but it will be considered by the farmers as a landlord's

Bill—a measure to obtain for the landlord information which will enable him to see into the circumstances of each individual farmer, and to raise his rent, if necessary. That will be the character of the Bill, and you will only lead the farmers to think otherwise by providing absolutely for secrecy. I confess, too, from what little I know of the farmers as a body, I am afraid there will be another difficulty, and that they will fail altogether in making these returns. They will be so bothered by having every year to fill up these schedules under different heads that I feel confident they will fail to do so, and will be exposed to the penalties in that case provided, not at all from a desire to resist the law, but from sheer inability to comply with it. I should recommend, therefore, that there be two schedules—one relating to the cultivation of the arable land, and another to the stock. It must be recollected that, generally speaking, farmers write remarkably badly indeed. I question if the best farmer I ever knew could do much more than write his own name, and I believe that on that account much practical difficulty will be experienced. I believe that if you afford the farmers ample time for writing and for correction, and, at the same time insure them secrecy, these returns may be made in something like a satisfactory manner; but, if not, the unpopularity of the measure will entirely impede its satisfactory operation.

The Earl of HARDWICKE said, that he also had no doubt that the Bill would be most unpopular with the farmers; but the information required was now more necessary than ever. Ever since the repeal of the Corn Laws he had invariably urged the necessity of agricultural statistics, as being of more importance now than before the withdrawal of protection. The farmers were of opinion that by means of returns large profits in corn would be at once published to the world; but the average was always as well known abroad as at home. This country was now the refuge for the destitute. Every other country had a Corn Law, and as England was without, it was certain that, whenever high prices were offered for grain, the country would be flooded by corn. The only protection for the farmer would be to have a distinct and accurate statement, so as to enable him to judge exactly of his own position. The only question was as to the best mode of proceeding. He agreed in the opinion that the least popular medium would be the boards of guardians, as farmers would be more jealous of letting their affairs being known to such bodies than to the Government of the country. The magistrates were the gentry of the country, and if on the receipt of the papers the compilation was made and sent to the Board of Trade, and the papers destroyed, he thought the machinery would work easily; but care should be taken to avoid giving the names of individuals. There was hardly a poor law inspector in the country who did not bear testimony to the unpopular character of boards of guardians for such purposes as were contemplated by this Bill. Without entering into the details of the measure, he would simply urge that the returns should be made through the medium of the magistrates of petty sessions, and not of boards of guardians. That course he believed would be both cheaper and better. He trusted that after the recess, and when the public had had an opportunity of expressing an opinion upon the Bill, it might be so framed as to meet the wishes of the agricultural body.

On Question, *agreed to;* Bill read 2^{a} accordingly, and *committed* to a Committee of the Whole House on *Friday* the 4th of *April* next.

MUTINY BILL.

Order of the Day for the Second Reading read.

Moved, That the Bill be now read 2^{a}.

The Earl of ELLENBOROUGH wished to ask the Secretary of State for the War Department whether there was practically any reason why the Army Estimates should not show the actual effective strength of the army in the same way as was done in the navy? In the Navy Estimates the number voted and the number actually borne on the books was given for every month in the year, and the deficiency or excess for each month noted in the margin. On looking at the Army Estimates, it would be found impossible to arrive at any conclusion as to the number of effective men; the number voted was given, but there was a deduction of £50,000 on account of the number deficient; that sum would represent 2,700 men, but in another part of the Estimates he found it was proposed to raise 78,400 recruits this year, to fill up the vacancies. With regard to the militia, he found that the embodied regiments were set down at

127,000 men, but £650,000 was deducted on account of the numbers deficient; and bounty was voted for 60,000 men which it was proposed to raise. It therefore appeared that 138,000 men were required to bring up the military force of the country to the number voted. He could see no reason why the real number should not be stated to the country. To tell this country that she had 400,000 men in arms was a deceit. Any person who looked at the return would see it was an utterly false statement. He could not think such a course consistent with the credit and advantage of the country. She was prepared to look at the truth, and would gladly carry the Government over their difficulty, if they only explained what the difficulty was.

LORD PANMURE said, it had never been the custom to state the exact number in the army. It was found to be extremely difficult, even in time of peace, to ascertain the actual state of the army within 5,000 or 10,000 men, as the necessary return had to be collected from the most distant points, and were very long in coming. In time of peace, perhaps, there might not be so much difficulty in letting the public know from time to time what the state of the army was; but it would be impossible in time of war, with a large army in motion. It was very right to let the public and our enemy know the number of men we proposed to raise; but it might not be as wise to let him know the difficulty we experienced in doing so. In the Royal Artillery return there was a calculation always made of the number of non-effective men. He would consider whether the other returns could not be put in a better form, and if so he would have no objection to do so.

EARL GREY said, that in the last war, our great struggle with France, the Minister used from time to time to lay before Parliament the results of recruiting, and other valuable information which it was possible to produce. If he remembered rightly, almost every year during that war this important information was laid before Parliament. If that could be done during a struggle for life and death on the part of this country, it certainly could be done at a time like the present.

THE EARL OF EGLINTON called the attention of the House to the Act as it affected the billeting of soldiers. Considerable dissatisfaction prevailed in Scotland, inasmuch as soldiers could be billeted on private houses, which was not the case in England. He did not wish to oppose the second reading of the Bill, but should be contented with having directed the attention of the Government to the subject.

On Question, Motion *agreed to;* Bill read 2^a accordingly; Committee *negatived;* and Bill to be read 3^a on *Thursday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 11, 1856.

The House met; and Forty Members not being present at Four o'clock,

MR. SPEAKER adjourned the House till *To-morrow.*

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TO

HANSARD'S PARLIAMENTARY DEBATES,

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1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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